

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

24TH LEGISLATIVE DAY

THURSDAY, APRIL 5, 2001

9:30 O'CLOCK A.M.

No. 24  
[Apr. 5, 2001]

The Senate met pursuant to adjournment.  
 Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.  
 Prayer by Reverend William Privette, Christ Episcopal Church,  
 Springfield, Illinois.  
 Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Monday, April 2, 2001, was being read when on motion of Senator W. Jones 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 Tuesday, April 3, 2001, was being read when on motion of Senator W. Jones 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 W. Jones moved that reading and approval of the Journal of Wednesday, April 4, 2001 be postponed pending arrival of the printed Journal.

The motion prevailed.

#### LEGISLATIVE MEASURE FILED

The following floor amendment to the Senate Bill listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 3 to Senate Bill 372

#### EXCUSED FROM ATTENDANCE

Senator Maitland was excused from attendance due to illness.

Senator Smith was excused from attendance due to illness.

#### PRESENTATION OF RESOLUTIONS

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

##### SENATE JOINT RESOLUTION NO. 21

WHEREAS, The Boeing Company has announced its decision to relocate its corporate headquarters from Seattle, where it has been located for 85 years; and

WHEREAS, In relocating its headquarters, the Boeing Company is seeking access to global markets, cultural diversity, and a strong, pro-business environment; and

WHEREAS, The Boeing Company has identified the Chicago metropolitan area as one of the 3 sites being considered for its new world headquarters; and

WHEREAS, The Boeing Company will be working with the Governor and the General Assembly through the Department of Commerce and Community Affairs; and

WHEREAS, The Chicago metropolitan area is the number one transportation hub in the United States, offering rail, air, and

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highway systems that criss-cross the nation and the world, with non-stop air service to 143 domestic destinations and 43 international destinations, offering access to growth opportunities around the globe; and

WHEREAS, The Chicago metropolitan area is home to 67 Consuls General, 1,500 foreign-owned companies and hosts more trade shows with international participants than any other area of the country; and

WHEREAS, The Chicago metropolitan area's world-class cultural richness not only shows in its multifaceted recreational opportunities, but also in its well-educated workforce and high quality of life; and

WHEREAS, Illinois is home to 37 Fortune 500 companies, the Chicago Board of Trade, the Chicago Mercantile Exchange, the Chicago Board Options Exchange, the Midwest Stock Exchange, and some of the world's greatest financial institutions; and

WHEREAS, The Chicago metropolitan area is home to 2 of the nation's best MBA programs at Northwestern University and the University of Chicago, and Illinois graduates more than 3,400 engineering students from its universities annually; and

WHEREAS, The Chicago metropolitan area is a hotbed for research and development, with Argonne and Fermilab research labs, the I-88 Tech Corridor, Abbott Laboratories, Baxter International, Inc., Eli Lilly and Company, the Chicago Tech Park, the DuPage Research Park, and the Illinois Medical Center District, along with world-class institutions of learning; and

WHEREAS, Chicago was recently named the "third-best" business city in the country by Fortune magazine; and

WHEREAS, The Chicago metropolitan area is politically, culturally, and economically diverse making it a premier location for the Boeing Company's new world headquarters; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, That we strongly support and encourage the Boeing Company to re-locate its corporate headquarters to the Chicago metropolitan area; and be it further

RESOLVED, That we urge the Department of Commerce and Community Affairs to help facilitate this re-location by aggressively assisting the Boeing Company in its relocation planning; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Governor and the Director of Commerce and Community Affairs.

Senators Bowles - Parker offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

#### SENATE JOINT RESOLUTION NO. 22

WHEREAS, The public employee pension systems in this State control many billions of dollars in assets and investments; and

WHEREAS, Among the firms that invest and manage these assets, female-owned businesses, minority-owned businesses, emerging investment managers, and Illinois-based investment managers are significantly under-represented; and

WHEREAS, There are substantial numbers of female-owned businesses, minority-owned businesses, emerging investment managers, and Illinois-based investment managers that are qualified to manage the assets and investments of the public employee pension systems in Illinois; and

WHEREAS, It is the public policy of this State to encourage and ensure equal opportunities for all; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF

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THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we urge the public employee pension systems in this State to adopt policies to ensure that female-owned investment manager, minority-owned investment manager, emerging investment manager, and Illinois-based investment manager firms are included in investment manager searches to compete for the opportunity to manage the assets of the public employee pension systems; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Illinois State Board of Investment and to the executive director of each of the public employee pension systems in this State.

#### REPORTS FROM STANDING COMMITTEES

Senator Sieben, Chairperson of the Committee on Agriculture and Conservation, to which was referred Senate floor Amendment No. 4 to Senate Bill No. 629, reported that the amendment has been tabled in Committee by the Sponsor.

Senator Sieben, Chairperson of the Committee on Agriculture and Conservation to which was referred the following Senate floor amendments, reported that the Committee recommends that they be adopted:

Amendment No. 5 to Senate Bill 629  
Amendment No. 1 to Senate Bill 832

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 the following Senate floor amendment, reported that the Committee recommends that it be adopted:

Amendment No. 1 to Senate Bill 756

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

Senator Mahar, Chairperson of the Committee on Environment and Energy to which was referred the following Senate floor amendments, reported that the Committee recommends that they be adopted:

Amendment No. 2 to Senate Bill 356  
Amendment No. 3 to Senate Bill 694  
Amendment No. 3 to Senate Bill 724  
Amendment No. 1 to Senate Bill 847  
Amendment No. 2 to Senate Bill 1180

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

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. 2 to Senate Bill 717

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

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Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred the following Senate floor amendments, reported that the Committee recommends that they be approved for consideration:

Amendment No. 3 to Senate Bill 333  
 Amendment No. 1 to Senate Bill 941  
 Amendment No. 1 to Senate Bill 943  
 Amendment No. 2 to Senate Bill 1497

Under the rules, the foregoing floor amendments are 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 3  
 Amendment No. 2 to Senate Bill 39

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. 3 to Senate Bill 663  
 Amendment No. 4 to Senate Bill 663  
 Amendment No. 1 to Senate Bill 754  
 Amendment No. 2 to Senate Bill 754

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. 2 to Senate Bill 114  
 Amendment No. 1 to Senate Bill 163  
 Amendment No. 3 to Senate Bill 608  
 Amendment No. 1 to Senate Bill 933  
 Amendment No. 1 to Senate Bill 1504

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

Senator Peterson, Chairperson of the Committee on Revenue to which was referred the following Senate floor amendment, reported that the Committee recommends that it be adopted:

Amendment No. 2 to Senate Bill 640

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

Senator T. Walsh, Chairperson of the Committee on State

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Government Operations to which was referred the following Senate floor amendment, reported that the Committee recommends that it be adopted:

Amendment No. 1 to Senate Bill 1047

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 amendment, reported that the Committee recommends that it be approved for consideration:

Amendment No. 2 to Senate Bill 930

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has 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. 210  
A bill for AN ACT concerning education.  
HOUSE BILL NO. 211  
A bill for AN ACT concerning privacy.  
HOUSE BILL NO. 646  
A bill for AN ACT with regard to schools.  
HOUSE BILL NO. 843  
A bill for AN ACT concerning telecommunications.  
HOUSE BILL NO. 1886  
A bill for AN ACT to create the Kids Share Endowment Act.  
HOUSE BILL NO. 1961  
A bill for AN ACT in relation to criminal law.  
HOUSE BILL NO. 2098  
A bill for AN ACT regarding vehicles.  
HOUSE BILL NO. 2535  
A bill for AN ACT to amend the Illinois Dental Practice Act.  
HOUSE BILL NO. 2865  
A bill for AN ACT concerning crime victims.  
HOUSE BILL NO. 3098  
A bill for AN ACT concerning meetings of public bodies.

Passed the House, April 4, 2001.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bills numbered 210, 211, 646, 843, 1886, 1961, 2098, 2535, 2865 and 3098 were taken up, ordered printed and placed on first reading.

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

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the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 242  
A bill for AN ACT regarding education.

HOUSE BILL NO. 282  
A bill for AN ACT concerning enterprise zones.

HOUSE BILL NO. 524  
A bill for AN ACT to create the Agriculture Producer Protection Act.

HOUSE BILL NO. 644  
A bill for AN ACT in relation to apprentice programs.

HOUSE BILL NO. 778  
A bill for AN ACT relating to procurement.

HOUSE BILL NO. 904  
A bill for AN ACT concerning municipalities.

HOUSE BILL NO. 1457  
A bill for AN ACT relating to education.

HOUSE BILL NO. 1819  
A bill for AN ACT concerning nursing homes.

HOUSE BILL NO. 1945  
A bill for AN ACT in relation to firearms.

HOUSE BILL NO. 2284  
A bill for AN ACT in relation to health.

HOUSE BILL NO. 3024  
A bill for AN ACT concerning land disclosure.

HOUSE BILL NO. 3318  
A bill for AN ACT concerning transportation services.

Passed the House, April 4, 2001.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bills numbered 242, 282, 524, 644, 778, 904, 1457, 1819, 1945, 2284, 3024 and 3318 were taken up, ordered printed and placed on first reading.

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 a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1722  
A bill for AN ACT concerning higher education.

Passed the House, April 4, 2001.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bill No. 1722 was taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES  
A FIRST TIME

House Bill No. 231, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 313, sponsored by Senator Obama was taken up, read

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by title a first time and referred to the Committee on Rules.

House Bill No. 677, sponsored by Senator Lightford was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 934, sponsored by Senators Shadid - Hawkinson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1006, sponsored by Senator Myers was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1041, sponsored by Senator Shadid was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1064, sponsored by Senator Molaro was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1842, sponsored by Senator Hawkinson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1843, sponsored by Senator Hawkinson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1844, sponsored by Senator Hawkinson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1905, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1961, sponsored by Senator Obama was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2233, sponsored by Senator Burzynski was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2563, sponsored by Senator Philip was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2865, sponsored by Senator Parker was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3024, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3327, sponsored by Senator Lightford was taken up, read by title a first time and referred to the Committee on Rules.

#### SENATE BILLS RECALLED

On motion of Senator O'Malley, Senate Bill No. 3 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 3, AS AMENDED, by replacing the title with the following:

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"AN ACT to create the Drug or Alcohol Impaired Minor Responsibility Act."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Drug or Alcohol Impaired Minor Responsibility Act.

Section 5. Responsibility of person who supplies alcoholic liquor or illegal drugs to a person under 18 years of age.

(a) Any person at least 18 years of age who willfully supplies alcoholic liquor or illegal drugs to a person under 18 years of age and causes the impairment of such person shall be liable for death or injuries to persons or property caused by the impairment of such person.

(b) A person, or the surviving spouse and next of kin of any person, who is injured, in person or property, by an impaired person under the age of 18, and a person under age 18 who is injured in person or property by an impairment that was caused by alcoholic liquor or illegal drugs that were willfully supplied by a person over 18 years of age, has a right of action in his or her own name, jointly and severally, for damages (including reasonable attorney's fees and expenses) against any person:

(i) who, by willfully selling, giving, or delivering alcoholic liquor or illegal drugs, causes or contributes to the impairment of the person under the age of 18; or

(ii) who, by willfully permitting consumption of alcoholic liquor or illegal drugs on non-residential premises owned or controlled by the person over the age of 18, causes or contributes to the impairment of the person under the age of 18.

(c) An action for damages under this Section is barred unless commenced within 2 years after the right of action arises.

Section 10. A person entitled to bring an action under this Act may recover all of the following damages:

(1) economic damages, including, but not limited to, the cost of treatment and rehabilitation, medical expenses, loss of economic or educational potential, loss of productivity, absenteeism, support expenses, accidents or injury and any other pecuniary loss proximately caused by the impairment of the person under the age of 18;

(2) non-economic damages, including, but not limited to, physical and emotional pain, suffering, physical impairment, emotional distress, mental anguish, disfigurement, loss of enjoyment, loss of companionship, services, and consortium, and other non-pecuniary losses proximately caused by the impairment of the person under the age 18;

(3) reasonable attorneys' fees;

(4) costs of suit, including, but not limited to, reasonable expenses for expert testimony; and

(5) punitive damages in an amount that is not less than treble the amount of economic and non-economic damages.

Section 15. If an action is brought under Section (5)(b) of this Act against a person because of events that occur on residential premises or because of his or her ownership or control of residential premises and that person is found to not be liable, the plaintiff shall be ordered to reimburse the defendant for all attorney's fees and court costs that the defendant incurred in defending the action.

Section 20. Contributory negligence and contributory willful and wanton conduct. Neither contributory negligence nor contributory willful and wanton conduct shall apply to any injured party claiming damages under this Act.

Section 25. Applicability. A person may not bring an action under this Act against a licensee or an officer, associate, member,

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representative, agent, or employee of a licensee under the Liquor Control Act of 1934 who supplies alcoholic liquor to a person under 21 years of age for that act if the licensee or officer, associate, member, representative, agent, or employee of the licensee complied with all applicable provisions of the Liquor Control Act of 1934.

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 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. 3

AMENDMENT NO. 3. Amend Senate Bill 24 on page 3, by replacing lines 19 through 22 with the following:

"this subsection (b). If both of the parties to a prospective marriage are under 18 years of age and unemancipated, one parent or legal guardian of each party shall also execute the pre-marital education affidavit. If one of the parties to a prospective marriage is under 18 years of age and unemancipated, one parent or legal guardian of the party who is under 18 years of age shall also execute the pre-marital education affidavit."

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 Silverstein, Senate Bill No. 39 was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 39, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 3, line 10, after the period, by inserting the following:

"The lien may be foreclosed by an action brought in the name of the judgment creditor or its assignee of record under Article XV in the same manner as a mortgage of real property."

Senator Silverstein moved the adoption of the foregoing amendment.

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 Radogno, Senate Bill No. 114 was recalled from the order of third reading to the order of second reading.

Senator Radogno offered the following amendment and moved its adoption:

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## AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 114, AS AMENDED, in Section 5, Sec. 2.2, subsection (a), paragraph (3), by changing "72" to "72 hours"; and in Section 5, Sec. 2.2, subsection (b), in the sentence that begins "Within 120 days", by changing "must develop and implement a protocol" to "must develop a protocol" and by changing "the emergency room physician" to "a physician"; and in Section 5, Sec. 2.2, after the last line of subsection (b), by inserting the following:

"The hospital shall implement the protocol upon approval by the Department. The Department shall adopt rules and regulations establishing one or more safe harbor protocols and setting minimum acceptable protocol standards that hospitals may develop and implement. The Department shall approve any protocol that meets those standards. The Department may provide a sample acceptable protocol upon request."

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

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. 163 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. 1

AMENDMENT NO. 1. Amend Senate Bill 163 by replacing the title with the following:

"AN ACT concerning public aid."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Sections 10-26 and 12-8.1 as follows:

(305 ILCS 5/10-26)

Sec. 10-26. State Disbursement Unit.

(a) Effective October 1, 1999 the Illinois Department shall establish a State Disbursement Unit in accordance with the requirements of Title IV-D of the Social Security Act. The Illinois Department shall enter into an agreement with a State or local governmental unit or private entity to perform the functions of the State Disbursement Unit as set forth in this Section. The State Disbursement Unit shall collect and disburse support payments made under court and administrative support orders:

(1) being enforced in cases in which child and spouse support services are being provided under this Article X; and

(2) in all cases in which child and spouse support services are not being provided under this Article X and in which support payments are made under the provisions of the Income Withholding for Support Act.

(a-5) If the State Disbursement Unit receives a support payment that was not appropriately made to the Unit under this Section, the Unit shall immediately return the payment to the sender, including, if possible, instructions detailing where to send the support payments.

(b) All payments received by the State Disbursement Unit:

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(1) shall be deposited into an account obtained by the State or local governmental unit or private entity, as the case may be, and

(2) distributed and disbursed by the State Disbursement Unit, in accordance with the directions of the Illinois Department, pursuant to Title IV-D of the Social Security Act and rules promulgated by the Department.

(c) All support payments assigned to the Illinois Department under Article X of this Code and rules promulgated by the Illinois Department that are disbursed to the Illinois Department by the State Disbursement Unit shall be paid into the Child Support Enforcement Trust Fund.

(d) If the agreement with the State or local governmental unit or private entity provided for in this Section is not in effect for any reason, the Department shall perform the functions of the State Disbursement Unit as set forth in this Section for a maximum of 12 months before July 1, 2001, and for a maximum of 24 months after June 30, 2001. If the Illinois Department is performing the functions of the State Disbursement Unit on July 1, 2001, then the Illinois Department shall make an award on or before December 31, 2002, to a State or local government unit or private entity to perform the functions of the State Disbursement Unit. Payments received by the Department in performance of the duties of the State Disbursement Unit shall be deposited into the State Disbursement Unit Revolving Fund established under Section 12-8.1.

(e) By February 1, 2000, the Illinois Department shall conduct at least 4 regional training and educational seminars to educate the clerks of the circuit court on the general operation of the State Disbursement Unit, the role of the State Disbursement Unit, and the role of the clerks of the circuit court in the collection and distribution of child support payments.

(f) By March 1, 2000, the Illinois Department shall conduct at least 4 regional educational and training seminars to educate payors, as defined in the Income Withholding for Support Act, on the general operation of the State Disbursement Unit, the role of the State Disbursement Unit, and the distribution of income withholding payments pursuant to this Section and the Income Withholding for Support Act.

(Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00; 91-712, eff. 7-1-00.)

(305 ILCS 5/12-8.1)

Sec. 12-8.1. State Disbursement Unit Revolving Fund.

(a) There is created a revolving fund to be known as the State Disbursement Unit Revolving Fund, to be held by the Director of the Illinois Department, outside the State Treasury State-Treasurer-as-ex-officio-custodian, for the following purposes:

(1) the deposit of all support payments received by the Illinois Department's State Disbursement Unit; and

(2) the deposit of other funds including, but not limited to, transfers of funds from other accounts attributable to support payments received by the Illinois Department's State Disbursement Unit;

(3) the deposit of any interest accrued by the revolving fund, which interest shall be available for payment of (i) any amounts considered to be Title IV-D program income that must be paid to the U.S. Department of Health and Human Services and (ii) any balance remaining after payments made under item (i) of this subsection (3) to the General Revenue Fund; however, the disbursements under this subdivision (3) may not exceed the amount of the interest accrued by the revolving fund;

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(4) the disbursement of such payments to obligees or to the assignees of the obligees in accordance with the provisions of Title IV-D of the Social Security Act and rules promulgated by the Department, provided that such disbursement is based upon a payment by a payor or obligor deposited into the revolving fund established by this Section; and-

(5) the disbursement of funds to payors or obligors to correct erroneous payments to the Illinois Department's State Disbursement Unit, in an amount not to exceed the erroneous payments.

(b) The provisions of this Section shall apply only if the Department performs the functions of the Illinois Department's State Disbursement Unit under paragraph (d) of Section 10-26.

~~(e) Moneys in the State Disbursement Unit Revolving Fund shall be expended upon the direction of the Director.~~  
(Source: P.A. 91-712, eff. 7-1-00.)

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 Roskam, Senate Bill No. 213 was recalled from the order of third reading to the order of second reading.

Senator Roskam offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 213, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Commercial Feed Act of 1961 is amended by changing Sections 3 and 7, and by adding Sections 6.5 and 9.5 as follows:

(505 ILCS 30/3) (from Ch. 56 1/2, par. 66.3)

Sec. 3. Definitions of words and terms. When used in this Act unless the context otherwise requires:

(a) The term "person" means any individual, partnership, corporation and association.

(b) The term "distribute" means to offer for sale, sell, exchange, give away or barter commercial feed or to supply, furnish or otherwise provide commercial feed to a contract feeder.

(c) The term "distributor" means any person who distributes.

(d) The term "commercial feed" means all materials, including customer formula feeds, which are distributed for use as feed, or labeled with a guaranteed analysis for use as feed, or for mixing in feed for birds or animals other than man except:

(1) Whole unmixed seed or grain or physically altered entire unmixed seed or grain, providing such seed or grain is not adulterated within the meaning of Section 7 of this Act.

(2) Unground hay, straw, stover, silage, cobs, husks and hulls when not mixed with other materials and not adulterated within the meaning of Section 7 of this Act.

(3) Individual chemical compounds when not mixed with other materials and not adulterated within the meaning of Section 7 of this Act.

(e) The term "feed ingredient" means each of the constituent materials making up a commercial feed.

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(f) The term "mineral feed" means a commercial feed intended to supply primarily mineral elements or inorganic nutrients.

(g) The term "drug" means any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man and articles other than feed intended to affect the structure or any function of the animal's body.

(h) The term "customer-formula feed" means commercial feed which consists of a mixture of commercial feeds and/or feed ingredients each batch of which mixture is mixed according to the specific instructions of the final purchaser.

(i) The term "manufacture" means to grind, mix or blend or further process a commercial feed for distribution.

(j) The term "brand name" means any word, name, symbol, device, or any combination thereof, identifying the commercial feed of a distributor or manufacturer and distinguishing it from that of others.

(k) The term "product name" means the name of the commercial feed which identifies it as to kind, class, or specific use.

(l) The term "label" means a display of written, printed or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed or customer-formula feed is distributed.

(m) The term "ton" means a net weight of 2000 pounds avoirdupois.

(n) The term "per cent" or "percentage" means percentage by weight.

(o) The term "official sample" means any sample of feed taken by the Director or his agent and designated as "official" by the Director or his agent.

(p) The term "contract feeder" means a person who, as an independent contractor, feeds commercial feed to animals pursuant to a contract whereby such commercial feed is supplied, furnished or otherwise provided to such person and whereby such person's remuneration is determined all or in part by feed consumption, mortality, profits or amount or quality of product.

(q) The term "seed" means agricultural, grass, vegetable or other seeds as determined by the Department.

(r) The term "grain" means corn, wheat, rye, oats, barley, flaxseed, sorghum, soybeans, mixed grain, and any other food grains, feed grains, and oilseeds for which standards are established under the United States Grain Standards Act.

(s) The term "pet food" means any commercial feed prepared and distributed for consumption by dogs and cats.

(t) The term "specialty pet food" means any commercial feed prepared and distributed for consumption by specialty pets.

(u) The term "specialty pet" means any animal normally maintained in confinement, including but not limited to, gerbils, hamsters, birds, fish, snakes, turtles, and zoo animals.

(v) The term "animal" means any living creature, domestic or wild, but does not include man.

(w) The term "Department" means the Department of Agriculture of the State of Illinois.

(x) The term "Director" means the Director of the Department of Agriculture of the State of Illinois or duly authorized representative.

(y) The term "ruminant" includes any member of the order of animals that has a stomach with 4 chambers (rumen, reticulum, omasum, and abomasum) through which feed passes in digestion. The order includes, but is not limited to, cattle, buffalo, sheep, goats, deer, elk, and antelopes.

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(z) The term "protein derived from mammalian tissues" means any protein-containing portion of mammalian animals, excluding: blood and blood products; gelatin; inspected meat products that have been cooked and offered for human food and further heat processed for feed (such as plate waste and used cellulosic food casings); milk products (milk and milk proteins); and any product whose only mammalian protein consists entirely of porcine or equine protein.

(aa) The term "nonmammalian protein" includes proteins from nonmammalian animals and plants.

(Source: P.A. 87-664.)

(505 ILCS 30/6.5 new)

Sec. 6.5. Record keeping requirements for certain manufacturers and distributors. Manufacturers and distributors that are subject to this Act and manufacture, blend, or distribute products that contain or may contain protein derived from mammalian tissues and that are intended for use in animal feed must maintain records sufficient to track these materials throughout their receipt, processing, and distribution and, upon request, must make these records available for inspection and copying by the Department. The Department must adopt any rules necessary to implement the requirements of this Section.

(505 ILCS 30/7) (from Ch. 56 1/2, par. 66.7)

Sec. 7. Adulteration. A commercial feed is adulterated:

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, the commercial feed shall not be considered adulterated if the quantity of the substance in such commercial feed does not ordinarily render it injurious to health.

(b) If it bears or contains any poisonous, deleterious or non-nutritive ingredient that has been added in sufficient amount to render it unsafe within the meaning of Section 406 of the Federal Food, Drug and Cosmetic Act, other than one which is a pesticide chemical in or on a raw agricultural commodity or a food additive.

(c) If it is, bears or contains any food additive which is unsafe within the meaning of Section 409 of the Federal Food, Drug and Cosmetic Act.

(d) If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of Section 408 of the Federal Food, Drug and Cosmetic Act, provided, that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under Section 408 of the Federal Food, Drug and Cosmetic Act and the raw agricultural commodity has been subjected to processing, such as, canning, cooking, freezing, dehydrating or milling, the residue of the pesticide chemical remaining in or on the processed feed shall not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible by good manufacturing practices as adopted and the concentration of the residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity, unless the feeding of the processed feed will result or is likely to result in a pesticide residue in the edible product of the animal, which is unsafe within the meaning of Section 408 of the Federal Food, Drug and Cosmetic Act.

(e) If it is, bears or contains any color additive which is unsafe within the meaning of Section 706 of the Federal Food, Drug and Cosmetic Act.

(f) If it contains a drug and the methods used in, or the facilities or controls used for, its manufacture, processing, or packaging do not conform to current good manufacturing practice regulations promulgated by the Director to assure that the drug meets

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the requirements of this Act as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess. In promulgating these regulations, the Director shall adopt the current good manufacturing practice regulations for Type A medicated articles and Type B and Type C medicated feeds established under authority of the Federal Food, Drug, and Cosmetic Act, unless he determines that they are not appropriate to the conditions which exist in this State.

(g) If any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefor.

(h) If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling.

(i) If it contains weed seeds in amounts exceeding the limits established by regulation.

(j) If it contains protein derived from mammalian tissues and is used or intended to be used in ruminant feed or contains other material known to cause or be associated with bovine spongiform encephalopathy or a transmissible spongiform encephalopathy.

(Source: P.A. 87-664.)

(505 ILCS 30/9.5 new)

Sec. 9.5. Inspection of licensees. Every 90 days, the Department must inspect each facility of persons subject to licensure under Section 4 of this Act and that manufactures or distributes commercial feed containing protein derived from mammalian tissues. At each 90-day inspection, the Department must specifically inspect for the presence or absence of commercial feed mixed with or containing protein derived from mammalian tissues. At each inspection, the Department may inspect for any other violation of this Act or its rules.

A facility otherwise subject to the requirements of the Act is exempt from the inspection requirements of this Section if it annually submits to the Department an affidavit, signed by its owner or chief operating officer, stating under oath that the facility does not handle, mix, process, blend, or distribute feed or feed ingredients containing protein derived from mammalian tissues. If at any time after submitting this affidavit a facility handles, mixes, processes, blends, or distributes feed or feed ingredients containing protein derived from mammalian tissues, that facility must within 7 days notify the Department, which shall begin the 90-day inspections under this Section as to this facility.

Unless authorized by law, the 90-day inspection requirements imposed by this Section shall terminate 3 years after the effective date of this amendatory Act of the 92nd General Assembly.

The Department must adopt any rules necessary to implement the requirements of this Section.

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 T. Walsh, Senate Bill No. 333 was recalled from the order of third reading to the order of second reading.

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

Senator T. Walsh offered the following amendment and moved its

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adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 333, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by adding Section 507.2 as follows:

(215 ILCS 5/507.2 new)

Sec. 507.2. Policyholder information and exclusive ownership of expirations.

(a) As used in this Section, "expirations" means all information relative to an insurance policy including, but not limited to, the name and address of the insured, the location and description of the property insured, the value of the insurance policy, the inception date, the renewal date, and the expiration date of the insurance policy, the premiums, the limits and a description of the terms and coverage of the insurance policy, and any other personal and privileged information, as defined by Section 1003 of this Code, compiled by a registered firm or furnished by the insured to the insurer or any agent, contractor, or representative of the insurer.

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

(b) All "expirations" as defined in subsection (a) of this Section shall be mutually and exclusively owned by the insured and the registered firm. The limitations on the use of expirations as provided in subsections (c) and (d) of this Section shall be for mutual benefit of the insured and the registered firm.

(c) Except as otherwise provided in this Section, for purposes of soliciting, selling, or negotiating the renewal or sale of insurance coverage, insurance products, or insurance services or for any other marketing purpose, a registered firm shall own and have the exclusive use of expirations, records, and other written or electronically stored information directly related to an insurance application submitted by, or an insurance policy written through, the registered firm. No insurance company, managing general agent, surplus lines insurance broker, wholesale broker, group self-insurance fund, third party administrator, or any other entity shall use such expirations, records, or other written or electronically stored information to solicit, sell, or negotiate the renewal or sale of insurance coverage, insurance products, or insurance services to the insured or for any other marketing purposes, either directly or by providing such information to others, except in the case of a financial institution as defined by Section 1402 of this Code, without, separate from the general agency contract, the written consent of the registered firm. However, such expirations, records, or other written or electronically stored information may be used for any purpose necessary for placing such business through the insurance producer including reviewing an application and issuing or renewing a policy and for loss control services.

For purposes of this Section, "financial institution" does not include an insurance company, registered firm, managing general agent, surplus lines broker, wholesale broker, group self-funded insurance fund, or third-party administrator.

(d) With respect to a registered firm, this Section shall not apply:

(1) when the insured requests either orally or in writing that another registered firm obtain quotes for insurance from another insurance company or when the insured requests in writing

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individually or through another registered firm, that the insurance company renew the policy;

(2) to policies in the Illinois Fair Plan, the Illinois Automobile Insurance Plan, or the Illinois Assigned Risk Plan for coverage under the Workers' Compensation Act and the Workers' Occupational Diseases Act;

(3) when the insurance producer is employed by or has agreed to act exclusively or primarily for one company or group of affiliated insurance companies or to a producer who submits to the company or group of affiliated companies that are organized to transact business in this State as a reciprocal company, as defined in Article IV of this Code, every request or application for insurance for the classes and lines underwritten by the company or group of affiliated companies;

(4) to policies providing life and accident and health insurance;

(5) when the registered firm is in default for nonpayment of premiums under the contract with the insurer or is guilty of conversion of the insured's or insurer's premiums or its license is revoked by or surrendered to the Department;

(6) to any insurance company's obligations under Sections 143.17 and 143.17a of this Code; or

(7) to any insurer that, separate from a producer or registered firm, creates, develops, compiles, and assembles its own, identifiable expirations as defined in subsection (a).

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.

Nothing in this Section prohibits an insurance company, with respect to any items herein, from conveying to the insured or the registered firm any additional benefits or ownership rights including, but not limited to, the ownership of expirations on any policy issued or the imposition of further restrictions on the insurance company's use of the insured's personal information.

(e) The Director may adopt rules in accordance with Section 401 of this Code for the enforcement of this Section.

(f) This Section applies to the expirations relative to all policies of insurance bound, applied for, sold, renewed, or otherwise taking effect on or after the effective date of this amendatory Act of the 92nd General Assembly.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Karpziel, Senate Bill No. 356 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 356, AS AMENDED, by replacing everything after the enacting clause with the following:

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"Section 5. The Environmental Protection Act is amended by changing Section 39 as follows:

(415 ILCS 5/39) (from Ch. 111 1/2, par. 1039)

Sec. 39. Issuance of permits; procedures.

(a) When the Board has by regulation required a permit for the construction, installation, or operation of any type of facility, equipment, vehicle, vessel, or aircraft, the applicant shall apply to the Agency for such permit and it shall be the duty of the Agency to issue such a permit upon proof by the applicant that the facility, equipment, vehicle, vessel, or aircraft will not cause a violation of this Act or of regulations hereunder. The Agency shall adopt such procedures as are necessary to carry out its duties under this Section. In granting permits the Agency may impose such conditions as may be necessary to accomplish the purposes of this Act, and as are not inconsistent with the regulations promulgated by the Board hereunder. Except as otherwise provided in this Act, a bond or other security shall not be required as a condition for the issuance of a permit. If the Agency denies any permit under this Section, the Agency shall transmit to the applicant within the time limitations of this Section specific, detailed statements as to the reasons the permit application was denied. Such statements shall include, but not be limited to the following:

(i) the Sections of this Act which may be violated if the permit were granted;

(ii) the provision of the regulations, promulgated under this Act, which may be violated if the permit were granted;

(iii) the specific type of information, if any, which the Agency deems the applicant did not provide the Agency; and

(iv) a statement of specific reasons why the Act and the regulations might not be met if the permit were granted.

If there is no final action by the Agency within 90 days after the filing of the application for permit, the applicant may deem the permit issued; except that this time period shall be extended to 180 days when (1) notice and opportunity for public hearing are required by State or federal law or regulation, (2) the application which was filed is for any permit to develop a landfill subject to issuance pursuant to this subsection, or (3) the application that was filed is for a MSWLF unit required to issue public notice under subsection (p) of Section 39.

The Agency shall publish notice of all final permit determinations for development permits for MSWLF units and for significant permit modifications for lateral expansions for existing MSWLF units one time in a newspaper of general circulation in the county in which the unit is or is proposed to be located.

After January 1, 1994 and until July 1, 1998, operating permits issued under this Section by the Agency for sources of air pollution permitted to emit less than 25 tons per year of any combination of regulated air pollutants, as defined in Section 39.5 of this Act, shall be required to be renewed only upon written request by the Agency consistent with applicable provisions of this Act and regulations promulgated hereunder. Such operating permits shall expire 180 days after the date of such a request. The Board shall revise its regulations for the existing State air pollution operating permit program consistent with this provision by January 1, 1994.

After June 30, 1998, operating permits issued under this Section by the Agency for sources of air pollution that are not subject to Section 39.5 of this Act and are not required to have a federally enforceable State operating permit shall be required to be renewed only upon written request by the Agency consistent with applicable provisions of this Act and its rules. Such operating permits shall

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expire 180 days after the date of such a request. Before July 1, 1998, the Board shall revise its rules for the existing State air pollution operating permit program consistent with this paragraph and shall adopt rules that require a source to demonstrate that it qualifies for a permit under this paragraph.

(b) The Agency may issue NPDES permits exclusively under this subsection for the discharge of contaminants from point sources into navigable waters, all as defined in the Federal Water Pollution Control Act, as now or hereafter amended, within the jurisdiction of the State, or into any well.

All NPDES permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act.

The Agency may issue general NPDES permits for discharges from categories of point sources which are subject to the same permit limitations and conditions. Such general permits may be issued without individual applications and shall conform to regulations promulgated under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended.

The Agency may include, among such conditions, effluent limitations and other requirements established under this Act, Board regulations, the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto, and schedules for achieving compliance therewith at the earliest reasonable date.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of NPDES permits, and which are consistent with the Act or regulations adopted by the Board, and with the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto.

The Agency, subject to any conditions which may be prescribed by Board regulations, may issue NPDES permits to allow discharges beyond deadlines established by this Act or by regulations of the Board without the requirement of a variance, subject to the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto.

(c) Except for those facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act, no permit for the development or construction of a new pollution control facility may be granted by the Agency unless the applicant submits proof to the Agency that the location of the facility has been approved by the County Board of the county if in an unincorporated area, or the governing body of the municipality when in an incorporated area, in which the facility is to be located in accordance with Section 39.2 of this Act.

In the event that siting approval granted pursuant to Section 39.2 has been transferred to a subsequent owner or operator, that subsequent owner or operator may apply to the Agency for, and the Agency may grant, a development or construction permit for the facility for which local siting approval was granted. Upon application to the Agency for a development or construction permit by that subsequent owner or operator, the permit applicant shall cause written notice of the permit application to be served upon the appropriate county board or governing body of the municipality that granted siting approval for that facility and upon any party to the siting proceeding pursuant to which siting approval was granted. In that event, the Agency shall conduct an evaluation of the subsequent owner or operator's prior experience in waste management operations in the manner conducted under subsection (i) of Section 39 of this Act.

Beginning August 20, 1993, if the pollution control facility

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consists of a hazardous or solid waste disposal facility for which the proposed site is located in an unincorporated area of a county with a population of less than 100,000 and includes all or a portion of a parcel of land that was, on April 1, 1993, adjacent to a municipality having a population of less than 5,000, then the local siting review required under this subsection (c) in conjunction with any permit applied for after that date shall be performed by the governing body of that adjacent municipality rather than the county board of the county in which the proposed site is located; and for the purposes of that local siting review, any references in this Act to the county board shall be deemed to mean the governing body of that adjacent municipality; provided, however, that the provisions of this paragraph shall not apply to any proposed site which was, on April 1, 1993, owned in whole or in part by another municipality.

In the case of a pollution control facility for which a development permit was issued before November 12, 1981, if an operating permit has not been issued by the Agency prior to August 31, 1989 for any portion of the facility, then the Agency may not issue or renew any development permit nor issue an original operating permit for any portion of such facility unless the applicant has submitted proof to the Agency that the location of the facility has been approved by the appropriate county board or municipal governing body pursuant to Section 39.2 of this Act.

After January 1, 1994, if a solid waste disposal facility, any portion for which an operating permit has been issued by the Agency, has not accepted waste disposal for 5 or more consecutive calendars years, before that facility may accept any new or additional waste for disposal, the owner and operator must obtain a new operating permit under this Act for that facility unless the owner and operator have applied to the Agency for a permit authorizing the temporary suspension of waste acceptance. The Agency may not issue a new operation permit under this Act for the facility unless the applicant has submitted proof to the Agency that the location of the facility has been approved or re-approved by the appropriate county board or municipal governing body under Section 39.2 of this Act after the facility ceased accepting waste.

Except for those facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act, and except for new pollution control facilities governed by Section 39.2, and except for fossil fuel mining facilities, the granting of a permit under this Act shall not relieve the applicant from meeting and securing all necessary zoning approvals from the unit of government having zoning jurisdiction over the proposed facility.

Before beginning construction on any new sewage treatment plant or sludge drying site to be owned or operated by a sanitary district organized under the Metropolitan Water Reclamation District Act for which a new permit (rather than the renewal or amendment of an existing permit) is required, such sanitary district shall hold a public hearing within the municipality within which the proposed facility is to be located, or within the nearest community if the proposed facility is to be located within an unincorporated area, at which information concerning the proposed facility shall be made available to the public, and members of the public shall be given the opportunity to express their views concerning the proposed facility.

The Agency may issue a permit for a municipal waste transfer station without requiring approval pursuant to Section 39.2 provided that the following demonstration is made:

- (1) the municipal waste transfer station was in existence on or before January 1, 1979 and was in continuous operation from

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January 1, 1979 to January 1, 1993;

(2) the operator submitted a permit application to the Agency to develop and operate the municipal waste transfer station during April of 1994;

(3) the operator can demonstrate that the county board of the county, if the municipal waste transfer station is in an unincorporated area, or the governing body of the municipality, if the station is in an incorporated area, does not object to resumption of the operation of the station; and

(4) the site has local zoning approval.

(d) The Agency may issue RCRA permits exclusively under this subsection to persons owning or operating a facility for the treatment, storage, or disposal of hazardous waste as defined under this Act.

All RCRA permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act. The Agency may include among such conditions standards and other requirements established under this Act, Board regulations, the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, and regulations pursuant thereto, and may include schedules for achieving compliance therewith as soon as possible. The Agency shall require that a performance bond or other security be provided as a condition for the issuance of a RCRA permit.

In the case of a permit to operate a hazardous waste or PCB incinerator as defined in subsection (k) of Section 44, the Agency shall require, as a condition of the permit, that the operator of the facility perform such analyses of the waste to be incinerated as may be necessary and appropriate to ensure the safe operation of the incinerator.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of RCRA permits, and which are consistent with the Act or regulations adopted by the Board, and with the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, and regulations pursuant thereto.

The applicant shall make available to the public for inspection all documents submitted by the applicant to the Agency in furtherance of an application, with the exception of trade secrets, at the office of the county board or governing body of the municipality. Such documents may be copied upon payment of the actual cost of reproduction during regular business hours of the local office. The Agency shall issue a written statement concurrent with its grant or denial of the permit explaining the basis for its decision.

(e) The Agency may issue UIC permits exclusively under this subsection to persons owning or operating a facility for the underground injection of contaminants as defined under this Act.

All UIC permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act. The Agency may include among such conditions standards and other requirements established under this Act, Board regulations, the Safe Drinking Water Act (P.L. 93-523), as amended, and regulations pursuant thereto, and may include schedules for achieving compliance therewith. The Agency shall require that a performance bond or other security be provided as a condition for the issuance of a UIC permit.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of UIC permits, and which are consistent with the Act or regulations adopted by the Board, and with the Safe Drinking Water Act (P.L. 93-523), as amended, and regulations pursuant thereto.

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The applicant shall make available to the public for inspection, all documents submitted by the applicant to the Agency in furtherance of an application, with the exception of trade secrets, at the office of the county board or governing body of the municipality. Such documents may be copied upon payment of the actual cost of reproduction during regular business hours of the local office. The Agency shall issue a written statement concurrent with its grant or denial of the permit explaining the basis for its decision.

(f) In making any determination pursuant to Section 9.1 of this Act:

(1) The Agency shall have authority to make the determination of any question required to be determined by the Clean Air Act, as now or hereafter amended, this Act, or the regulations of the Board, including the determination of the Lowest Achievable Emission Rate, Maximum Achievable Control Technology, or Best Available Control Technology, consistent with the Board's regulations, if any.

(2) The Agency shall, after conferring with the applicant, give written notice to the applicant of its proposed decision on the application including the terms and conditions of the permit to be issued and the facts, conduct or other basis upon which the Agency will rely to support its proposed action.

(3) Following such notice, the Agency shall give the applicant an opportunity for a hearing in accordance with the provisions of Sections 10-25 through 10-60 of the Illinois Administrative Procedure Act.

(g) The Agency shall include as conditions upon all permits issued for hazardous waste disposal sites such restrictions upon the future use of such sites as are reasonably necessary to protect public health and the environment, including permanent prohibition of the use of such sites for purposes which may create an unreasonable risk of injury to human health or to the environment. After administrative and judicial challenges to such restrictions have been exhausted, the Agency shall file such restrictions of record in the Office of the Recorder of the county in which the hazardous waste disposal site is located.

(h) A hazardous waste stream may not be deposited in a permitted hazardous waste site unless specific authorization is obtained from the Agency by the generator and disposal site owner and operator for the deposit of that specific hazardous waste stream. The Agency may grant specific authorization for disposal of hazardous waste streams only after the generator has reasonably demonstrated that, considering technological feasibility and economic reasonableness, the hazardous waste cannot be reasonably recycled for reuse, nor incinerated or chemically, physically or biologically treated so as to neutralize the hazardous waste and render it nonhazardous. In granting authorization under this Section, the Agency may impose such conditions as may be necessary to accomplish the purposes of the Act and are consistent with this Act and regulations promulgated by the Board hereunder. If the Agency refuses to grant authorization under this Section, the applicant may appeal as if the Agency refused to grant a permit, pursuant to the provisions of subsection (a) of Section 40 of this Act. For purposes of this subsection (h), the term "generator" has the meaning given in Section 3.12 of this Act, unless: (1) the hazardous waste is treated, incinerated, or partially recycled for reuse prior to disposal, in which case the last person who treats, incinerates, or partially recycles the hazardous waste prior to disposal is the generator; or (2) the hazardous waste is from a response action, in which case the person performing the response action is the generator. This subsection (h) does not apply

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to any hazardous waste that is restricted from land disposal under 35 Ill. Adm. Code 728.

(i) Before issuing any RCRA permit or any permit for a waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, waste incinerator, or any waste-transportation operation, the Agency shall conduct an evaluation of the prospective owner's or operator's prior experience in waste management operations. The Agency may deny such a permit if the prospective owner or operator or any employee or officer of the prospective owner or operator has a history of:

(1) repeated violations of federal, State, or local laws, regulations, standards, or ordinances in the operation of waste management facilities or sites; or

(2) conviction in this or another State of any crime which is a felony under the laws of this State, or conviction of a felony in a federal court; or

(3) proof of gross carelessness or incompetence in handling, storing, processing, transporting or disposing of waste.

(j) The issuance under this Act of a permit to engage in the surface mining of any resources other than fossil fuels shall not relieve the permittee from its duty to comply with any applicable local law regulating the commencement, location or operation of surface mining facilities.

(k) A development permit issued under subsection (a) of Section 39 for any facility or site which is required to have a permit under subsection (d) of Section 21 shall expire at the end of 2 calendar years from the date upon which it was issued, unless within that period the applicant has taken action to develop the facility or the site. In the event that review of the conditions of the development permit is sought pursuant to Section 40 or 41, or permittee is prevented from commencing development of the facility or site by any other litigation beyond the permittee's control, such two-year period shall be deemed to begin on the date upon which such review process or litigation is concluded.

(k-5) A development or construction permit issued pursuant to subsection (c) of this Section for a facility or site that is required to have a permit under subsection (d) of Section 21 of this Act for a waste-disposal operation shall expire at the end of 10 calendar years after the date upon which it was issued if that facility (i) was exempt from obtaining local siting approval pursuant to Section 39.2 of this Act at the time the development or construction permit for that facility was issued by the Agency and (ii) has not lawfully received waste pursuant to an operating permit issued by the Agency within that 10-year period.

(l) No permit shall be issued by the Agency under this Act for construction or operation of any facility or site located within the boundaries of any setback zone established pursuant to this Act, where such construction or operation is prohibited.

(m) The Agency may issue permits to persons owning or operating a facility for composting landscape waste. In granting such permits, the Agency may impose such conditions as may be necessary to accomplish the purposes of this Act, and as are not inconsistent with applicable regulations promulgated by the Board. Except as otherwise provided in this Act, a bond or other security shall not be required as a condition for the issuance of a permit. If the Agency denies any permit pursuant to this subsection, the Agency shall transmit to the applicant within the time limitations of this subsection specific, detailed statements as to the reasons the permit application was denied. Such statements shall include but not be

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limited to the following:

(1) the Sections of this Act that may be violated if the permit were granted;

(2) the specific regulations promulgated pursuant to this Act that may be violated if the permit were granted;

(3) the specific information, if any, the Agency deems the applicant did not provide in its application to the Agency; and

(4) a statement of specific reasons why the Act and the regulations might be violated if the permit were granted.

If no final action is taken by the Agency within 90 days after the filing of the application for permit, the applicant may deem the permit issued. Any applicant for a permit may waive the 90 day limitation by filing a written statement with the Agency.

The Agency shall issue permits for such facilities upon receipt of an application that includes a legal description of the site, a topographic map of the site drawn to the scale of 200 feet to the inch or larger, a description of the operation, including the area served, an estimate of the volume of materials to be processed, and documentation that:

(1) the facility includes a setback of at least 200 feet from the nearest potable water supply well;

(2) the facility is located outside the boundary of the 10-year floodplain or the site will be floodproofed;

(3) the facility is located so as to minimize incompatibility with the character of the surrounding area, including at least a 200 foot setback from any residence, and in the case of a facility that is developed or the permitted composting area of which is expanded after November 17, 1991, the composting area is located at least 1/8 mile from the nearest residence (other than a residence located on the same property as the facility);

(4) the design of the facility will prevent any compost material from being placed within 5 feet of the water table, will adequately control runoff from the site, and will collect and manage any leachate that is generated on the site;

(5) the operation of the facility will include appropriate dust and odor control measures, limitations on operating hours, appropriate noise control measures for shredding, chipping and similar equipment, management procedures for composting, containment and disposal of non-compostable wastes, procedures to be used for terminating operations at the site, and recordkeeping sufficient to document the amount of materials received, composted and otherwise disposed of; and

(6) the operation will be conducted in accordance with any applicable rules adopted by the Board.

The Agency shall issue renewable permits of not longer than 10 years in duration for the composting of landscape wastes, as defined in Section 3.70 of this Act, based on the above requirements.

The operator of any facility permitted under this subsection (m) must submit a written annual statement to the Agency on or before April 1 of each year that includes an estimate of the amount of material, in tons, received for composting.

(n) The Agency shall issue permits jointly with the Department of Transportation for the dredging or deposit of material in Lake Michigan in accordance with Section 18 of the Rivers, Lakes, and Streams Act.

(o) From September 4, 1990 until December 31, 1993, no permit shall be issued by the Agency for the development or construction of any new facility intended to be used for the incineration of any hazardous waste. This subsection shall not apply to facilities

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intended for use for combustion of potentially infectious medical waste, for use as part of a State or federally designated clean-up action, or for use solely for the conduct of research and the development and demonstration of technologies for the incineration of hazardous waste.

(p) (1) Any person submitting an application for a permit for a new MSWLF unit or for a lateral expansion under subsection (t) of Section 21 of this Act for an existing MSWLF unit that has not received and is not subject to local siting approval under Section 39.2 of this Act shall publish notice of the application in a newspaper of general circulation in the county in which the MSWLF unit is or is proposed to be located. The notice must be published at least 15 days before submission of the permit application to the Agency. The notice shall state the name and address of the applicant, the location of the MSWLF unit or proposed MSWLF unit, the nature and size of the MSWLF unit or proposed MSWLF unit, the nature of the activity proposed, the probable life of the proposed activity, the date the permit application will be submitted, and a statement that persons may file written comments with the Agency concerning the permit application within 30 days after the filing of the permit application unless the time period to submit comments is extended by the Agency.

When a permit applicant submits information to the Agency to supplement a permit application being reviewed by the Agency, the applicant shall not be required to reissue the notice under this subsection.

(2) The Agency shall accept written comments concerning the permit application that are postmarked no later than 30 days after the filing of the permit application, unless the time period to accept comments is extended by the Agency.

(3) Each applicant for a permit described in part (1) of this subsection shall file a copy of the permit application with the county board or governing body of the municipality in which the MSWLF unit is or is proposed to be located at the same time the application is submitted to the Agency. The permit application filed with the county board or governing body of the municipality shall include all documents submitted to or to be submitted to the Agency, except trade secrets as determined under Section 7.1 of this Act. The permit application and other documents on file with the county board or governing body of the municipality shall be made available for public inspection during regular business hours at the office of the county board or the governing body of the municipality and may be copied upon payment of the actual cost of reproduction.

(Source: P.A. 89-487, eff. 6-21-96; 89-556, eff. 7-26-96; 90-14, eff. 7-1-97; 90-367, eff. 8-10-97; 90-537, eff. 11-26-97; 90-655, eff. 7-30-98.)

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 Syverson, Senate Bill No. 608 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 Syverson offered the following amendment and moved its

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adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 608, AS AMENDED, by replacing the title with the following:

"AN ACT in relation to public aid."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 5-5.4 as follows:

(305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

Sec. 5-5.4. Standards of Payment - Department of Public Aid. The Department of Public Aid shall develop standards of payment of skilled nursing and intermediate care services in facilities providing such services under this Article which:

(1) Provides for the determination of a facility's payment for skilled nursing and intermediate care services on a prospective basis. The amount of the payment rate for all nursing facilities certified under the medical assistance program shall be prospectively established annually on the basis of historical, financial, and statistical data reflecting actual costs from prior years, which shall be applied to the current rate year and updated for inflation, except that the capital cost element for newly constructed facilities shall be based upon projected budgets. The annually established payment rate shall take effect on July 1 in 1984 and subsequent years. Rate increases shall be provided annually thereafter on July 1 in 1984 and on each subsequent July 1 in the following years, except that no rate increase and no update for inflation shall be provided on or after July 1, 1994 and before July 1, 2002 ~~July--1, 2001~~, unless specifically provided for in this Section.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1998 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1998 shall include an increase of 3% plus \$1.10 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% plus \$3.00 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by \$4.00 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under

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the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on July 1, 2001, and each subsequent year thereafter, shall be computed using the most recent cost reports on file with the Department of Public Aid no later than April 1, 2000 updated for inflation to January 1, 2001. For rates effective July 1, 2001 only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

Rates established effective each July 1 shall govern payment for services rendered throughout that fiscal year, except that rates established on July 1, 1996 shall be increased by 6.8% for services provided on or after January 1, 1997. Such rates will be based upon the rates calculated for the year beginning July 1, 1990, and for subsequent years thereafter until June 30, 2001 shall be based on the facility cost reports for the facility fiscal year ending at any point in time during the previous calendar year, updated to the midpoint of the rate year. The cost report shall be on file with the Department no later than April 1 of the current rate year. Should the cost report not be on file by April 1, the Department shall base the rate on the latest cost report filed by each skilled care facility and intermediate care facility, updated to the midpoint of the current rate year. In determining rates for services rendered on and after July 1, 1985, fixed time shall not be computed at less than zero. The Department shall not make any alterations of regulations which would reduce any component of the Medicaid rate to a level below what that component would have been utilizing in the rate effective on July 1, 1984.

(2) Shall take into account the actual costs incurred by facilities in providing services for recipients of skilled nursing and intermediate care services under the medical assistance program.

(3) Shall take into account the medical and psycho-social characteristics and needs of the patients.

(4) Shall take into account the actual costs incurred by facilities in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the U.S. Department of Health and Human Services pursuant to Title XIX of the Social Security Act.

The Department of Public Aid shall develop precise standards for payments to reimburse nursing facilities for any utilization of appropriate rehabilitative personnel for the provision of rehabilitative services which is authorized by federal regulations, including reimbursement for services provided by qualified therapists or qualified assistants, and which is in accordance with accepted professional practices. Reimbursement also may be made for utilization of other supportive personnel under appropriate supervision.

(Source: P.A. 90-9, eff. 7-1-97; 90-588, eff. 7-1-98; 91-24, eff. 7-1-99; 91-712, eff. 7-1-00.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Bomke, Senate Bill No. 629 was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 4 was tabled in the Committee on Agriculture

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and Conservation by the sponsor.

Senator Bomke offered the following amendment and moved its adoption:

AMENDMENT NO. 5

AMENDMENT NO. 5. Amend Senate Bill 629, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Humane Care for Animals Act is amended by changing Sections 2.07, 4.01, and 16 as follows:

(510 ILCS 70/2.07) (from Ch. 8, par. 702.07)

Sec. 2.07. Person. "Person" means any individual, minor, firm, corporation, partnership, other business unit, society, association, or other legal entity, any public or private institution, the State of Illinois, or any municipal corporation or political subdivision of the State.

(Source: P.A. 78-905.)

(510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

Sec. 4.01. Prohibitions.

(a) No person may own, capture, breed, train, or lease any animal which he or she knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between such animal and any other animal or human, or the intentional killing of any animal for the purpose of sport, wagering, or entertainment.

(b) No person shall promote, conduct, carry on, advertise, collect money for or in any other manner assist or aid in the presentation for purposes of sport, wagering, or entertainment, any show, exhibition, program, or other activity involving a fight between 2 or more animals or any animal and human, or the intentional killing of any animal.

(c) No person shall sell or offer for sale, ship, transport, or otherwise move, or deliver or receive any animal which he or she knows or should know has been captured, bred, or trained, or will be used, to fight another animal or human or be intentionally killed, for the purpose of sport, wagering, or entertainment.

(d) No person shall manufacture for sale, shipment, transportation or delivery any device or equipment which that person knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more animals, or any human and animal, or the intentional killing of any animal for purposes of sport, wagering or entertainment.

(e) No person shall own, possess, sell or offer for sale, ship, transport, or otherwise move any equipment or device which such person knows or should know is intended for use in connection with any show, exhibition, program, or activity featuring or otherwise involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal for purposes of sport, wagering or entertainment.

(f) No person shall make available any site, structure, or facility, whether enclosed or not, which he or she knows or should know is intended to be used for the purpose of conducting any show, exhibition, program, or other activity involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal.

(g) No person shall attend or otherwise patronize any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal for the purposes of sport, wagering or entertainment.

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(h) No person shall tie or attach or fasten any live animal to any machine or device propelled by any power for the purpose of causing such animal to be pursued by a dog or dogs. This subsection (h) shall apply only when such dog is intended to be used in a dog fight.

(i) Any animals or equipment involved in a violation of this Section shall be immediately seized and impounded under Section 12 by the Department when located at any show, exhibition, program, or other activity featuring or otherwise involving an animal fight.

(j) Any vehicle or conveyance other than a common carrier that is used in violation of this Section shall be seized, held, and offered for sale at public auction by the sheriff's department of the proper jurisdiction, and the proceeds from the sale shall be remitted to the general fund of the the county where the violation took place.

(k) Any veterinarian in this State who is presented with an animal for treatment of injuries or wounds resulting from fighting where there is a reasonable possibility that the animal was engaged in or utilized for a fighting event shall file a report with the Department and cooperate by furnishing the owners' names, dates, and descriptions of the animal or animals involved. Any veterinarian who in good faith complies with the requirements of this subsection has immunity from any liability, civil, criminal, or otherwise, that may result from his or her actions. For the purposes of any proceedings, civil or criminal, the good faith of the veterinarian shall be rebuttably presumed.

(l) No person shall conspire or solicit a minor to violate this Section. A violation of this subsection is a Class A misdemeanor.

(Source: P.A. 87-819.)

(510 ILCS 70/16) (from Ch. 8, par. 716)

Sec. 16. Violations; punishment; injunctions.

(a) Any person convicted of violating Sections 5, 5.01, or 6 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class C misdemeanor.

(b)(1) This subsection (b) does not apply where the only animals involved in the violation are dogs.

(2) Any person convicted of violating subsection (a), (b), (c) or (h) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class A misdemeanor.

(3) A second or subsequent offense involving the violation of subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto is a Class 4 felony.

(4) Any person convicted of violating subsection (d), (e) or (f) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class B misdemeanor.

(5) Any person convicted of violating subsection (g) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class C misdemeanor.

(c)(1) This subsection (c) applies exclusively where the only animals involved in the violation are dogs.

(2) Any person convicted of violating subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of a Class 4 felony and may be fined an amount not to exceed \$50,000.

(3) Any person convicted of violating subsection (d), (e) or (f) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of Class A misdemeanor, if such person knew or should have known that the

device or equipment under subsection (d) or (e) of that Section or the site, structure or facility under subsection (f) of that Section was to be used to carry out a violation where the only animals involved were dogs. Where such person did not know or should not reasonably have been expected to know that the only animals involved in the violation were dogs, the penalty shall be same as that provided for in paragraph (4) of subsection (b).

(4) Any person convicted of violating subsection (g) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of a Class C misdemeanor.

(5) A second or subsequent violation of subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is a Class 3 felony. A second or subsequent violation of subsection (d), (e) or (f) of Section 4.01 of this Act or any rule, regulation or order of the Department adopted pursuant thereto is a Class 3 felony, if in each violation the person knew or should have known that the device or equipment under subsection (d) or (e) of that Section or the site, structure or facility under subsection (f) of that Section was to be used to carry out a violation where the only animals involved were dogs. Where such person did not know or should not reasonably have been expected to know that the only animals involved in the violation were dogs, a second or subsequent violation of subsection (d), (e) or (f) of Section 4.01 of this Act or any rule, regulation or order of the Department adopted pursuant thereto is a Class A misdemeanor. A second or subsequent violation of subsection (g) is a Class B misdemeanor.

(6) Any person convicted of violating Section 3.01 of this Act is guilty of a Class C misdemeanor. A second conviction for a violation of Section 3.01 is a Class B misdemeanor. A third or subsequent conviction for a violation of Section 3.01 is a Class A misdemeanor.

(7) Any person convicted of violating Section 4.03 is guilty of a Class B misdemeanor.

(8) Any person convicted of violating Section 4.04 is guilty of a Class A misdemeanor where the animal is not killed or totally disabled, but if the animal is killed or totally disabled such person shall be guilty of a Class 4 felony.

(8.5) A person convicted of violating subsection (a) of Section 7.15 is guilty of a Class B misdemeanor. A person convicted of violating subsection (b) or (c) of Section 7.15 is (i) guilty of a Class A misdemeanor if the dog is not killed or totally disabled and (ii) if the dog is killed or totally disabled, guilty of a Class 4 felony and may be ordered by the court to make restitution to the disabled person having custody or ownership of the dog for veterinary bills and replacement costs of the dog.

(9) Any person convicted of violating any other provision of this Act, or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class C misdemeanor with every day that a violation continues constituting a separate offense.

(d) Any person convicted of violating Section 7.1 is guilty of a petty offense. A second or subsequent conviction for a violation of Section 7.1 is a Class C misdemeanor.

(e) Any person convicted of violating Section 3.02 is guilty of a Class 4 felony ~~A-misdemeanor~~. A second or subsequent violation is a Class 3 4 ~~3 4~~ felony.

(f) The Department may enjoin a person from a continuing violation of this Act.

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(g) Any person convicted of violating Section 3.03 is guilty of a Class 4 felony. A second or subsequent offense is a Class 3 felony. As a condition of the sentence imposed under this Section, the court shall order the offender to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(Source: P.A. 90-14, eff. 7-1-97; 90-80, eff. 7-10-97; 91-291, eff. 1-1-00; 91-351, eff. 7-29-99; 91-357, eff. 7-29-99; revised 8-30-99.)

Section 10. The Juvenile Court Act of 1987 is amended by changing Sections 5-615, 5-710, and 5-715 as follows:

(705 ILCS 405/5-615)

Sec. 5-615. Continuance under supervision.

(1) The court may enter an order of continuance under supervision for an offense other than first degree murder, a Class X felony or a forcible felony (a) upon an admission or stipulation by the appropriate respondent or minor respondent of the facts supporting the petition and before proceeding to adjudication, or after hearing the evidence at the trial, and (b) in the absence of objection made in open court by the minor, his or her parent, guardian, or legal custodian, the minor's attorney or the State's Attorney.

(2) If the minor, his or her parent, guardian, or legal custodian, the minor's attorney or State's Attorney objects in open court to any continuance and insists upon proceeding to findings and adjudication, the court shall so proceed.

(3) Nothing in this Section limits the power of the court to order a continuance of the hearing for the production of additional evidence or for any other proper reason.

(4) When a hearing where a minor is alleged to be a delinquent is continued pursuant to this Section, the period of continuance under supervision may not exceed 24 months. The court may terminate a continuance under supervision at any time if warranted by the conduct of the minor and the ends of justice.

(5) When a hearing where a minor is alleged to be delinquent is continued pursuant to this Section, the court may, as conditions of the continuance under supervision, require the minor to do any of the following:

- (a) not violate any criminal statute of any jurisdiction;
- (b) make a report to and appear in person before any person or agency as directed by the court;
- (c) work or pursue a course of study or vocational training;
- (d) undergo medical or psychotherapeutic treatment rendered by a therapist licensed under the provisions of the Medical Practice Act of 1987, the Clinical Psychologist Licensing Act, or the Clinical Social Work and Social Work Practice Act, or an entity licensed by the Department of Human Services as a successor to the Department of Alcoholism and Substance Abuse, for the provision of drug addiction and alcoholism treatment;
- (e) attend or reside in a facility established for the instruction or residence of persons on probation;
- (f) support his or her dependents, if any;
- (g) pay costs;
- (h) refrain from possessing a firearm or other dangerous weapon, or an automobile;
- (i) permit the probation officer to visit him or her at his or her home or elsewhere;
- (j) reside with his or her parents or in a foster home;
- (k) attend school;

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- (l) attend a non-residential program for youth;
- (m) contribute to his or her own support at home or in a foster home;
- (n) perform some reasonable public or community service;
- (o) make restitution to the victim, in the same manner and under the same conditions as provided in subsection (4) of Section 5-710, except that the "sentencing hearing" referred to in that Section shall be the adjudicatory hearing for purposes of this Section;
- (p) comply with curfew requirements as designated by the court;
- (q) refrain from entering into a designated geographic area except upon terms as the court finds appropriate. The terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the minor, and advance approval by a probation officer;
- (r) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;
- (r-5) undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body;
- (s) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug; or
- (t) comply with any other conditions as may be ordered by the court.

(6) A minor whose case is continued under supervision under subsection (5) shall be given a certificate setting forth the conditions imposed by the court. Those conditions may be reduced, enlarged, or modified by the court on motion of the probation officer or on its own motion, or that of the State's Attorney, or, at the request of the minor after notice and hearing.

(7) If a petition is filed charging a violation of a condition of the continuance under supervision, the court shall conduct a hearing. If the court finds that a condition of supervision has not been fulfilled, the court may proceed to findings and adjudication and disposition. The filing of a petition for violation of a condition of the continuance under supervision shall toll the period of continuance under supervision until the final determination of the charge, and the term of the continuance under supervision shall not run until the hearing and disposition of the petition for violation; provided where the petition alleges conduct that does not constitute a criminal offense, the hearing must be held within 30 days of the filing of the petition unless a delay shall continue the tolling of the period of continuance under supervision for the period of the delay.

(8) When a hearing in which a minor is alleged to be a delinquent for reasons that include a violation of Section 21-1.3 of the Criminal Code of 1961 is continued under this Section, the court shall, as a condition of the continuance under supervision, require the minor to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair of the damage that was caused by the alleged violation or similar damage to property located in the municipality or county in which the alleged violation occurred. The

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condition may be in addition to any other condition.

(8.5) When a hearing in which a minor is alleged to be a delinquent for reasons that include a violation of Section 3.02 of the Humane Care for Animals Act or subsection (d) of Section 21-1 of the Criminal Code of 1961 is continued under this Section, the court shall, as a condition of the continuance under supervision, require the minor to undergo medical or psychiatric treatment, rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist. The condition may be in addition to any other condition.

(9) When a hearing in which a minor is alleged to be a delinquent is continued under this Section, the court, before continuing the case, shall make a finding whether the offense alleged to have been committed either: (i) was related to or in furtherance of the activities of an organized gang or was motivated by the minor's membership in or allegiance to an organized gang, or (ii) is a violation of paragraph (13) of subsection (a) of Section 12-2 of the Criminal Code of 1961, a violation of any Section of Article 24 of the Criminal Code of 1961, or a violation of any statute that involved the unlawful use of a firearm. If the court determines the question in the affirmative the court shall, as a condition of the continuance under supervision and as part of or in addition to any other condition of the supervision, require the minor to perform community service for not less than 30 hours, provided that community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. The community service shall include, but need not be limited to, the cleanup and repair of any damage caused by an alleged violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located in the municipality or county in which the alleged violation occurred. When possible and reasonable, the community service shall be performed in the minor's neighborhood. For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(10) The court shall impose upon a minor placed on supervision, as a condition of the supervision, a fee of \$25 for each month of supervision ordered by the court, unless after determining the inability of the minor placed on supervision to pay the fee, the court assesses a lesser amount. The court may not impose the fee on a minor who is made a ward of the State under this Act while the minor is in placement. The fee shall be imposed only upon a minor who is actively supervised by the probation and court services department. A court may order the parent, guardian, or legal custodian of the minor to pay some or all of the fee on the minor's behalf.

(Source: P.A. 90-590, eff. 1-1-99; 91-98; eff. 1-1-00; 91-332, eff. 7-29-99; revised 10-7-99.)

(705 ILCS 405/5-710)

Sec. 5-710. Kinds of sentencing orders.

(1) The following kinds of sentencing orders may be made in respect of wards of the court:

(a) Except as provided in Sections 5-805, 5-810, 5-815, a minor who is found guilty under Section 5-620 may be:

(i) put on probation or conditional discharge and released to his or her parents, guardian or legal custodian, provided, however, that any such minor who is not committed to the Department of Corrections, Juvenile Division under this subsection and who is found to be a delinquent for an offense which is first degree murder, a Class X felony, or a

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forcible felony shall be placed on probation;

(ii) placed in accordance with Section 5-740, with or without also being put on probation or conditional discharge;

(iii) required to undergo a substance abuse assessment conducted by a licensed provider and participate in the indicated clinical level of care;

(iv) placed in the guardianship of the Department of Children and Family Services, but only if the delinquent minor is under 13 years of age;

(v) placed in detention for a period not to exceed 30 days, either as the exclusive order of disposition or, where appropriate, in conjunction with any other order of disposition issued under this paragraph, provided that any such detention shall be in a juvenile detention home and the minor so detained shall be 10 years of age or older. However, the 30-day limitation may be extended by further order of the court for a minor under age 13 committed to the Department of Children and Family Services if the court finds that the minor is a danger to himself or others. The minor shall be given credit on the sentencing order of detention for time spent in detention under Sections 5-501, 5-601, 5-710, or 5-720 of this Article as a result of the offense for which the sentencing order was imposed. The court may grant credit on a sentencing order of detention entered under a violation of probation or violation of conditional discharge under Section 5-720 of this Article for time spent in detention before the filing of the petition alleging the violation. A minor shall not be deprived of credit for time spent in detention before the filing of a violation of probation or conditional discharge alleging the same or related act or acts;

(vi) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Mature Minors Act;

(vii) subject to having his or her driver's license or driving privileges suspended for such time as determined by the court but only until he or she attains 18 years of age;

(viii) put on probation or conditional discharge and placed in detention under Section 3-6039 of the Counties Code for a period not to exceed the period of incarceration permitted by law for adults found guilty of the same offense or offenses for which the minor was adjudicated delinquent, and in any event no longer than upon attainment of age 21; this subdivision (viii) notwithstanding any contrary provision of the law; or

(ix) ordered to undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body.

(b) A minor found to be guilty may be committed to the Department of Corrections, Juvenile Division, under Section 5-750 if the minor is 13 years of age or older, provided that the commitment to the Department of Corrections, Juvenile Division, shall be made only if a term of incarceration is permitted by law for adults found guilty of the offense for which the minor was adjudicated delinquent. The time during which a minor is in custody before being released upon the request of a parent, guardian or legal custodian shall be considered as time spent in detention.

(c) When a minor is found to be guilty for an offense which

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is a violation of the Illinois Controlled Substances Act or the Cannabis Control Act and made a ward of the court, the court may enter a disposition order requiring the minor to undergo assessment, counseling or treatment in a substance abuse program approved by the Department of Human Services.

(2) Any sentencing order other than commitment to the Department of Corrections, Juvenile Division, may provide for protective supervision under Section 5-725 and may include an order of protection under Section 5-730.

(3) Unless the sentencing order expressly so provides, it does not operate to close proceedings on the pending petition, but is subject to modification until final closing and discharge of the proceedings under Section 5-750.

(4) In addition to any other sentence, the court may order any minor found to be delinquent to make restitution, in monetary or non-monetary form, under the terms and conditions of Section 5-5-6 of the Unified Code of Corrections, except that the "presentencing hearing" referred to in that Section shall be the sentencing hearing for purposes of this Section. The parent, guardian or legal custodian of the minor may be ordered by the court to pay some or all of the restitution on the minor's behalf, pursuant to the Parental Responsibility Law. The State's Attorney is authorized to act on behalf of any victim in seeking restitution in proceedings under this Section, up to the maximum amount allowed in Section 5 of the Parental Responsibility Law.

(5) Any sentencing order where the minor is committed or placed in accordance with Section 5-740 shall provide for the parents or guardian of the estate of the minor to pay to the legal custodian or guardian of the person of the minor such sums as are determined by the custodian or guardian of the person of the minor as necessary for the minor's needs. The payments may not exceed the maximum amounts provided for by Section 9.1 of the Children and Family Services Act.

(6) Whenever the sentencing order requires the minor to attend school or participate in a program of training, the truant officer or designated school official shall regularly report to the court if the minor is a chronic or habitual truant under Section 26-2a of the School Code.

(7) In no event shall a guilty minor be committed to the Department of Corrections, Juvenile Division for a period of time in excess of that period for which an adult could be committed for the same act.

(8) A minor found to be guilty for reasons that include a violation of Section 21-1.3 of the Criminal Code of 1961 shall be ordered to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair of the damage that was caused by the violation or similar damage to property located in the municipality or county in which the violation occurred. The order may be in addition to any other order authorized by this Section.

(8.5) A minor found to be guilty for reasons that include a violation of Section 3.02 of the Humane Care for Animals Act or subsection (d) of Section 21-1 of the Criminal Code of 1961 shall be ordered to undergo medical or psychiatric treatment, rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist. The order may be in addition to any other order authorized by this Section.

(9) In addition to any other sentencing order, the court shall order any minor found to be guilty for an act which would constitute, predatory criminal sexual assault of a child, aggravated criminal

sexual assault, criminal sexual assault, aggravated criminal sexual abuse, or criminal sexual abuse if committed by an adult to undergo medical testing to determine whether the defendant has any sexually transmissible disease including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agency of acquired immunodeficiency syndrome (AIDS). Any medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the minor's person. Except as otherwise provided by law, the results of the test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the sentencing order was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom the results of the testing may be revealed. The court shall notify the minor of the results of the test for infection with the human immunodeficiency virus (HIV). The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or the legal guardian, of the results of the test for infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at the Department of Public Health facilities to all parties to whom the results of the testing are revealed. The court shall order that the cost of any test shall be paid by the county and may be taxed as costs against the minor.

(10) When a court finds a minor to be guilty the court shall, before entering a sentencing order under this Section, make a finding whether the offense committed either: (a) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the minor's membership in or allegiance to an organized gang, or (b) involved a violation of subsection (a) of Section 12-7.1 of the Criminal Code of 1961, a violation of any Section of Article 24 of the Criminal Code of 1961, or a violation of any statute that involved the wrongful use of a firearm. If the court determines the question in the affirmative, and the court does not commit the minor to the Department of Corrections, Juvenile Division, the court shall order the minor to perform community service for not less than 30 hours nor more than 120 hours, provided that community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. The community service shall include, but need not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located in the municipality or county in which the violation occurred. When possible and reasonable, the community service shall be performed in the minor's neighborhood. This order shall be in addition to any other order authorized by this Section except for an order to place the minor in the custody of the Department of Corrections, Juvenile Division. For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.  
(Source: P.A. 90-590, eff. 1-1-99; 91-98, eff. 1-1-00.)

(705 ILCS 405/5-715)

Sec. 5-715. Probation.

(1) The period of probation or conditional discharge shall not exceed 5 years or until the minor has attained the age of 21 years, whichever is less, except as provided in this Section for a minor who is found to be guilty for an offense which is first degree murder, a

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Class X felony or a forcible felony. The juvenile court may terminate probation or conditional discharge and discharge the minor at any time if warranted by the conduct of the minor and the ends of justice; provided, however, that the period of probation for a minor who is found to be guilty for an offense which is first degree murder, a Class X felony, or a forcible felony shall be at least 5 years.

(2) The court may as a condition of probation or of conditional discharge require that the minor:

- (a) not violate any criminal statute of any jurisdiction;
- (b) make a report to and appear in person before any person or agency as directed by the court;
- (c) work or pursue a course of study or vocational training;
- (d) undergo medical or psychiatric treatment, rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist or social work services rendered by a clinical social worker, or treatment for drug addiction or alcoholism;
- (e) attend or reside in a facility established for the instruction or residence of persons on probation;
- (f) support his or her dependents, if any;
- (g) refrain from possessing a firearm or other dangerous weapon, or an automobile;
- (h) permit the probation officer to visit him or her at his or her home or elsewhere;
- (i) reside with his or her parents or in a foster home;
- (j) attend school;
- (k) attend a non-residential program for youth;
- (l) make restitution under the terms of subsection (4) of Section 5-710;
- (m) contribute to his or her own support at home or in a foster home;
- (n) perform some reasonable public or community service;
- (o) participate with community corrections programs including unified delinquency intervention services administered by the Department of Human Services subject to Section 5 of the Children and Family Services Act;
- (p) pay costs;
- (q) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the minor:
  - (i) remain within the interior premises of the place designated for his or her confinement during the hours designated by the court;
  - (ii) admit any person or agent designated by the court into the minor's place of confinement at any time for purposes of verifying the minor's compliance with the conditions of his or her confinement; and
  - (iii) use an approved electronic monitoring device if ordered by the court subject to Article 8A of Chapter V of the Unified Code of Corrections;
- (r) refrain from entering into a designated geographic area except upon terms as the court finds appropriate. The terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the minor, and advance approval by a probation officer, if the minor has been placed on probation, or advance approval by the court, if the minor has been placed on conditional discharge;
- (s) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of

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persons, including but not limited to members of street gangs and drug users or dealers;

(s-5) undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body;

(t) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and shall submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug; or

(u) comply with other conditions as may be ordered by the court.

(3) The court may as a condition of probation or of conditional discharge require that a minor found guilty on any alcohol, cannabis, or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If the minor is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(3.5) The court shall, as a condition of probation or of conditional discharge, require that a minor found to be guilty and placed on probation for reasons that include a violation of Section 3.02 of the Humane Care for Animals Act or or subsection (d) of Section 21-1 of the Criminal Code of 1961 undergo medical or psychiatric treatment, rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist. The condition may be in addition to any other condition.

(4) A minor on probation or conditional discharge shall be given a certificate setting forth the conditions upon which he or she is being released.

(5) The court shall impose upon a minor placed on probation or conditional discharge, as a condition of the probation or conditional discharge, a fee of \$25 for each month of probation or conditional discharge supervision ordered by the court, unless after determining the inability of the minor placed on probation or conditional discharge to pay the fee, the court assesses a lesser amount. The court may not impose the fee on a minor who is made a ward of the State under this Act while the minor is in placement. The fee shall be imposed only upon a minor who is actively supervised by the probation and court services department. The court may order the parent, guardian, or legal custodian of the minor to pay some or all of the fee on the minor's behalf.

(6) The General Assembly finds that in order to protect the public, the juvenile justice system must compel compliance with the conditions of probation by responding to violations with swift, certain, and fair punishments and intermediate sanctions. The Chief Judge of each circuit shall adopt a system of structured, intermediate sanctions for violations of the terms and conditions of a sentence of supervision, probation or conditional discharge, under this Act.

The court shall provide as a condition of a disposition of probation, conditional discharge, or supervision, that the probation agency may invoke any sanction from the list of intermediate sanctions adopted by the chief judge of the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-720 of this Act.

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(Source: P.A. 90-590, eff. 1-1-99; 91-98, eff. 1-1-00.)

Section 15. The Criminal Code of 1961 is amended by changing Section 21-1 as follows:

(720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

Sec. 21-1. Criminal damage to property.

(1) A person commits an illegal act when he:

(a) knowingly damages any property of another without his consent; or

(b) recklessly by means of fire or explosive damages property of another; or

(c) knowingly starts a fire on the land of another without his consent; or

(d) knowingly injures a domestic animal of another without his consent; or

(e) knowingly deposits on the land or in the building of another, without his consent, any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building; or

(f) damages any property, other than as described in subsection (b) of Section 20-1, with intent to defraud an insurer; or

(g) knowingly shoots a firearm at any portion of a railroad train.

When the charge of criminal damage to property exceeding a specified value is brought, the extent of the damage is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(2) The acts described in items (a), (b), (c), (e), and (f) are Class A misdemeanors if the damage to property does not exceed \$300. The act described in item (d) is a Class 4 felony if the damage to property does not exceed \$300. The acts described in items (a) through (f) are Class 4 felonies if the damage to property does not exceed \$300 if the damage occurs to property of a school or place of worship. The act described in item (g) is a Class 4 felony. The acts described in items (a) through (f) are Class 4 felonies if the damage to property exceeds \$300 but does not exceed \$10,000. The acts described in items (a) through (f) are Class 3 felonies if the damage to property exceeds \$300 but does not exceed \$10,000 if the damage occurs to property of a school or place of worship. The acts described in items (a) through (f) are Class 3 felonies if the damage to property exceeds \$10,000 but does not exceed \$100,000. The acts described in items (a) through (f) are Class 2 felonies if the damage to property exceeds \$10,000 but does not exceed \$100,000 if the damage occurs to property of a school or place of worship. The acts described in items (a) through (f) are Class 2 felonies if the damage to property exceeds \$100,000. The acts described in items (a) through (f) are Class 1 felonies if the damage to property exceeds \$100,000 and the damage occurs to property of a school or place of worship. If the damage to property exceeds \$10,000, the court shall impose upon the offender a fine equal to the value of the damages to the property.

(3) In addition to any other sentence that may be imposed, a court shall order any person convicted of criminal damage to property to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned upon the performance of the community service.

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This subsection does not apply when the court imposes a sentence of incarceration.

(Source: P.A. 91-360, eff. 7-29-99.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 5 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. 3

AMENDMENT NO. 3. Amend Senate Bill 663, AS AMENDED, with reference to page and line numbers of Senate amendment 2, on page 1 by replacing line 5 with the following:

"Sections 24-1, 24A-1 and 24B-2 as"; and

on page 1, by replacing lines 9 through 16 with the following:

(10 ILCS 5/24A-1) (from Ch. 46, par. 24A-1)

Sec. 24A-1. The purpose of this Article is to authorize the use of voting systems approved by the State Board of Elections in which the voter records his votes by means of marking or punching a ballot or one or more ballot cards, which are so designed that votes will be counted by data processing machines at one or more counting places. 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."

(Source: P.A. 84-862.)

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

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend Senate Bill 663, AS AMENDED, on page 1, line 5 by inserting "Section 16-3, Section 16-6.1," immediately before "Section 24B-2"; and

on page 1, by inserting the following immediately after line 5:

(10 ILCS 5/16-3) (from Ch. 46, par. 16-3)

"Sec. 16-3. The names of all candidates to be voted for in each election district or precinct shall be printed on one ballot, except as is provided in Sections 16-6.1 and 21-1.01 of this Act and except as otherwise provided in this Act with respect to the odd year regular elections and the emergency referenda; all nominations of any political party being placed under the party appellation or title of such party as designated in the certificates of nomination or petitions. The names of all independent candidates shall be printed upon the ballot in a column or columns under the heading "independent" arranged under the names or titles of the respective offices for which such independent candidates shall have been nominated and so far as practicable, the name or names of any independent candidate or candidates for any office shall be printed upon the ballot opposite the name or names of any candidate or

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candidates for the same office contained in any party column or columns upon said ballot. The ballot shall contain no other names, except that in cases of electors for President and Vice-President of the United States, the names of the candidates for President and Vice-President may be added to the party designation and words calculated to aid the voter in his choice of candidates may be added, such as "Vote for one," "Vote for three." When an electronic voting system is used which utilizes a ballot label booklet, the candidates and questions shall appear on the pages of such booklet in the order provided by this Code; and, in any case where candidates for an office appear on a page which does not contain the name of any candidate for another office, and where less than 50% of the page is utilized, the name of no candidate shall be printed on the lowest 25% of such page. On the back or outside of the ballot, so as to appear when folded, shall be printed the words "Official Ballot", followed by the designation of the polling place for which the ballot is prepared, the date of the election and a facsimile of the signature of the election authority who has caused the ballots to be printed. The ballots shall be of plain white paper, through which the printing or writing cannot be read. However, ballots for use at the nonpartisan and consolidated elections may be printed on different color paper, except blue paper, whenever necessary or desirable to facilitate distinguishing between ballots for different political subdivisions. In the case of nonpartisan elections for officers of a political subdivision, unless the statute or an ordinance adopted pursuant to Article VII of the Constitution providing the form of government therefor requires otherwise, the column listing such nonpartisan candidates shall be printed with no appellation or circle at its head. The party appellation or title, or the word "independent" at the head of any column provided for independent candidates, shall be printed in capital letters not less than one-fourth of an inch in height and a circle one-half inch in diameter shall be printed at the beginning of the line in which such appellation or title is printed, provided, however, that no such circle shall be printed at the head of any column or columns provided for such independent candidates. The names of candidates shall be printed in capital letters not less than one-eighth nor more than one-fourth of an inch in height, and at the beginning of each line in which a name of a candidate is printed a square shall be printed, the sides of which shall be not less than one-fourth of an inch in length. However, the names of the candidates for Governor and Lieutenant Governor on the same ticket shall be printed within a bracket and a single square shall be printed in front of the bracket. The list of candidates of the several parties and any such list of independent candidates shall be placed in separate columns on the ballot in such order as the election authorities charged with the printing of the ballots shall decide; provided, that the names of the candidates of the several political parties, certified by the State Board of Elections to the several county clerks shall be printed by the county clerk of the proper county on the official ballot in the order certified by the State Board of Elections. Any county clerk refusing, neglecting or failing to print on the official ballot the names of candidates of the several political parties in the order certified by the State Board of Elections, and any county clerk who prints or causes to be printed upon the official ballot the name of a candidate, for an office to be filled by the Electors of the entire State, whose name has not been duly certified to him upon a certificate signed by the State Board of Elections shall be guilty of a Class C misdemeanor.

When an electronic voting system is used which utilizes a ballot

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card, on the inside flap of each ballot card envelope there shall be printed a form for write-in voting which shall be substantially as follows:

WRITE-IN VOTES

(See card of instructions for specific information. Duplicate form below by hand for additional write-in votes.)

\_\_\_\_\_  
 Title of Office  
 ( ) \_\_\_\_\_  
 Name of Candidate

When an electronic voting system is used which uses a ballot sheet, the instructions to voters on the ballot sheet shall refer the voter to the card of instructions for specific information on write-in voting. Below each office appearing on such ballot sheet there shall be a provision for the casting of a write-in vote.

When such electronic system is used, there shall be printed on the back of each ballot card, each ballot card envelope, and the first page of the ballot label when a ballot label is used, the words "Official Ballot," followed by the number of the precinct or other precinct identification, which may be stamped, in lieu thereof and, as applicable, the number and name of the township, ward or other election district for which the ballot card, ballot card envelope, and ballot label are prepared, the date of the election and a facsimile of the signature of the election authority who has caused the ballots to be printed. The back of the ballot card shall also include a method of identifying the ballot configuration such as a listing of the political subdivisions and districts for which votes may be cast on that ballot, or a number code identifying the ballot configuration or color coded ballots, except that where there is only one ballot configuration in a precinct, the precinct identification, and any applicable ward identification, shall be sufficient. Ballot card envelopes used in punch card systems shall be of paper through which no writing or punches may be discerned and shall be of sufficient length to enclose all voting positions. However, the election authority may provide ballot card envelopes on which no precinct number or township, ward or other election district designation, or election date are preprinted, if space and a preprinted form are provided below the space provided for the names of write-in candidates where such information may be entered by the judges of election. Whenever an election authority utilizes ballot card envelopes on which the election date and precinct is not preprinted, a judge of election shall mark such information for the particular precinct and election on the envelope in ink before tallying and counting any write-in vote written thereon. If some method of insuring ballot secrecy other than an envelope is used, such information must be provided on the ballot itself.

In the designation of the name of a candidate on the ballot, the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. No other designation such as a title or degree or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname, except that the title "Mrs." may be used in the case of a married woman.

Where voting machines or electronic voting systems are used, the provisions of this Section may be modified as required or authorized by Article 24 or Article 24A, whichever is applicable.

Nothing in this Section shall prohibit election authorities from using or reusing ballot card envelopes which were printed before the

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effective date of this amendatory Act of 1985.  
 (Source: P.A. 84-1308.)

(10 ILCS 5/16-6.1) (from Ch. 46, par. 16-6.1)

Sec. 16-6.1. In elections held pursuant to the provisions of Section 12 of Article VI of the Constitution relating to retention of judges in office, the form of the proposition to be submitted for each candidate shall be as provided in paragraph (1) or (2), as the election authority may choose.

(1) The names of all persons seeking retention in the same office shall be listed, in the order provided in this Section, with one proposition that reads substantially as follows: "Shall each of the persons listed be retained in office as (insert name of office and court)?" To the right of each candidate's name must be places for the voter to mark "Yes" or "No". If the list of candidates for retention in the same office exceeds one page of the ballot, the proposition must appear on each page upon which the list of candidates continues.

(2) The form of the proposition for each candidate shall be substantially as follows:

Shall ..... (insert name of candidate) be retained in office as ..... (insert name of office and Court)?	YES
	NO

The names of all candidates thus submitting their names for retention in office in any particular judicial district or circuit shall appear on the same ballot which shall be separate from all other ballots voted on at the general election.

Propositions on Supreme Court judges, if any are seeking retention, shall appear on the ballot in the first group, for judges of the Appellate Court in the second group immediately under the first, and for circuit judges in the last group. The grouping of candidates for the same office shall be preceded by a heading describing the office and the court. If there are two or more candidates for each office, the names of such candidates in each group shall be listed in the order determined as follows: The name of the person with the greatest length of time served in the specified office of the specified court shall be listed first in each group. The rest of the names shall be listed in the appropriate order based on the same seniority standard. If two or more candidates for each office have served identical periods of time in the specified office, such candidates shall be listed alphabetically at the appropriate place in the order of names based on seniority in the office as described. Circuit judges shall be credited for the purposes of this section with service as associate judges prior to July 1, 1971 and with service on any court the judges of which were made associate judges on January 1, 1964 by virtue of Paragraph 4, subparagraphs (c) and (d) of the Schedule to Article VI of the former Illinois Constitution.

At the top of the ballot on the same side as the propositions on the candidates are listed shall be printed an explanation to read substantially as follows: "Vote on the proposition with respect to all or any of the judges listed on this ballot. No judge listed is running against any other judge. The sole question is whether each judge shall be retained in his present office".

Such separate ballot shall be printed on paper of sufficient size so that when folded once it shall be large enough to contain the following words, which shall be printed on the back, "Ballot for judicial candidates seeking retention in office". Such ballot shall

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be handed to the elector at the same time as the ballot containing the names of other candidates for the general election and shall be returned therewith by the elector to the proper officer in the manner designated by this Act. All provisions of this Act relating to ballots shall apply to such separate ballot, except as otherwise specifically provided in this section. Such separate ballot shall be printed upon paper of a green color. No other ballot at the same election shall be green in color.

In precincts in which voting machines are used, the special ballot containing the propositions on the retention of judges may be placed on the voting machines if such voting machines permit the casting of votes on such propositions.

An electronic voting system authorized by Article 24A may be used in voting and tabulating the judicial retention ballots. When an electronic voting system is used which utilizes a ballot label booklet and ballot card, there shall be used in the label booklet a separate ballot label page or pages as required for such proposition, which page or pages for such proposition shall be of a green color separate and distinct from the ballot label page or pages used for any other proposition or candidates."

(Source: P.A. 79-201.)

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 3 and 4 were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Karpel, Senate Bill No. 694 was recalled from the order of third reading to the order of second reading.

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

Senator Karpel offered the following amendment and moved its adoption:

#### AMENDMENT NO. 3

AMENDMENT NO. 3. 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. ALTERNATIVE GAS SUPPLIER LAW

(220 ILCS 5/19-100 new)

Sec. 19-100. Short title. This Article may be cited as the Alternative Gas Supplier 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

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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 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 or transportation services to 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 customers as of the effective date of this amendatory Act of the 92nd General Assembly and includes (ii) the location of any customer to which the gas utility was lawfully providing gas utility services on such effective date.

"Tariffed service" means a service provided to 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 and only to the extent such alternative gas suppliers provide services to residential customers.

(b) An alternative gas supplier must obtain a certificate of service authority from the Commission in accordance with this Section before serving any customer or other user located in this State. An alternative gas supplier may request, and the Commission may grant, a certificate of service authority for the entire State or for a specified geographic area of the State. A person, corporation, or other entity acting as an alternative gas supplier on the effective date of this amendatory Act of the 92nd General Assembly shall have 180 days from the effective date of this amendatory Act of the 92nd General Assembly to comply with the requirements of this Section in order to continue to operate as an alternative gas supplier.

(c) 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

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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.

(d) 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. Applicants that seek to serve residential customers within a geographic area that is smaller than a gas utility's service area shall submit evidence demonstrating that the designation of this smaller area does not violate Section 19-115. 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.

(e) 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, and shall consider whether the applicant seeks to provide gas using property, plant, and equipment that it owns, controls, or operates.

(2) That the applicant will comply with all applicable federal, State, regional, and industry rules, policies, practices, and procedures for the use, operation, and maintenance of the safety, integrity, and reliability of the gas transmission system.

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

(4) 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 if the applicant seeks to serve an area smaller than the service area of a gas utility or proposes other limitations on the number of customers or maximum amount of load to be served, 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.

(f) 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 (e) 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

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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 and only to the extent such alternative gas suppliers provide services to 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 customers for such access.

(e) An alternative gas supplier that is certified to serve residential customers shall not:

(1) 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; or

(2) deny service based on locality, nor establish any unreasonable difference as to prices, terms, conditions, services, products, or facilities as between localities.

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

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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 and only to the extent such alternative gas suppliers provide services to 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 of, or any of 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.

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

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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 Cronin, Senate Bill No. 717 was recalled from the order of third reading to the order of second reading.

Senator Cronin offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 717 on page 1, line 5 by changing "Sections 7 and 8" to "Section 7"; and on page 4, by replacing lines 23 through 26 with the following: "July 15 of each year thereafter the employer shall within 60 days pay a sum equal to 1/8 of 1% of all compensation payments made by him after July 1, 1980, either"; and by replacing lines 13 through 34 of page 5 and lines 1 through 8 of page 6 with the following:

"To the extent that the employer insures its workers' compensation liability under this Act, insurers shall collect such assessments from their"; and

on page 6, line 18 by inserting after the period the following:

"An employer who has ceased to be a self-insurer shall continue to be liable for any assessments based on compensation payments made by the employer in the preceding fiscal year"; and

on page 7, line 14 by changing "~~and each subsequent year~~" to "and each subsequent year"; and by replacing lines 22 through 34 of page 7 and lines 1 through 26 of page 8 with the following:

"same calendar year.

To the extent that the employer insures its workers' compensation liability under this Act, insurers shall collect such assessments from their"; and

by deleting lines 31 through 33 of page 13 and all of pages 14 through 35.

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. 754 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 754 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Building Commission Act is amended by adding Section 55 as follows:

(20 ILCS 3918/55 new)

Sec. 55. Identification of local building codes. Beginning on the effective date of this amendatory Act of the 92nd General Assembly, any municipality or county adopting a new building code or amending an existing building code must, at least 30 days before adopting the code or amendment, provide an identification of the

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code or amendment to the Commission. The Commission must identify the proposed code or amendment to the public on the Internet through the State of Illinois World Wide Web site.

The Commission may adopt any rules necessary to implement this Section.

For the purposes of this Section, "building code" means any ordinance, resolution, law, housing or building code, or zoning ordinance that establishes construction related activities applicable to structures in a municipality or county, as the case may be.

Section 10. The Counties Code is amended by changing Sections 5-1063 and 5-1064 as follows:

(55 ILCS 5/5-1063) (from Ch. 34, par. 5-1063)

Sec. 5-1063. Building construction, alteration and maintenance. For the purpose of promoting and safeguarding the public health, safety, comfort and welfare, a county board may prescribe by resolution or ordinance reasonable rules and regulations (a) governing the construction and alteration of all buildings, structures and camps or parks accommodating persons in house trailers, house cars, cabins or tents and parts and appurtenances thereof and governing the maintenance thereof in a condition reasonably safe from hazards of fire, explosion, collapse, electrocution, flooding, asphyxiation, contagion and the spread of infectious disease, where such buildings, structures and camps or parks are located outside the limits of cities, villages and incorporated towns, but excluding those for agricultural purposes on farms including farm residences, but any such resolution or ordinance shall be subject to any rule or regulation heretofore or hereafter adopted by the State Fire Marshal pursuant to "An Act to regulate the storage, transportation, sale and use of gasoline and volatile oils", approved June 28, 1919, as amended; (b) for prohibiting the use for residential purposes of buildings and structures already erected or moved into position which do not comply with such rules and regulations; and (c) for the restraint, correction and abatement of any violations.

In addition, the county board may by resolution or ordinance require that each occupant of an industrial or commercial building located outside the limits of cities, villages and incorporated towns obtain an occupancy permit issued by the county. Such permit may be valid for the duration of the occupancy or for a specified period of time, and shall be valid only with respect to the occupant to which it is issued.

Within 30 days after its adoption, such resolution or ordinance shall be printed in book or pamphlet form, published by authority of the County Board; or it shall be published at least once in a newspaper published and having general circulation in the county; or if no newspaper is published therein, copies shall be posted in at least 4 conspicuous places in each township or Road District. No such resolution or ordinance shall take effect until 10 days after it is published or posted. Where such building or camp or park rules and regulations have been published previously in book or pamphlet form, the resolution or ordinance may provide for the adoption of such rules and regulations or portions thereof, by reference thereto without further printing, publication or posting, provided that not less than 3 copies of such rules and regulations in book or pamphlet form shall have been filed, in the office of the County Clerk, for use and examination by the public for at least 30 days prior to the adoption thereof by the County Board.

Beginning on the effective date of this amendatory Act of the 92nd General Assembly, any county adopting a new building code or amending an existing building code under this Section must, at least

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30 days before adopting the building code or amendment, provide an identification of the building code or amendment to the Illinois Building Commission for identification on the Internet. For the purposes of this Section, "building code" means any ordinance, resolution, law, housing or building code, or zoning ordinance that establishes construction related activities applicable to structures in the county.

The violation of any rule or regulation adopted pursuant to this Section shall be a petty offense.

All rules and regulations enacted by resolution or ordinance under the provisions of this Section shall be enforced by such officer of the county as may be designated by resolution of the County Board.

No such resolution or ordinance shall be enforced if it is in conflict with any law of this State or with any rule of the Department of Public Health.

(Source: P.A. 86-962.)

(55 ILCS 5/5-1064) (from Ch. 34, par. 5-1064)

Sec. 5-1064. Buildings in certain counties of less than 1,000,000 population. The county board in any county with a population not in excess of 1,000,000 located in the area served by the Northeastern Illinois Metropolitan Area Planning Commission may prescribe by resolution or ordinance reasonable rules and regulations (a) governing the construction and alteration of all buildings and structures and parts and appurtenances thereof and governing the maintenance thereof in a condition reasonably safe from the hazards of fire, explosion, collapse, contagion and the spread of infectious disease, but any such resolution or ordinance shall be subject to any rule or regulation now or hereafter adopted by the State Fire Marshal pursuant to "An Act to regulate the storage, transportation, sale and use of gasoline and volatile oils", approved June 28, 1919, as amended, (b) for prohibiting the use for residential purposes of buildings and structures already erected or moved into position which do not comply with such rules and regulations, and (c) for the restraint, correction and abatement of any violations. However, the county shall exempt all municipalities located wholly or partly within the county where the municipal building code is equal to the county regulation and where the local authorities are enforcing the municipal building code. Such rules and regulations shall be applicable throughout the county but this Section shall not be construed to prevent municipalities from establishing higher standards nor shall such rules and regulations apply to the construction or alteration of buildings and structures used or to be used for agricultural purposes and located upon a tract of land which is zoned and used for agricultural purposes.

In the adoption of rules and regulations under this Section the county board shall be governed by the publication and posting requirements set out in Section 5-1063.

Beginning on the effective date of this amendatory Act of the 92nd General Assembly, any county adopting a new building code or amending an existing building code under this Section must, at least 30 days before adopting the building code or amendment, provide an identification of the building code or amendment to the Illinois Building Commission for identification on the Internet.

For the purposes of this Section, "building code" means any ordinance, resolution, law, housing or building code, or zoning ordinance that establishes construction related activities applicable to structures in the county.

Violation of any rule or regulation adopted pursuant to this Section shall be deemed a petty offense.

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All rules and regulations enacted by resolution or ordinance under the provisions of this Section shall be enforced by such officer of the county as may be designated by resolution of the county board.

(Source: P.A. 86-962.)

Section 15. The Illinois Municipal Code is amended by adding Section 1-2-3.1 as follows:

(65 ILCS 5/1-2-3.1 new)

Sec. 1-2-3.1. Building codes. Beginning on the effective date of this amendatory Act of the 92nd General Assembly, any municipality adopting a new building code or amending an existing building code must, at least 30 days before adopting the code or amendment, provide an identification of the code or amendment to the Illinois Building Commission for identification on the Internet.

For the purposes of this Section, "building code" means any ordinance, resolution, law, housing or building code, or zoning ordinance that establishes construction related activities applicable to structures in the municipality.

Amends the Illinois Building Commission Act. Requires any municipality or county adopting a new building code or amending an existing building code to provide a copy of the code or amendment to the Illinois Building Commission 30 days before adopting the code or amendment. Requires the Commission to publish the proposed codes and amendments on the Internet. Amends the Counties Code and the Illinois Municipal Code to make conforming changes."

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

Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 754, AS AMENDED, with reference to page and line numbers of Senate amendment 1, on page 6, by deleting lines 10 through 17.

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 Rauschenberger, Senate Bill No. 832 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 832 on page 1, in line 12 by inserting after "Governor." the following:

"The Governor may not approve leases under this Section during the period beginning 90 days before a gubernatorial election and ending 90 days after that gubernatorial election."

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 Rauschenberger, Senate Bill No. 847 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 847 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Section 2-202 and by adding Section 2-301 as follows:

(220 ILCS 5/2-202) (from Ch. 111 2/3, par. 2-202)

Sec. 2-202. Policy; Public Utility Fund; tax.

(a) It is declared to be the public policy of this State that in order to maintain and foster the effective regulation of public utilities under this Act in the interests of the People of the State of Illinois and the public utilities as well, the public utilities subject to regulation under this Act and which enjoy the privilege of operating as public utilities in this State, shall bear the expense of administering this Act by means of a tax on such privilege measured by the annual gross revenue of such public utilities in the manner provided in this Section. For purposes of this Section, "expense of administering this Act" includes any costs incident to studies, whether made by the Commission or under contract entered into by the Commission, concerning environmental pollution problems caused or contributed to by public utilities and the means for eliminating or abating those problems. Such proceeds shall be deposited in the Public Utility Fund in the State treasury.

(b) All of the ordinary and contingent expenses of the Commission incident to the administration of this Act shall be paid out of the Public Utility Fund except the compensation of the members of the Commission which shall be paid from the General Revenue Fund. Notwithstanding other provisions of this Act to the contrary, the ordinary and contingent expenses of the Commission incident to the administration of the Illinois Commercial Transportation Law may be paid from appropriations from the Public Utility Fund through the end of fiscal year 1986.

(c) A tax is imposed upon each public utility subject to the provisions of this Act equal to .08% of its gross revenue for each calendar year commencing with the calendar year beginning January 1, 1982, except that the Commission may, by rule, establish a different rate no greater than 0.1%. For purposes of this Section, "gross revenue" shall not include revenue from the production, transmission, distribution, sale, delivery, or furnishing of electricity. "Gross revenue" shall not include amounts paid by telecommunications retailers under the Telecommunications Municipal Infrastructure Maintenance Fee Act.

(d) Annual gross revenue returns shall be filed in accordance with paragraph (1) or (2) of this subsection (d).

(1) Except as provided in paragraph (2) of this subsection (d), on or before January 10 of each year each public utility subject to the provisions of this Act shall file with the Commission an estimated annual gross revenue return containing an estimate of the amount of its gross revenue for the calendar year commencing January 1 of said year and a statement of the amount of tax due for said calendar year on the basis of that estimate. Public utilities may also file revised returns containing updated estimates and updated amounts of tax due during the calendar year. These revised returns, if filed, shall form the basis for quarterly payments due during the remainder of the calendar year.

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In addition, on or before March 31 ~~February-15~~ of each year, each public utility shall file an amended return showing the actual amount of gross revenues shown by the company's books and records as of December 31 of the previous year. Forms and instructions for such estimated, revised, and amended returns shall be devised and supplied by the Commission.

(2) Beginning with returns due after January 1, 2002 ~~1993~~, the requirements of paragraph (1) of this subsection (d) shall not apply to any public utility in any calendar year for which the total tax the public utility owes under this Section is less than \$10,000 ~~\$1,000~~. For such public utilities with respect to such years, the public utility shall file with the Commission, on or before March ~~January~~ 31 of the following year, an annual gross revenue return for the year and a statement of the amount of tax due for that year on the basis of such a return. Forms and instructions for such returns and corrected returns shall be devised and supplied by the Commission.

(e) All returns submitted to the Commission by a public utility as provided in this subsection (e) or subsection (d) of this Section shall contain or be verified by a written declaration by an appropriate officer of the public utility that the return is made under the penalties of perjury. The Commission may audit each such return submitted and may, under the provisions of Section 5-101 of this Act, take such measures as are necessary to ascertain the correctness of the returns submitted. The Commission has the power to direct the filing of a corrected return by any utility which has filed an incorrect return and to direct the filing of a return by any utility which has failed to submit a return. A taxpayer's signing a fraudulent return under this Section is perjury, as defined in Section 32-2 of the Criminal Code of 1961.

(f) (1) For all public utilities subject to paragraph (1) of subsection (d), at least one quarter of the annual amount of tax due under subsection (c) shall be paid to the Commission on or before the tenth day of January, April, July, and October of the calendar year subject to tax. In the event that an adjustment in the amount of tax due should be necessary as a result of the filing of an amended or corrected return under subsection (d) or subsection (e) of this Section, the amount of any deficiency shall be paid by the public utility together with the amended or corrected return and the amount of any excess shall, after the filing of a claim for credit by the public utility, be returned to the public utility in the form of a credit memorandum in the amount of such excess or be refunded to the public utility in accordance with the provisions of subsection (k) of this Section. However, if such deficiency or excess is less than \$1, then the public utility need not pay the deficiency and may not claim a credit.

(2) Any public utility subject to paragraph (2) of subsection (d) shall pay the amount of tax due under subsection (c) on or before March ~~January~~ 31 next following the end of the calendar year subject to tax. In the event that an adjustment in the amount of tax due should be necessary as a result of the filing of a corrected return under subsection (e), the amount of any deficiency shall be paid by the public utility at the time the corrected return is filed. Any excess tax payment by the public utility shall be returned to it after the filing of a claim for credit, in the form of a credit memorandum in the amount of the excess. However, if such deficiency or excess is less than \$1, the public utility need not pay the deficiency and may not claim a credit.

(g) Each installment or required payment of the tax imposed by subsection (c) becomes delinquent at midnight of the date that it is

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due. Failure to make a payment as required by this Section shall result in the imposition of a late payment penalty, an underestimation penalty, or both, as provided by this subsection. The late payment penalty shall be the greater of:

(1) \$25 for each month or portion of a month that the installment or required payment is unpaid or

(2) an amount equal to the difference between what should have been paid on the due date, based upon the most recently filed estimated, annual, or amended return estimate, and what was actually paid, times 1%, for each month or portion of a month that the installment or required payment goes unpaid. This penalty may be assessed as soon as the installment or required payment becomes delinquent.

The underestimation penalty shall apply to those public utilities subject to paragraph (1) of subsection (d) and shall be calculated after the filing of the amended return. It shall be imposed if the amount actually paid on any of the dates specified in subsection (f) is not equal to at least one-fourth of the amount actually due for the year, and shall equal the greater of:

(1) \$25 for each month or portion of a month that the amount due is unpaid or

(2) an amount equal to the difference between what should have been paid, based on the amended return, and what was actually paid as of the date specified in subsection (f), times a percentage equal to 1/12 of the sum of 10% and the percentage most recently established by the Commission for interest to be paid on customer deposits under 83 Ill. Adm. Code 280.70(e)(1), for each month or portion of a month that the amount due goes unpaid, except that no underestimation penalty shall be assessed if the amount actually paid on or before each of the dates specified in subsection (f) was based on an estimate of gross revenues at least equal to the actual gross revenues for the previous year. The Commission may enforce the collection of any delinquent installment or payment, or portion thereof by legal action or in any other manner by which the collection of debts due the State of Illinois may be enforced under the laws of this State. The executive director or his designee may excuse the payment of an assessed penalty or a portion of an assessed penalty if he determines that enforced collection of the penalty as assessed would be unjust.

(h) All sums collected by the Commission under the provisions of this Section shall be paid promptly after the receipt of the same, accompanied by a detailed statement thereof, into the Public Utility Fund in the State treasury.

(i) During the month of October of each odd-numbered year the Commission shall:

(1) determine the amount of all moneys deposited in the Public Utility Fund during the preceding fiscal biennium plus the balance, if any, in that fund at the beginning of that biennium;

(2) determine the sum total of the following items: (A) all moneys expended or obligated against appropriations made from the Public Utility Fund during the preceding fiscal biennium, plus (B) the sum of the credit memoranda then outstanding against the Public Utility Fund, if any; and

(3) determine the amount, if any, by which the sum determined as provided in item (1) exceeds the amount determined as provided in item (2).

If the amount determined as provided in item (3) of this subsection exceeds \$5,000,000 ~~\$2,500,000~~, the Commission shall then compute the proportionate amount, if any, which (x) the tax paid

hereunder by each utility during the preceding biennium, and (y) the amount paid into the Public Utility Fund during the preceding biennium by the Department of Revenue pursuant to Sections 2-9 and 2-11 of the Electricity Excise Tax Law, bears to the difference between the amount determined as provided in item (3) of this subsection (i) and \$5,000,000 ~~\$2,500,000~~. The Commission shall cause the proportionate amount determined with respect to payments made under the Electricity Excise Tax Law to be transferred into the General Revenue Fund in the State Treasury, and notify each public utility that it may file during the 3 month period after the date of notification a claim for credit for the proportionate amount determined with respect to payments made hereunder by the public utility. If the proportionate amount is less than \$10, no notification will be sent by the Commission, and no right to a claim exists as to that amount. Upon the filing of a claim for credit within the period provided, the Commission shall issue a credit memorandum in such amount to such public utility. Any claim for credit filed after the period provided for in this Section is void.

(j) Credit memoranda issued pursuant to subsection (f) and credit memoranda issued after notification and filing pursuant to subsection (i) may be applied for the 2 year period from the date of issuance, against the payment of any amount due during that period under the tax imposed by subsection (c), or, subject to reasonable rule of the Commission including requirement of notification, may be assigned to any other public utility subject to regulation under this Act. Any application of credit memoranda after the period provided for in this Section is void.

(k) The chairman or executive director may make refund of fees, taxes or other charges whenever he shall determine that the person or public utility will not be liable for payment of such fees, taxes or charges during the next 24 months and he determines that the issuance of a credit memorandum would be unjust.

(Source: P.A. 90-561, eff. 8-1-98; 90-562, 12-16-97; 90-655, eff. 7-30-98.)

(220 ILCS 5/2-301 new)

Sec. 2-301. Filing fees.

(a) In addition to any other fees and taxes imposed pursuant to this Act, the Commission is authorized to establish by rule filing fees for the following filings, irrespective of whether those filings are made by electronic means or otherwise:

(1) the filing of any rate;

(2) the filing of contracts with customers when the filing is required or permitted by this Act or by a rate on file pursuant to this Act;

(3) the filing with a public utility's rates of any municipal ordinance, as required by this Act or by rule of the Commission;

(4) the filing of any petition or application for special permission for the filing of such tariffs, contracts, or ordinances;

(5) the filing of any annual report required by this Act or by rule of the Commission;

(6) the filing of any annual certification required by this Act or by rule of the Commission; and

(7) the filing of any application, petition, complaint, negotiated agreement, arbitrated agreement, or any other pleading, document, or writing that initiates a contested case, licensing proceeding, rulemaking, rate proceeding, declaratory ruling proceeding, or other formal Commission proceeding, except a proceeding initiated by the Commission itself.

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The Commission may provide by rule for reasonable waivers of, or reductions in, these fees, and shall provide by rule that no filing fees shall be charged under this Section to any municipality, county, or "statutory consumer protection agency" as that term is defined in Section 9-102.1 of this Act.

(b) The fees established by the Commission shall be set at amounts reasonably calculated, on the basis of reasonable projections based upon information for the most recent 12-month period available at the time the Commission's rules are proposed, to produce revenues equal to \$500,000 per year. This shall not be a limitation on the amount of fees actually collected by the Commission under this Section. All fees collected by the Commission under this Section shall be deposited in the Public Utility Fund in the State treasury. The Commission shall account separately for all moneys received under this Section, and shall expend those moneys only for the purposes of creating and maintaining one or more electronic systems for the filing, maintenance, storage, and retrieval of documents and information, including without limitation rates, contracts, ordinances, reports, certifications, petitions, applications, complaints, negotiated agreements, arbitrated agreements, pleadings, writings, and all evidence and documents that are part of the Commission's record in formal proceedings. Moneys received by the Commission under this Section shall not at any time be appropriated or diverted to any other use or purpose.

(c) Upon failure to pay an applicable filing fee for any document under this Section, the Commission shall neither allow the filing nor entertain a proceeding concerning the document. No prescribed time limit imposed on the Commission or its proceedings begins to run until the applicable filing fee is paid. In addition, and without limiting any power of the Commission under any other Section of this Act to revoke, rescind, or reconsider any certificate issued under this Act, failure to pay any filing fee for an annual report or annual certification required by this Act or by Commission rule shall be grounds for the revocation or suspension of the non-paying entity's certificate of public convenience and necessity, certificate of service authority, certificate authorizing operations as a common carrier by pipeline, or other franchise, license, permit, or right to own, operate, manage, or control any public utility, telecommunications carrier, common carrier by pipeline, or alternative retail electric supplier.

(d) This Section is repealed effective July 1, 2007.

Section 10. The Illinois Vehicle Code is amended by adding Section 18c-1502.15 as follows:

(625 ILCS 5/18c-1502.15 new)

Sec 18c-1502.15. Appropriations for Electronic One-Stop System. Each fiscal year from fiscal year 2003 through and including fiscal year 2007, the General Assembly may appropriate up to \$500,000 from the Transportation Regulatory Fund to support the Commission's operation of an Electronic One-Stop System.

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 Parker, Senate Bill No. 930 was recalled from the order of third reading to the order of second reading.

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Senator Parker offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 930, AS AMENDED, as follows: by replacing the title with the following:

"AN ACT in relation to public transportation."; and below the enacting clause, by inserting the following:

"Section 3. The Metropolitan Transit Authority Act is amended by adding Section 28d as follows:

(70 ILCS 3605/28d new)

Sec. 28d. Persons prohibited from operating public transit vehicles. A person who is not in possession of a valid driver's license issued by the State of Illinois may not operate a public transit vehicle. As used in this Section, a "public transit vehicle" includes any vehicle owned, leased, or operated by the Authority. An employee whose driver's license has been suspended, revoked, or cancelled or who is otherwise disqualified from driving shall be given 180 calendar days from the date the employee is notified of the suspension, revocation, cancellation, or disqualification to obtain full reinstatement of his or her driving privileges."

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 R. Madigan, Senate Bill No. 941 was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 941 on page 2 by deleting lines 11 through 30; and on page 4, line 26, by changing "within" to "more than".

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 Petka, Senate Bill No. 933 was recalled from the order of third reading to the order of second reading.

Senator Petka offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 933 by replacing everything after the enacting clause with the following:

"Section 5. The Hospital Licensing Act is amended by adding Section 10.8 as follows:

(210 ILCS 85/10.8 new)

Sec. 10.8. Requirements for employment of physicians.

(a) Physician employment by hospitals and hospital affiliates. Employing entities may employ physicians to practice medicine in all of its branches provided that the following requirements are met:

(1) The employed physician is a member of the medical staff

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of either the hospital or hospital affiliate. If a hospital affiliate decides to have a medical staff, its medical staff shall be organized in accordance with written bylaws where the affiliate medical staff is responsible for making recommendations to the governing body of the affiliate regarding all quality assurance activities and safeguarding professional autonomy. The affiliate medical staff bylaws may not be unilaterally changed by the governing body of the affiliate. Nothing in this Section requires hospital affiliates to have a medical staff.

(2) An independent medical staff committee or an external independent physician reviewer or organization periodically reviews the quality of the medical services provided by the employed physician.

(3) The employing entity and the employed physician sign a statement acknowledging that the employer shall not unreasonably exercise, control, direct, or interfere with the employed physician's exercise and execution of his or her professional judgment in a manner that adversely affects the employed physician's ability to provide quality care to patients. This signed statement shall take the form of a provision in the physician's employment contract or a separate signed document from the employing entity to the employed physician. This statement shall state: "As the employer of a physician, (employer's name) shall not unreasonably exercise, control, direct, or interfere with the employed physician's exercise and execution of his or her professional judgment in a manner that adversely affects the employed physician's ability to provide quality care to patients."

(4) The employing entity shall establish a confidential peer review process with criteria under which an employed physician, who believes that an employing entity has violated this Section, may seek review of the alleged violation by either a mutually agreed upon medical staff committee of the employing entity, if any, or a mutually agreed upon independent external physician reviewer or organization to assess whether the alleged violation involved the unreasonable exercise, control, direction, or interference with the employed physician's exercise and execution of his or her professional judgment in a manner that adversely affected the employed physician's ability to provide quality care to patients. This review is conducted for the purpose of quality control, for reducing morbidity or mortality, and for improving patient care or the employed physician's services in accordance with Section 5 of the Medical Practice Act of 1987. The medical staff committee or external independent physician peer review shall make findings and recommendations to the employing entity and the employed physician within 30 days of the conclusion of the gathering of the relevant information by the committee or peer review. No action may be taken that affects the ability of a physician to practice during this review, except in circumstances where the medical staff bylaws authorize summary suspension.

(b) Definitions. For the purpose of this Section:

"Employing entity" means a hospital licensed under the Hospital Licensing Act or a hospital affiliate.

"Employed physician" means a physician who receives an IRS W-2 form, or any successor federal income tax form, from an employing entity.

"Hospital" means a hospital licensed under the Hospital Licensing Act.

"Hospital affiliate" means a corporation, partnership, joint

venture, limited liability company, or similar organization, other than a hospital, that is devoted primarily to the provision, management, or support of health care services and that directly or indirectly controls, is controlled by, or is under common control of the hospital. "Control" means having at least an equal or a majority ownership or membership interest. A hospital affiliate shall be 100% owned or controlled by any combination of hospitals, their parent corporations, or physicians licensed to practice medicine in all its branches in Illinois.

"Independent external physician review organization" means an organization of physicians licensed to practice medicine in all its branches that conducts peer review for the purposes of medical study, for reducing mortality or morbidity, or for improving patient care as recognized under Section 5 of the Medical Practice Act of 1987.

"Independent medical staff committee" means a committee of the medical staff that is not controlled by physicians employed by an employing entity.

"Physician" means an individual licensed to practice medicine in all its branches in Illinois.

"Professional judgment" means the exercise of a physician's independent clinical judgment in providing medically appropriate diagnoses, care, and treatment to a particular patient at a particular time. Situations in which an employing entity does not interfere with an employed physician's professional judgment include, without limitation, the following:

(1) practice restrictions based upon peer review of the physician's clinical practice to assess quality of care and utilization of resources in accordance with applicable bylaws;

(2) supervision of physicians by appropriately licensed medical directors, medical school faculty, department chairpersons or directors, or supervising physicians;

(3) written statements of ethical or religious directives; and

(4) reasonable referral restrictions that do not, in the reasonable professional judgment of the physician, adversely affect the health or welfare of the patient.

(c) Private enforcement. An employed physician aggrieved by a violation of this Act may seek to obtain an injunction or reinstatement of employment with the employing entity as the court may deem appropriate. Nothing in this Section abrogates any common law cause of action.

(d) Department enforcement. The Department may enforce the provisions of this Section, but nothing in this Section shall require or permit the Department to license, certify, or otherwise investigate the activities of an employing entity.

(e) Retaliation prohibited. No employing entity shall retaliate against any employed physician for requesting a hearing or review under this Section.

(f) Physician collaboration. No employing entity shall adopt or enforce, either formally or informally, any policy, rule, regulation, or practice inconsistent with the provision of adequate collaboration, including medical direction of licensed advanced practice nurses or supervision of licensed physician assistants and delegation to other personnel under Section 54.5 of the Medical Practice Act of 1987.

(g) Physician disciplinary actions. Nothing in this Section shall be construed to limit or prohibit the governing body of an employing entity or its medical staff, if any, from taking disciplinary actions against a physician as permitted by law.

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(h) Physician review. Nothing in this Section shall be construed to prohibit a hospital or hospital affiliate from making a determination not to pay for a particular health care service or to prohibit a medical group, independent practice association, hospital medical staff, or hospital governing body from enforcing reasonable peer review or utilization review protocols or determining whether the employed physician complied with those protocols.

(i) Review. Nothing in this Section may be used or construed to establish that any activity of a hospital or hospital affiliate is subject to review under the Illinois Health Facilities Planning Act.

Section 99. Effective date. This Act takes effect on September 30, 2001."

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. 943 was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 943 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Section 143.28 as follows:

(215 ILCS 5/143.28) (from Ch. 73, par. 755.28)

Sec. 143.28. The rates and premium charges for all policies of automobile insurance, as described in sub-section (a) of Section 143.13 of this Code, shall include appropriate reductions for insured automobiles which are equipped with anti-theft mechanisms or devices approved by the Director. To implement the provisions of this Section, the Director shall promulgate rules and regulations. ~~The rules--and-regulations-promulgated-hereunder-shall-include-procedures-for-certification-to-insurers-that-anti-theft-mechanisms-and-devices-have-been-installed-properly-in-insured-vehicles.~~  
(Source: P.A. 91-798, eff. 7-9-00.)

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 Cullerton, Senate Bill No. 1047 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. 1

AMENDMENT NO. 1. Amend Senate Bill 1047 on page 1, by replacing lines 11 and 12 with the following:

"Council shall be and is hereby formed as a permanent body. Members shall serve at the pleasure of the Attorney General or for such terms as the Attorney General may designate for-a".

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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. 1180 was recalled from the order of third reading to the order of second reading.

Senator T. Walsh offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1180, AS AMENDED, 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. ~~58.16. 58-15-~~ Construction of school; requirements. This Section applies only to counties with a population of more than 3,000,000. In this Section, "school" means any public school located in whole or in part in a county with a population of more than 3,000,000 ~~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 by Board regulations. ~~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 plan 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."

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 T. Walsh, Senate Bill No. 1497 was recalled from the order of third reading to the order of second reading.

Senator T. Walsh offered the following amendment and moved its adoption:

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## AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1497, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Managed Care Reform and Patient Rights Act is amended by adding Section 97 as follows:

(215 ILCS 134/97 new)

Sec. 97. Health maintenance organization liability.

(a) In this Section:

"Appropriate and medically necessary" means the standard for health care services as determined by physicians and health care providers in accordance with the prevailing practices and standards of the medical profession and community.

"Enrollee" means an individual who is enrolled in a health care plan, including covered dependents.

"Health care plan" has the meaning ascribed to that term in Section 10 of this Act.

"Health care provider" means a person or entity as defined in Section 2-1003 of the Code of Civil Procedure.

"Health care treatment decision" means a determination made when medical services are actually provided by the health care plan and that directly determines the diagnosis, care, or treatment provided to the patient enrolled in the health care plan. The definition of "health care treatment decision" shall not include coverage determinations or decisions relating to the design, administration, or operation of the health care plan.

"Health maintenance organization" means an organization licensed under the Health Maintenance Organization Act.

"Physician" means: (1) an individual licensed to practice medicine in this State; (2) a professional association, professional service corporation, partnership, medical corporation, or limited liability company, entitled to lawfully engage in the practice of medicine; or (3) another person wholly owned by physicians.

"Ordinary care" means, in the case of a health maintenance organization, that degree of care that a health maintenance organization of ordinary prudence would use under the same or similar circumstances. In the case of a person who is an employee, agent, or ostensible agent of a health maintenance organization, "ordinary care" means that degree of care, skill, and proficiency that a person of ordinary prudence in the same profession, specialty, or area of practice as such person would use in the same or similar circumstances.

(b) A health maintenance organization is liable for damages for harm to an enrollee proximately caused by the failure to exercise ordinary care in health care treatment decisions made by its:

(1) employees;

(2) actual agents;

(3) ostensible agents.

(c) The standard in subsection (b) creates no obligation on the part of the health maintenance organization to provide to an enrollee treatment that is not covered by the health care plan, and the failure to provide treatment not covered by the health care plan cannot form the basis of liability under this Section.

(d) A health maintenance organization may not enter into a contract with a physician, hospital, or other health care provider or pharmaceutical company which includes an indemnification or hold harmless clause for the acts or conduct of the health maintenance organization. Any such indemnification or hold harmless clause in an existing contract is hereby declared void. Nothing in this subsection shall be construed to invalidate provisions in contracts with providers indemnifying the health maintenance organization for

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the acts or conduct of the providers.

(e) Nothing in any law of this State prohibiting any individual or entity from practicing medicine or being licensed to practice medicine may be asserted as a defense by the health maintenance organization in an action brought against it pursuant to this Section or any other law.

(f) Neither the listing or designation of a physician or other health care provider as an approved health care provider in materials made available to enrollees under a health care plan or efforts by the health maintenance organization to comply with State or federally mandated quality assurance requirements shall be evidence that the provider is the actual, ostensible, or implied agent of the health maintenance organization.

(g) This Section does not apply to workers' compensation insurance coverage subject to the Workers' Compensation Act.

(h) This Section does not apply to actions seeking only a review of an adverse utilization review determinations, coverage decisions, or other decisions for which review under Section 45 or 50 of this Act is available.

(i) This Section applies only to causes of action that accrue on or after the effective date of this amendatory Act of the 92nd General Assembly.

(j) This Section does not apply to licensed insurance agents.

(k) This Section does not preclude any person from seeking appropriate relief otherwise available under the 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. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Syverson, Senate Bill No. 1504 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. 1

AMENDMENT NO. 1. Amend Senate Bill 1504 by deleting everything after the enacting clause and replacing it with the following:

"Section 5. The Mental Health and Developmental Disabilities Administrative Act is amended by adding Section 7.3 as follows:

(20 ILCS 1705/7.3 new)

Section 7.3. Nurse aide registry; finding of abuse or neglect. The Department shall require that no facility, service agency, or support agency providing mental health or developmental disability services that is licensed, certified, operated, or funded by the Department shall employ a person, in any capacity, who is identified by the nurse aide registry as having been subject of a substantiated finding of abuse or neglect of a service recipient. The Department shall establish and maintain such rules as are necessary or appropriate to effectuate the intent of this Section. The provisions of this Section shall not apply to any facility, service agency, or support agency licensed or certified by a State agency other than the Department, unless operated by the Department of Human Services.

Section 10. The Abused and Neglected Long Term Care Facility Residents Reporting Act is amended by changing Section 6.2 as follows:

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(210 ILCS 30/6.2) (from Ch. 111 1/2, par. 4166.2)  
 (Section scheduled to be repealed on January 1, 2002)  
 Sec. 6.2. Inspector General.

(a) The Governor shall appoint, and the Senate shall confirm, an Inspector General who shall function within the Department of Human Services and report to the Secretary of Human Services and the Governor. The Inspector General shall investigate reports of suspected abuse or neglect (as those terms are defined in Section 3 of this Act) of patients or residents in any mental health or developmental disabilities facility operated by the Department of Human Services and shall have authority to investigate and take immediate action on reports of abuse or neglect of recipients, whether patients or residents, in any mental health or developmental disabilities facility or program that is licensed or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or that is funded by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) and is not licensed or certified by any agency of the State. At the specific, written request of an agency of the State other than the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities), the Inspector General may cooperate in investigating reports of abuse and neglect of persons with mental illness or persons with developmental disabilities. The Inspector General shall have no supervision over or involvement in routine, programmatic, licensure, or certification operations of the Department of Human Services or any of its funded agencies.

The Inspector General shall promulgate rules establishing minimum requirements for reporting allegations of abuse and neglect and initiating, conducting, and completing investigations. The promulgated rules shall clearly set forth that in instances where 2 or more State agencies could investigate an allegation of abuse or neglect, the Inspector General shall not conduct an investigation that is redundant to an investigation conducted by another State agency. The rules shall establish criteria for determining, based upon the nature of the allegation, the appropriate method of investigation, which may include, but need not be limited to, site visits, telephone contacts, or requests for written responses from agencies. The rules shall also clarify how the Office of the Inspector General shall interact with the licensing unit of the Department of Human Services in investigations of allegations of abuse or neglect. Any allegations or investigations of reports made pursuant to this Act shall remain confidential until a final report is completed. The resident or patient who allegedly was abused or neglected and his or her legal guardian shall be informed by the facility or agency of the report of alleged abuse or neglect. Final reports regarding unsubstantiated or unfounded allegations shall remain confidential, except that final reports may be disclosed pursuant to Section 6 of this Act.

The Inspector General shall be appointed for a term of 4 years.

When determining if a report of abuse or neglect should be substantiated or unsubstantiated the Office of the Inspector General shall take into account any mitigating or aggravating circumstances when indicated. The Inspector General shall promulgate rules to establish criteria for determining mitigating or aggravating circumstances when determining if a report of abuse or neglect should be substantiated or unsubstantiated.

(b) The Inspector General shall within 24 hours after receiving a report of suspected abuse or neglect determine whether the evidence indicates that any possible criminal act has been committed. If he

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determines that a possible criminal act has been committed, or that special expertise is required in the investigation, he shall immediately notify the Department of State Police. The Department of State Police shall investigate any report indicating a possible murder, rape, or other felony. All investigations conducted by the Inspector General shall be conducted in a manner designed to ensure the preservation of evidence for possible use in a criminal prosecution.

(b-5) The Inspector General shall make a determination to accept or reject a preliminary report of the investigation of alleged abuse or neglect based on established investigative procedures. Notice of the Inspector General's determination must be given to the person or persons alleged to have been responsible for abuse or neglect and to the facility or agency. The facility or agency or the person or persons alleged to have been responsible for the abuse or neglect may request clarification or reconsideration based on additional information. For cases where the allegation of abuse or neglect is substantiated, the Inspector General shall require the facility or agency to submit a written response. The written response from a facility or agency shall address in a concise and reasoned manner the actions that the agency or facility will take or has taken to protect the resident or patient from abuse or neglect, prevent reoccurrences, and eliminate problems identified and shall include implementation and completion dates for all such action.

(c) The Inspector General shall, within 10 calendar days after the transmittal date of a completed investigation where abuse or neglect is substantiated or administrative action is recommended, provide a complete report on the case to the Secretary of Human Services and to the agency in which the abuse or neglect is alleged to have happened. The complete report shall include a written response from the agency or facility operated by the State to the Inspector General that addresses in a concise and reasoned manner the actions that the agency or facility will take or has taken to protect the resident or patient from abuse or neglect, prevent reoccurrences, and eliminate problems identified and shall include implementation and completion dates for all such action. The Secretary of Human Services shall accept or reject the response and establish how the Department will determine whether the facility or program followed the approved response. The Secretary may require Department personnel to visit the facility or agency for training, technical assistance, programmatic, licensure, or certification purposes. Administrative action, including sanctions, may be applied should the Secretary reject the response or should the facility or agency fail to follow the approved response. The facility or agency shall inform the resident or patient and the legal guardian whether the reported allegation was substantiated, unsubstantiated, or unfounded. There shall be an appeals process for any person or agency that is subject to any action based on a recommendation or recommendations.

(d) The Inspector General may recommend to the Departments of Public Health and Human Services sanctions to be imposed against mental health and developmental disabilities facilities under the jurisdiction of the Department of Human Services for the protection of residents, including appointment of on-site monitors or receivers, transfer or relocation of residents, and closure of units. The Inspector General may seek the assistance of the Attorney General or any of the several State's attorneys in imposing such sanctions.

(e) The Inspector General shall establish and conduct periodic training programs for Department employees concerning the prevention and reporting of neglect and abuse.

(f) The Inspector General shall at all times be granted access

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to any mental health or developmental disabilities facility operated by the Department, shall establish and conduct unannounced site visits to those facilities at least once annually, and shall be granted access, for the purpose of investigating a report of abuse or neglect, to any facility or program funded by the Department that is subject under the provisions of this Section to investigation by the Inspector General for a report of abuse or neglect.

(g) Nothing in this Section shall limit investigations by the Department of Human Services that may otherwise be required by law or that may be necessary in that Department's capacity as the central administrative authority responsible for the operation of State mental health and developmental disability facilities.

(q-5) After notice and an opportunity for a hearing that is separate and distinct from the Office of the Inspector General's appeals process as implemented under subsection (c) of this Section, the Inspector General shall report to the Department of Public Health's nurse aide registry under Section 3-206.01 of the Nursing Home Care Act the identity of individuals against whom there has been a substantiated finding of abuse or neglect of a service recipient.

Nothing in this subsection shall diminish or impair the rights of a person who is a member of a collective bargaining unit pursuant to the Illinois Public Labor Relations Act or pursuant to any federal labor statute. Notwithstanding anything hereinafter or previously provided, if an individual is terminated by an employer as the result of the circumstances that led to a finding of abuse or neglect and that finding is later overturned under a grievance and/or arbitration procedure provided for in Section 8 of the Illinois Public Labor Relations Act or under a comparable provision in another labor statute applicable to that person, the report must be removed from the registry.

The Department of Human Services shall promulgate or amend rules as necessary or appropriate to establish procedures for reporting to the registry, including procedures for notice to the individual, appeal and hearing, and petition for removal of the report from the registry. The portion of the rules pertaining to hearings shall provide that, at the hearing, both parties may present written and oral evidence.

Notice to the individual shall include a clear and concise statement of the grounds on which the report to the registry is based and notice of the opportunity for a hearing to contest the report. The Department of Human Services shall provide the notice by certified mail. The notice shall give the individual an opportunity to contest the report in a hearing before the Department of Human Services or to submit a written response to the findings instead of requesting a hearing. If after notice and a hearing or if the individual does not request a hearing, the Department of Human Services finds that the report is valid, the finding shall be included as part of the registry, as well as a brief statement from the reported individual if he or she chooses to make a statement. The Department of Public Health shall make available to the public information reported to the registry. In the case of inquiries concerning an individual listed in the registry, any information disclosed concerning a finding of abuse or neglect shall also include disclosure of the individual's brief statement in the registry relating to the reported finding or include a clear and accurate summary of the statement.

At any time after the report to the registry, an individual may petition the Department of Human Services for removal from the registry of the finding against him or her. The Department of Human Services may report the removal of the finding to the registry

unless, after an investigation and a hearing, the Department of Human Services determines that removal is not in the public interest.

(h) This Section is repealed on January 1, 2002.  
(Source: P.A. 90-252, eff. 7-29-97; 90-512, eff. 8-22-97; 90-655, eff. 7-30-98; 91-169, eff. 7-16-99.)

Section 15. The Nursing Home Care Act is amended by changing Section 3-206.1 as follows:

(210 ILCS 45/3-206.01) (from Ch. 111 1/2, par. 4153-206.01)

Sec. 3-206.01. Nurse aide registry.

(a) The Department shall establish and maintain a registry of all individuals who have satisfactorily completed the training required by Section 3-206. The registry shall include the name of the nursing assistant, habilitation aide, or child care aide, his or her current address, Social Security number, and the date and location of the training course completed by the individual, and the date of the individual's last criminal records check. Any individual placed on the registry is required to inform the Department of any change of address within 30 days. A facility shall not employ an individual as a nursing assistant, habilitation aide, or child care aide unless the facility has inquired of the Department as to information in the registry concerning the individual and shall not employ anyone not on the registry unless the individual is enrolled in a training program under paragraph (5) of subsection (a) of Section 3-206 of this Act.

If the Department finds that a nursing assistant, habilitation aide, or child care aide has abused a resident, neglected a resident, or misappropriated resident property in a facility, the Department shall notify the individual of this finding by certified mail sent to the address contained in the registry. The notice shall give the individual an opportunity to contest the finding in a hearing before the Department or to submit a written response to the findings in lieu of requesting a hearing. If, after a hearing or if the individual does not request a hearing, the Department finds that the individual abused a resident, neglected a resident, or misappropriated resident property in a facility, the finding shall be included as part of the registry as well as a brief statement from the individual, if he or she chooses to make such a statement. The Department shall make information in the registry available to the public. In the case of inquiries to the registry concerning an individual listed in the registry, any information disclosed concerning such a finding shall also include disclosure of any statement in the registry relating to the finding or a clear and accurate summary of the statement.

(b) The Department shall add to or remove from the nurse aide registry records of findings as reported by the Inspector General under Section 6.2 of the Abused and Neglected Long Term Care Facility Residents Reporting Act.

(Source: P.A. 91-598, eff. 1-1-00.)

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

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.

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

READING BILLS OF THE SENATE A SECOND TIME

[Apr. 5, 2001]

On motion of Senator Mahar, Senate Bill No. 11 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, Senate Bill No. 72 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 88 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 88 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Municipal Telecommunications Tax Act.".

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. 89 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 89 by replacing everything after the enacting clause with the following:

"Section 5. The Retailers' Occupation Tax Act is amended by changing Section 1g as follows:

(35 ILCS 120/1g) (from Ch. 120, par. 440g)

Sec. 1g. Exemption identification number for certain entities. On or before December 31, 1986, except as hereinafter provided, each entity otherwise eligible under exemption (11) of Section 2-5 of this Act shall make application to the Department for an exemption identification number. In the case of a corporation, society, association, foundation, or institution organized and operated exclusively for charitable purposes and that has more than 50 subsidiary organizations in Illinois, the Department, in its sole discretion, may issue one exemption identification number to be used by the parent organization and each subsidiary organization.

Each exemption identification number or renewal number shall be valid for 5 years after the first day of the month following the month of issuance. Not less than 3 months before the expiration date, an application for renewal shall be filed.

Each application for an exemption identification number or a renewal number shall contain information and be accompanied by documentation as shall be requested by the Department.

(Source: P.A. 86-1475.)".

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 Roskam, Senate Bill No. 206 having been

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

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 206, on page 1, in lines 8 and 9, by deleting the following: "or the Property Tax Appeal Board".

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 206 on page 1, line 4, after "by", by inserting "changing Sections 23-15 and 23-30 and"; and on page 1, immediately below line 5, by inserting the following:  
"(35 ILCS 200/23-15)

Sec. 23-15. Tax objection procedure and hearing.

(a) A tax objection complaint under Section 23-10 shall be filed in the circuit court of the county in which the subject property is located. Joinder of plaintiffs shall be permitted to the same extent permitted by law in any personal action pending in the court and shall be in accordance with Section 2-404 of the Code of Civil Procedure; provided, however, that no complaint shall be filed as a class action. The complaint shall name the county collector as defendant and shall specify any objections that the plaintiff may have to the taxes in question. No appearance or answer by the county collector to the tax objection complaint, nor any further pleadings, need be filed. Amendments to the complaint may be made to the same extent which, by law, could be made in any personal action pending in the court. A taxing district may intervene in any case in which an objection is filed against the taxing district's levy by filing an appearance in the case and providing notice and a copy of the appearance to the objector and the State's Attorney. Upon the filing of an appearance by a taxing district, the taxing district shall be responsible for defending its tax levy, and the State's Attorney shall be relieved of the defense.

(b) (1) The court, sitting without a jury, shall hear and determine all objections specified to the taxes, assessments, or levies in question. This Section shall be construed to provide a complete remedy for any claims with respect to those taxes, assessments, or levies, excepting only matters for which an exclusive remedy is provided elsewhere in this Code.

(2) The taxes, assessments, and levies that are the subject of the objection shall be presumed correct and legal, but the presumption is rebuttable. The plaintiff has the burden of proving any contested matter of fact by clear and convincing evidence.

(3) Objections to assessments shall be heard de novo by the court. The court shall grant relief in the cases in which the objector meets the burden of proof under this Section and shows an assessment to be incorrect or illegal. If an objection is made claiming incorrect valuation, the court shall consider the objection without regard to the correctness of any practice, procedure, or method of valuation followed by the assessor, board of appeals, or board of review in making or reviewing the assessment, and without regard to the intent or motivation of any assessing official. The doctrine known as constructive fraud is hereby abolished for purposes of all challenges to taxes, assessments, or levies.

(c) If the court orders a refund of any part of the taxes paid, it shall also order the payment of interest as provided in Section 23-20. Appeals may be taken from final judgments as in other civil cases.

(d) This amendatory Act of 1995 shall apply to all tax objection

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matters still pending for any tax year, except as provided in Sections 23-5 and 23-10 regarding procedures and time limitations for payment of taxes and filing tax objection complaints.

(e) In counties with less than 3,000,000 inhabitants, if the court renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, the reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the court's assessment is based, or unless the decision of the court is reversed or modified upon review.  
(Source: P.A. 88-455; 88-642, eff. 9-9-94; 89-126, eff. 7-11-95; 89-290, eff. 1-1-96; 89-593, eff. 8-1-96; 89-626, eff. 8-9-96.)

(35 ILCS 200/23-30)

Sec. 23-30. Conference on tax objection. Following the filing of an objection under Section 23-10, the court may hold a conference with the objector and the State's Attorney or, if a taxing district has filed an appearance in the case, with the objector and the taxing district. Compromise agreements on tax objections reached by conference shall be filed with the court, and the parties shall prepare an order covering the settlement and submit the order to the court for entry.

(Source: P.A. 88-455; 89-126, eff. 7-11-95.)".

#### AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 206, AS AMENDED, by replacing Section 5 with the following:

"Section 5. The Property Tax Code is amended by adding Section 23-50 as follows:

(35 ILCS 200/23-50 new)

Sec. 23-50. Refund to all affected taxpayers. If, as a result of an objection filed by a taxpayer, a court determines that a tax is invalid as a result of an excess accumulation of surplus funds, the court shall order a refund by each affected taxing district to each taxpayer who overpaid property taxes as a result of the invalid tax. Any funds that have not been designated for use in a specific capital improvement project, as approved by a record vote of the taxing body, are deemed to be surplus funds. In addition, any funds that are held in reserve by a taxing district for more than 36 months after the date of receipt, except for funds required for payment of contractual obligations for specific projects costs, are deemed to be surplus funds. This Section applies to objections filed on or after the effective date of this amendatory Act of the 92nd General Assembly."

Senator Roskam offered the following:

#### AMENDMENT NO. 4

AMENDMENT NO. 4. Amend Senate Bill 206, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 23-15 and 23-30 and adding Section 23-50 as follows:

(35 ILCS 200/23-15)

Sec. 23-15. Tax objection procedure and hearing.

(a) A tax objection complaint under Section 23-10 shall be filed in the circuit court of the county in which the subject property is located. Joinder of plaintiffs shall be permitted to the same extent permitted by law in any personal action pending in the court and shall be in accordance with Section 2-404 of the Code of Civil

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Procedure; provided, however, that no complaint shall be filed as a class action. The complaint shall name the county collector as defendant and shall specify any objections that the plaintiff may have to the taxes in question. No appearance or answer by the county collector to the tax objection complaint, nor any further pleadings, need be filed. Amendments to the complaint may be made to the same extent which, by law, could be made in any personal action pending in the court. A taxing district may intervene in any case in which an objection is filed against the taxing district's levy by filing an appearance in the case and providing notice and a copy of the appearance to the objector and the State's Attorney. Upon the filing of an appearance by a taxing district, the taxing district shall be responsible for defending its tax levy, and the State's Attorney shall be relieved of the defense.

(b) (1) The court, sitting without a jury, shall hear and determine all objections specified to the taxes, assessments, or levies in question. This Section shall be construed to provide a complete remedy for any claims with respect to those taxes, assessments, or levies, excepting only matters for which an exclusive remedy is provided elsewhere in this Code.

(2) The taxes, assessments, and levies that are the subject of the objection shall be presumed correct and legal, but the presumption is rebuttable. The plaintiff has the burden of proving any contested matter of fact by clear and convincing evidence.

(3) Objections to assessments shall be heard de novo by the court. The court shall grant relief in the cases in which the objector meets the burden of proof under this Section and shows an assessment to be incorrect or illegal. If an objection is made claiming incorrect valuation, the court shall consider the objection without regard to the correctness of any practice, procedure, or method of valuation followed by the assessor, board of appeals, or board of review in making or reviewing the assessment, and without regard to the intent or motivation of any assessing official. The doctrine known as constructive fraud is hereby abolished for purposes of all challenges to taxes, assessments, or levies.

(c) If the court orders a refund of any part of the taxes paid, it shall also order the payment of interest as provided in Section 23-20. Appeals may be taken from final judgments as in other civil cases.

(d) This amendatory Act of 1995 shall apply to all tax objection matters still pending for any tax year, except as provided in Sections 23-5 and 23-10 regarding procedures and time limitations for payment of taxes and filing tax objection complaints.

(e) In counties with less than 3,000,000 inhabitants, if the court renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, the reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the court's assessment is based, or unless the decision of the court is reversed or modified upon review.

(Source: P.A. 88-455; 88-642, eff. 9-9-94; 89-126, eff. 7-11-95; 89-290, eff. 1-1-96; 89-593, eff. 8-1-96; 89-626, eff. 8-9-96.)

(35 ILCS 200/23-30)

Sec. 23-30. Conference on tax objection. Following the filing of an objection under Section 23-10, the court may hold a conference with the objector and the State's Attorney or, if a taxing district has filed an appearance in the case, with the objector and the taxing

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district. Compromise agreements on tax objections reached by conference shall be filed with the court, and the parties shall prepare an order covering the settlement and submit the order to the court for entry.

(Source: P.A. 88-455; 89-126, eff. 7-11-95.)

(35 ILCS 200/23-50 new)

Sec. 23-50. Refund to all affected taxpayers. If, as a result of an objection filed by a taxpayer, a court determines that a tax is invalid as a result of an excess accumulation of surplus funds, the court shall order a refund by each affected taxing district to each taxpayer who overpaid property taxes as a result of the invalid tax. Any funds that have not been designated for use in a specific capital improvement project, as approved by a record vote of the taxing body, are deemed to be surplus funds. In addition, any funds that are held in reserve by a taxing district for more than 36 months after the date of receipt, except for funds required for payment of contractual obligations for specific projects costs, are deemed to be surplus funds. This Section applies to objections filed on or after the effective date of this amendatory Act of the 92nd General Assembly.

Section 90. The State Mandates Act is amended by adding Section 8.25 as follows:

(30 ILCS 805/8.25 new)

Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

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

Senator Roskam moved that the foregoing amendment be ordered to lie on the table.

The motion to table prevailed.

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 W. Jones, Senate Bill No. 286 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, Senate Bill No. 372 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 372 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.

Floor Amendment No. 3 was filed earlier today and referred to the Committee on Rules.

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 Mahar, Senate Bill No. 392 having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was held in the Committee on Environment and Energy.

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

On motion of Senator Noland, Senate Bill No. 473 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, Senate Bill No. 640 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 640, on page 1, line 16, by replacing "prior" with "prior to".

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 640 on page 1, by replacing lines 24 and 25 with the following:  
"Act ~~91-393~~ of the ~~91st~~ General"; and  
by replacing lines 28 through 31 on page 1 and line 1 on page 2 with the following:

"officer to the date the refund is made. If a completed refund application is not filed with the county collector's office within 60 days after a refund application form and notice as set forth in this Section are mailed by the collector to the taxpayer or his or her representative, however, then interest shall cease to run from that date until a completed application is filed. The notice mailed by the county collector shall advise the taxpayer or his or her representative that a completed refund application must be filed to obtain a refund and that interest will cease to run unless this filing is made within 60 days after the mailing of the notice and application form. To cover the cost"; and  
on page 2, lines 7, 9, 12, and 14 by replacing "treasurer", each time it appears, with "collector".

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 Dillard, Senate Bill No. 687 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 687 as follows:  
on page 1, line 5, by changing "Section 27.2" to "Sections 27.2,

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27.3, 27.5, and 27.6"; and  
on page 13, by inserting below line 16 the following:

"(705 ILCS 105/27.3) (from Ch. 25, par. 27.3)

Sec. 27.3. Compensation.

(a) The county board shall provide the compensation of Clerks of the Circuit Court, and the amount necessary for clerk hire, stationery, fuel and other expenses. Beginning December 1, 1989, the compensation per annum for Clerks of the Circuit Court shall be as follows:

In counties where the population is:	
Less than 14,000.....	at least \$13,500
14,001-30,000.....	at least \$14,500
30,001-60,000.....	at least \$15,000
60,001-100,000.....	at least \$15,000
100,001-200,000.....	at least \$16,500
200,001-300,000.....	at least \$18,000
300,001- 3,000,000.....	at least \$20,000
Over 3,000,000.....	at least \$55,000

(b) In counties in which the population is 3,000,000 or less, "base salary" is the compensation paid for each Clerk of the Circuit Court, respectively, before July 1, 1989.

(c) The Clerks of the Circuit Court, in counties in which the population is 3,000,000 or less, shall be compensated as follows:

(1) Beginning December 1, 1989, base salary plus at least 3% of base salary.

(2) Beginning December 1, 1990, base salary plus at least 6% of base salary.

(3) Beginning December 1, 1991, base salary plus at least 9% of base salary.

(4) Beginning December 1, 1992, base salary plus at least 12% of base salary.

(d) In addition to the compensation provided by the county board, each Clerk of the Circuit Court shall receive an award from the State for the additional duties imposed by Sections 5-9-1 and 5-9-1.2 of the Unified Code of Corrections, Section 10 of the Violent Crime Victims Assistance Act, Section 16-104a of the Illinois Vehicle Code, and other laws, in the following amount:

(1) \$3,500 per year before January 1, 1997.

(2) \$4,500 per year beginning January 1, 1997.

(3) \$5,500 per year beginning January 1, 1998.

(4) \$6,500 per year beginning January 1, 1999.

The total amount required for such awards shall be appropriated each year by the General Assembly to the Supreme Court, which shall distribute such awards in annual lump sum payments to the Clerks of the Circuit Court in all counties. This annual award, and any other award or stipend paid out of State funds to the Clerks of the Circuit Court, shall not affect any other compensation provided by law to be paid to Clerks of the Circuit Court.

(e) Also in addition to the compensation provided by the county board, Clerks of the Circuit Court in counties in which one or more State correctional institutions are located shall receive a minimum reimbursement in the amount of \$2,500 per year for administrative assistance one--employee to perform services in connection with the State correctional institution, payable monthly from the State Treasury to the treasurer of the county in which the additional staff is employed. Counties whose State correctional institution inmate population exceeds 250 shall receive reimbursement in the amount of \$2,500 per 250 inmates. This subsection (e) shall not apply to staff added before November 29, 1990.

For purposes of this subsection (e), "State correctional

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institution" means any facility of the Department of Corrections, including without limitation adult facilities, juvenile facilities, pre-release centers, community correction centers, and work camps.

(f) No county board may reduce or otherwise impair the compensation payable from county funds to a Clerk of the Circuit Court if the reduction or impairment is the result of the Clerk of the Circuit Court receiving an award or stipend payable from State funds.

(Source: P.A. 90-95, eff. 7-11-97.)

(705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

Sec. 27.5. All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk that equals an amount less than \$55, except restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, fees collected for electronic monitoring, drug or alcohol testing and screening, probation fees authorized under Section 5-6-3 of the Unified Code of Corrections, and supervision fees authorized under Section 5-6-3.1 of the Unified Code of Corrections, shall be disbursed within 60 days after receipt by the circuit clerk as follows: 47% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 12% shall be disbursed to the State Treasurer; and 41% shall be disbursed to the county's general corporate fund. Of the 12% disbursed to the State Treasurer, 1/6 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 1/2 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall be deposited into the Drivers Education Fund. For fiscal years 1992 and 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers

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and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 89-234, eff. 1-1-96.)

(705 ILCS 105/27.6)

Sec. 27.6. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk equalling an amount of \$55 or more, except the additional fee required by subsections (b) and (c), restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, fees collected for electronic monitoring, drug or alcohol testing and screening, probation fees authorized under Section 5-6-3 of the Unified Code of Corrections, and supervision fees authorized under Section 5-6-3.1 of the Unified Code of Corrections, shall be disbursed within 60 days after receipt by the circuit clerk as follows: 44.5% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 16.825% shall be disbursed to the State Treasurer; and 38.675% shall be disbursed to the county's general corporate fund. Of the 16.825% disbursed to the State Treasurer, 2/17 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 5.052/17 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall be deposited into the Drivers Education Fund, and 6.948/17 shall be deposited into the Trauma Center Fund. Of the 6.948/17 deposited into the Trauma Center Fund from the 16.825% disbursed to the State Treasurer, 50% shall be disbursed to the Department of Public Health and 50% shall be disbursed to the Department of Public Aid. For fiscal year 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and

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functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of \$25 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of \$25 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c) In addition to any other fines and court costs assessed by the courts, any person convicted for a violation of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a person sentenced for a violation of the Cannabis Control Act or the Controlled Substance Act shall pay an additional fee of \$100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of \$100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.  
(Source: P.A. 89-105, eff. 1-1-96; 89-234, eff. 1-1-96; 89-516, eff. 7-18-96; 89-626, eff. 8-9-96.)"

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 Shaw, Senate Bill No. 724 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 724 on page 5, immediately below line 6, by inserting the following:

"The Department of Revenue must administer, collect, and enforce the payments imposed under this subsection in the same manner as the tax imposed under the Retailers' Occupation Tax Act to the extent that it is practical. The provisions of the Uniform Penalty and Interest Act and the following provisions of the Retailers' Occupation Tax Act apply to this subsection: Sections 2a, 2b, 4 (except that the time limitation provisions run from the date when the payment is due rather than from the date when gross receipts are received), 5 (except that the time limitations on the issuance of notices of liability for a qualified solid waste energy facility payment run from the date when the payment is due rather than from the date when gross receipts are received; and except that in the case of a failure to file a form required by this subsection, notice of liability for a qualified solid waste energy facility payment may not be issued on or after each July 1 and January 1 covering payment due with that form during any month or period more than 6 years

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before that July 1 or January 1, respectively), 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, and 12."; and on page 7, immediately below line 12, by inserting the following:

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

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

Senator Shaw offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 724, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Section 8-403.1 as follows:

(220 ILCS 5/8-403.1) (from Ch. 111 2/3, par. 8-403.1)

Sec. 8-403.1. Electricity purchased from qualified solid waste energy facility; tax credit; distributions for economic development.

(a) It is hereby declared to be the policy of this State to encourage the development of alternate energy production facilities in order to conserve our energy resources and to provide for their most efficient use.

(b) For the purpose of this Section and Section 9-215.1, "qualified solid waste energy facility" means a facility determined by the Illinois Commerce Commission to qualify as such under the Local Solid Waste Disposal Act, to use methane gas generated from landfills as its primary fuel, and to possess characteristics that would enable it to qualify as a cogeneration or small power production facility under federal law.

(c) In furtherance of the policy declared in this Section, the Illinois Commerce Commission shall require electric utilities to enter into long-term contracts to purchase electricity from qualified solid waste energy facilities located in the electric utility's service area, for a period beginning on the date that the facility begins generating electricity and having a duration of not less than 10 years in the case of facilities fueled by landfill-generated methane, or 20 years in the case of facilities fueled by methane generated from a landfill owned by a forest preserve district. The purchase rate contained in such contracts shall be equal to the average amount per kilowatt-hour paid from time to time by the unit or units of local government in which the electricity generating facilities are located, excluding amounts paid for street lighting and pumping service.

(d) Whenever a public utility is required to purchase electricity pursuant to subsection (c) above, it shall be entitled to credits in respect of its obligations to remit to the State taxes it has collected under the Electricity Excise Tax Law equal to the amounts, if any, by which payments for such electricity exceed (i) the then current rate at which the utility must purchase the output of qualified facilities pursuant to the federal Public Utility Regulatory Policies Act of 1978, less (ii) any costs, expenses, losses, damages or other amounts incurred by the utility, or for which it becomes liable, arising out of its failure to obtain such electricity from such other sources. The amount of any such credit shall, in the first instance, be determined by the utility, which shall make a monthly report of such credits to the Illinois Commerce Commission and, on its monthly tax return, to the Illinois Department of Revenue. Under no circumstances shall a utility be required to purchase electricity from a qualified solid waste energy facility at the rate prescribed in subsection (c) of this Section if such

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purchase would result in estimated tax credits that exceed, on a monthly basis, the utility's estimated obligation to remit to the State taxes it has collected under the Electricity Excise Tax Law. The owner or operator shall negotiate facility operating conditions with the purchasing utility in accordance with that utility's posted standard terms and conditions for small power producers. If the Department of Revenue disputes the amount of any such credit, such dispute shall be decided by the Illinois Commerce Commission. Whenever a qualified solid waste energy facility has paid or otherwise satisfied in full the capital costs or indebtedness incurred in developing and implementing the qualified facility, the qualified facility shall reimburse the Public Utility Fund and the General Revenue Fund in the State treasury for the actual reduction in payments to those Funds caused by this subsection (d) in a manner to be determined by the Illinois Commerce Commission and based on the manner in which revenues for those Funds were reduced.

(e) The Illinois Commerce Commission shall not require an electric utility to purchase electricity from any qualified solid waste energy facility which is owned or operated by an entity that is primarily engaged in the business of producing or selling electricity, gas, or useful thermal energy from a source other than one or more qualified solid waste energy facilities.

(f) This Section does not require an electric utility to construct additional facilities unless those facilities are paid for by the owner or operator of the affected qualified solid waste energy facility.

(g) The Illinois Commerce Commission shall require that: (1) electric utilities use the electricity purchased from a qualified solid waste energy facility to displace electricity generated from nuclear power or coal mined and purchased outside the boundaries of the State of Illinois before displacing electricity generated from coal mined and purchased within the State of Illinois, to the extent possible, and (2) electric utilities report annually to the Commission on the extent of such displacements.

(h) Nothing in this Section is intended to cause an electric utility that is required to purchase power hereunder to incur any economic loss as a result of its purchase. All amounts paid for power which a utility is required to purchase pursuant to subparagraph (c) shall be deemed to be costs prudently incurred for purposes of computing charges under rates authorized by Section 9-220 of this Act. Tax credits provided for herein shall be reflected in charges made pursuant to rates so authorized to the extent such credits are based upon a cost which is also reflected in such charges.

(i) Beginning in February 1999 and through January 2009, each qualified solid waste energy facility that sells electricity to an electric utility at the purchase rate described in subsection (c) shall file with the Department of Revenue on or before the 15th of each month a form, prescribed by the Department of Revenue, that states the number of kilowatt hours of electricity for which payment was received at that purchase rate from electric utilities in Illinois during the immediately preceding month. This form shall be accompanied by a payment from the qualified solid waste energy facility in an amount equal to six-tenths of a mill (\$.0006) per kilowatt hour of electricity stated on the form. Payments received by the Department of Revenue shall be deposited into the Municipal Economic Development Fund, a trust fund created outside the State treasury. The State Treasurer may invest the moneys in the Fund in any investment authorized by the Public Funds Investment Act, and investment income shall be deposited into and become part of the

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Fund. Moneys in the Fund shall be used by the State Treasurer as provided in subsection (j). The obligation of a qualified solid waste energy facility to make payments into the Municipal Economic Development Fund shall terminate upon either: (1) expiration or termination of a facility's contract to sell electricity to an electric utility at the purchase rate described in subsection (c); or (2) entry of an enforceable, final, and non-appealable order by a court of competent jurisdiction that Public Act 89-448 is invalid. Payments by a qualified solid waste energy facility into the Municipal Economic Development Fund do not relieve the qualified solid waste energy facility of its obligation to reimburse the Public Utility Fund and the General Revenue Fund for the actual reduction in payments to those Funds as a result of credits received by electric utilities under subsection (d).

A qualified solid waste energy facility that fails to timely file the requisite form and payment as required by this subsection (i) shall be subject to penalties and interest in conformance with the provisions of the Illinois Uniform Penalty and Interest Act.

Every qualified solid waste energy facility subject to the provisions of this subsection (i) shall keep and maintain records and books of its sales pursuant to subsection (c), including payments received from those sales and the corresponding tax payments made in accordance with this subsection (i), and for purposes of enforcement of this subsection (i) all such books and records shall be subject to inspection by the Department of Revenue or its duly authorized agents or employees.

When a qualified solid waste energy facility fails to file the form or make the payment required under this subsection (i), the Department of Revenue, to the extent that it is practical, may enforce the payment obligation in a manner consistent with Section 5 of the Retailer's Occupation Tax Act, and if necessary may impose and enforce a tax lien in a manner consistent with Sections 5a, 5b, 5c, 5d, 5e, 5f, 5g, and 5i of the Retailers' Occupation Tax Act. For purposes of enforcing this subsection (i), and to the extent that it is practical, the Department of Revenue may secure necessary information from a qualified solid waste energy facility in a manner consistent with Section 10 of the Retailers' Occupation Tax Act.

All information received by the Department of Revenue in its administration and enforcement of this subsection (i) shall be confidential in a manner consistent with Section 11 of the Retailers' Occupation Tax Act. The Department of Revenue may adopt rules to implement the provisions of this subsection (i).

For purposes of implementing the maximum aggregate distribution provisions in subsections (j) and (k), when a qualified solid waste energy facility makes a late payment to the Department of Revenue for deposit into the Municipal Economic Development Fund, that payment and deposit shall be attributed to the month and corresponding quarter in which the payment should have been made, and the Treasurer shall make retroactive distributions or refunds, as the case may be, whenever such late payments so require.

(j) The State Treasurer, without appropriation, must make distributions immediately after January 15, April 15, July 15, and October 15 of each year, up to maximum aggregate distributions of \$500,000 for the distributions made in the 4 quarters beginning with the April distribution and ending with the January distribution, from the Municipal Economic Development Fund to each city, village, or incorporated town that has within its boundaries an incinerator that: (1) uses municipal waste as its primary fuel to generate electricity; (2) was determined by the Illinois Commerce Commission to qualify as a qualified solid waste energy facility prior to the effective date

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of Public Act 89-448; and (3) commenced operation prior to January 1, 1998. Total distributions in the aggregate to all qualified cities, villages, and incorporated towns in the 4 quarters beginning with the April distribution and ending with the January distribution shall not exceed \$500,000. The amount of each distribution shall be determined pro rata based on the population of the city, village, or incorporated town compared to the total population of all cities, villages, and incorporated towns eligible to receive a distribution. Distributions received by a city, village, or incorporated town must be held in a separate account and may be used only to promote and enhance industrial, commercial, residential, service, transportation, and recreational activities and facilities within its boundaries, thereby enhancing the employment opportunities, public health and general welfare, and economic development within the community, including administrative expenditures exclusively to further these activities. These funds, however, shall not be used by the city, village, or incorporated town, directly or indirectly, to purchase, lease, operate, or in any way subsidize the operation of any incinerator, and these funds shall not be paid, directly or indirectly, by the city, village, or incorporated town to the owner, operator, lessee, shareholder, or bondholder of any incinerator. Moreover, these funds shall not be used to pay attorneys fees in any litigation relating to the validity of Public Act 89-448. Nothing in this Section prevents a city, village, or incorporated town from using other corporate funds for any legitimate purpose. For purposes of this subsection, the term "municipal waste" has the meaning ascribed to it in Section 3.21 of the Environmental Protection Act.

(k) If maximum aggregate distributions of \$500,000 under subsection (j) have been made after the January distribution from the Municipal Economic Development Fund, then the balance in the Fund shall be refunded to the qualified solid waste energy facilities that made payments that were deposited into the Fund during the previous 12-month period. The refunds shall be prorated based upon the facility's payments in relation to total payments for that 12-month period.

(l) Beginning January 1, 2000, and each January 1 thereafter, each city, village, or incorporated town that received distributions from the Municipal Economic Development Fund, continued to hold any of those distributions, or made expenditures from those distributions during the immediately preceding year shall submit to a financial and compliance and program audit of those distributions performed by the Auditor General at no cost to the city, village, or incorporated town that received the distributions. The audit should be completed by June 30 or as soon thereafter as possible. The audit shall be submitted to the State Treasurer and those officers enumerated in Section 3-14 of the Illinois State Auditing Act. If the Auditor General finds that distributions have been expended in violation of this Section, the Auditor General shall refer the matter to the Attorney General. The Attorney General may recover, in a civil action, 3 times the amount of any distributions illegally expended. For purposes of this subsection, the terms "financial audit," "compliance audit", and "program audit" have the meanings ascribed to them in Sections 1-13 and 1-15 of the Illinois State Auditing Act. (Source: P.A. 90-813, eff. 1-29-99; 91-901, eff. 1-1-01.)

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 Amendments

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numbered 1 and 3, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Lauzen, Senate Bill No. 756 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 756 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Sections 10-20.35 and 34-18.22 as follows:

(105 ILCS 5/10-20.35 new)

Sec. 10-20.35. Computer access by minors; explicit sexual materials.

(a) In this Section:

"Explicit sexual materials" means that which is obscene, child pornography, or material harmful to minors, as defined under Sections 11-20, 11-20.1, and 11-21 of the Criminal Code of 1961.

"Public access computer" means a computer that is located in a public school, is frequently or regularly used directly by a minor, and is connected to any computer communication system.

(b) A school board shall require a school that provides a public access computer to equip the computer with software that seeks to prevent minors from gaining access to explicit sexual materials through Internet connectivity.

(c) This Section shall not be construed to exclude any authorized adult employee of a public school from having unfiltered access to the Internet or an online service for legitimate scientific or educational purposes.

(105 ILCS 5/34-18.22 new)

Sec. 34-18.22. Computer access by minors; explicit sexual materials.

(a) In this Section:

"Explicit sexual materials" means that which is obscene, child pornography, or material harmful to minors, as defined under Sections 11-20, 11-20.1, and 11-21 of the Criminal Code of 1961.

"Public access computer" means a computer that is located in a public school, is frequently or regularly used directly by a minor, and is connected to any computer communication system.

(b) The Board shall require a school that provides a public access computer to equip the computer with software that seeks to prevent minors from gaining access to explicit sexual materials through Internet connectivity.

(c) This Section shall not be construed to exclude any authorized adult employee of a public school from having unfiltered access to the Internet or an online service for legitimate scientific or educational purposes.

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

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

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Floor Amendment No. 1 was held in the Committee on Public Health and Welfare.

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

On motion of Senator Rauschenberger, Senate Bill No. 1137 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 1137 by replacing everything after the enacting clause with the following:

"Section 5. The Asbestos Abatement Act is amended by changing Section 7 as follows:

(105 ILCS 105/7) (from Ch. 122, par. 1407)

Sec. 7. Consistency with federal law. Rules and regulations issued pursuant to this Act, including those governing the preparation of a list of contractors and the removal of contractors therefrom as provided for in Section 10, shall not be inconsistent with rules and regulations promulgated by the United States Environmental Protection Agency pursuant to the Toxic Substances Control Act, the Clean Air Act or other applicable federal statutes. Rules issued under this Act shall incorporate the United States Occupational Safety and Health Administration Asbestos Construction Standard, 29 C.F.R. Part 1926.1101, as revised June 29, 1998 or thereafter, and the United States Occupational Safety and Health Administration Instruction CPL 2-2.63 (November 3, 1995, as amended January 9, 1996), including the Appendix D Settlement Agreement with the Flooring Industry. The Department shall not enforce or attempt to enforce rules that impose requirements different than the aforementioned United States Occupational Safety and Health Administration Standard and Instruction.

(Source: P.A. 84-951.)

Section 10. The Commercial and Public Building Asbestos Abatement Act is amended by changing Section 25 as follows:

(225 ILCS 207/25)

Sec. 25. Consistency with federal law. Rules issued under this Act, including those governing the preparation of a list of response action contractors and the removal of response action contractors from the list as provided for in Section 20, shall not be inconsistent with rules and regulations promulgated by the United States Environmental Protection Agency under the Toxic Substances Control Act, the Clean Air Act, or other applicable federal statutes.

Rules issued under this Act shall incorporate the United States Occupational Safety and Health Administration Asbestos Construction Standard, 29 C.F.R. Part 1926.1101, as revised June 29, 1998 or thereafter, and the United States Occupational Safety and Health Administration Instruction CPL 2-2.63 (November 3, 1995, as amended January 9, 1996), including the Appendix D Settlement Agreement with the Flooring Industry. The Department shall not enforce or attempt to enforce rules that impose requirements different than the aforementioned United States Occupational Safety and Health Administration Standard and Instruction.

(Source: P.A. 89-143, eff. 7-14-95.)

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

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

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third reading.

On motion of Senator Molaro, Senate Bill No. 1148 having been printed, was taken up and read by title a second time.

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

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

On motion of Senator T. Walsh, Senate Bill No. 1173 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1173 by replacing everything after the enacting clause with the following:

"Section 5. The State Budget Law of the Civil Administrative Code of Illinois is amended by changing Section 50-15 as follows:

(15 ILCS 20/50-15) (was 15 ILCS 20/38.2)

Sec. 50-15. Department accountability reports; ~~Budget-Advisory Panel.~~

(a) Beginning in the fiscal year which begins July 1, 1992, each department of State government as listed in Section 5-15 of the Departments of State Government Law (20 ILCS 5/5-15) shall submit an annual accountability report to the Bureau of the Budget at times designated by the Director of the Bureau of the Budget. Each accountability report shall be designed to assist the Bureau of the Budget in its duties under Sections 2.2 and 2.3 of the Bureau of the Budget Act and shall measure the department's performance based on criteria, goals, and objectives established by the department with the oversight and assistance of the Bureau of the Budget. Each department shall also submit interim progress reports at times designated by the Director of the Bureau of the Budget.

(b) ~~(Blank). There--is--created--a--Budget--Advisory--Panel--consisting--of--10--representatives--of--private--business--and--industry--appointed--2--each--by--the--Governor,--the--President--of--the--Senate,--the--Minority--Leader--of--the--Senate,--the--Speaker--of--the--House--of--Representatives,--and--the--Minority--Leader--of--the--House--of--Representatives. The--Budget--Advisory--Panel--shall--aid--the--Bureau--of--the--Budget--in--the--establishment--of--the--criteria,--goals,--and--objectives--by--the--departments--for--use--in--measuring--their--performance--in--accountability--reports. The--Budget--Advisory--Panel--shall--also--assist--the--Bureau--of--the--Budget--in--reviewing--accountability--reports--and--assessing--the--effectiveness--of--each--department's--performance--measures. The--Budget--Advisory--Panel--shall--submit--to--the--Bureau--of--the--Budget--a--report--of--its--activities--and--recommendations--for--change--in--the--procedures--established--in--subsection--(a) at the--time--designated--by--the--Director--of--the--Bureau--of--the--Budget, but--in--any--case--no--later--than--the--third--Friday--of--each--November.~~

(c) The Director of the Bureau of the Budget shall select not more than 3 departments for a pilot program implementing the procedures of subsection (a) for budget requests for the fiscal years beginning July 1, 1990 and July 1, 1991, and each of the departments elected shall submit accountability reports for those fiscal years.

By April 1, 1991, the Bureau of the Budget with the assistance of the ~~Budget-Advisory-Panel~~ shall recommend in writing to the Governor any changes in the budget review process established pursuant to this Section suggested by its evaluation of the pilot program. The Governor shall submit changes to the budget review process that the Governor plans to adopt, based on the report, to the President and

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Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives.

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

(20 ILCS 5/5-525 rep.)

Section 10. The Civil Administrative Code of Illinois is amended by repealing Section 5-525.

(20 ILCS 230/15 rep.)

Section 15. The Biotechnology Sector Development Act is amended by repealing Section 15.

(20 ILCS 301/10-5 rep.)

(20 ILCS 301/10-10 rep.)

(20 ILCS 301/10-15 rep.)

Section 20. The Alcoholism and Other Drug Abuse and Dependency Act is amended by repealing Sections 10-5, 10-10, and 10-15.

Section 25. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by changing Section 405-500 as follows:

(20 ILCS 405/405-500)

Sec. 405-500. Matters relating to the Office of the Lieutenant Governor.

(a) It is the purpose of this Section to provide for the administration of the affairs of the Office of the Lieutenant Governor during a period when the Office of Lieutenant Governor is vacant.

It is the intent of the General Assembly that all powers and duties of the Lieutenant Governor assumed and exercised by the Director of Central Management Services, the Department of Central Management Services, or another Director, State employee, or State agency designated by the Governor under the provisions of Public Act 90-609 be reassumed by the Lieutenant Governor on January 11, 1999.

(b) Until January 11, 1999, while the office of Lieutenant Governor is vacant, the Director of Central Management Services shall assume and exercise the powers and duties given to the Lieutenant Governor under the Illinois Commission on Community Service Act, Section 46.53 of the Civil Administrative Code of Illinois (renumbered; now Section 605-75 of the Department of Commerce and Community Affairs Law, 20 ILCS 605/605-75) (relating to the Keep Illinois Beautiful program), Section 12-1 of the State Finance Act, ~~and the Gifts and Grants to Government Act, and the Illinois Distance Learning Foundation Act.~~

The Director of Central Management Services shall not assume or exercise the powers and duties given to the Lieutenant Governor under the Rural Bond Bank Act.

(c) Until January 11, 1999, while the office of Lieutenant Governor is vacant, the Department of Central Management Services shall assume and exercise the powers and duties given to the Office of the Lieutenant Governor under Section 2-3.112 of the School Code, the Illinois River Watershed Restoration Act, the Illinois Wildlife Prairie Park Act, ~~and Section 12-1 of the State Finance Act, and the Illinois Distance Learning Foundation Act.~~

(c-5) Notwithstanding subsection (c): (i) the Governor shall appoint an interim member, who shall be interim chairperson, of the Illinois River Coordinating Council while the office of the Lieutenant Governor is vacant until January 11, 1999 and (ii) the Governor shall appoint an interim member, who shall be interim chairperson, of the Illinois Wildlife Prairie Park Commission while the office of the Lieutenant Governor is vacant until January 11, 1999.

(d) Until January 11, 1999, while the office of Lieutenant Governor is vacant, the Department of Central Management Services may

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assume and exercise the powers and duties that have been delegated to the Lieutenant Governor by the Governor.

(e) Until January 11, 1999, while the office of Lieutenant Governor is vacant, appropriations to the Office of the Lieutenant Governor may be obligated and expended by the Department of Central Management Services, with the authorization of the Director of Central Management Services, for the purposes specified in those appropriations. These obligations and expenditures shall continue to be accounted for as obligations and expenditures of the Office of the Lieutenant Governor.

(f) Until January 11, 1999, while the office of Lieutenant Governor is vacant, all employees of the Office of the Lieutenant Governor who are needed to carry out the responsibilities of the Office are temporarily reassigned to the Department of Central Management Services. This reassignment shall not be deemed to constitute new employment or to change the terms or conditions of employment or the qualifications required of the employees, except that the reassigned employees shall be subject to supervision by the Department during the temporary reassignment period.

(g) Until January 11, 1999, while the office of Lieutenant Governor is vacant, the Department of Central Management Services shall temporarily assume and exercise the powers and duties of the Office of the Lieutenant Governor under contracts to which the Office of the Lieutenant Governor is a party. The assumption of rights and duties under this subsection shall not be deemed to change the terms or conditions of the contract.

The Department of Central Management Services may amend, extend, or terminate any such contract in accordance with its terms; may agree to terminate a contract at the request of the other party; and may, with the approval of the Governor, enter into new contracts on behalf of the Office of the Lieutenant Governor.

(h) The Governor may designate a State employee or director other than the Director of Central Management Services or a State agency other than the Department of Central Management Services to assume and exercise any particular power or duty that would otherwise be assumed and exercised by the Director of Central Management Services or the Department of Central Management Services under subsection (b), (c), or (d) of this Section.

Except as provided below, if the Governor designates a State employee or director other than the Director of Central Management Services or a State agency other than the Department of Central Management Services, that person or agency shall be responsible for those duties set forth in subsections (e), (f), and (g) that directly relate to the designation of duties under subsections (b), (c), and (d).

If the Governor's designation relates to duties of the Commission on Community Service ~~or--the--Distance--Learning--Foundation~~, the Director of Central Management Services and the Department of Central Management Services may, if so directed by the Governor, continue to be responsible for those duties set forth in subsections (e), (f), and (g) relating to that designation.

(i) Business transacted under the authority of this Section by entities other than the Office of the Lieutenant Governor shall be transacted on behalf of and in the name of the Office of the Lieutenant Governor. Property of the Office of the Lieutenant Governor shall remain the property of that Office and may continue to be used by persons performing the functions of that Office during the vacancy period, except as otherwise directed by the Governor.

(Source: P.A. 90-609, eff. 6-30-98; 91-239, eff. 1-1-00.)

Section 30. The Illinois State Auditing Act is amended by

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changing Section 3-1 as follows:

(30 ILCS 5/3-1) (from Ch. 15, par. 303-1)

(Text of Section before amendment by P.A. 91-935)

Sec. 3-1. Jurisdiction of Auditor General. The Auditor General has jurisdiction over all State agencies to make post audits and investigations authorized by or under this Act or the Constitution.

The Auditor General has jurisdiction over local government agencies and private agencies only:

(a) to make such post audits authorized by or under this Act as are necessary and incidental to a post audit of a State agency or of a program administered by a State agency involving public funds of the State, but this jurisdiction does not include any authority to review local governmental agencies in the obligation, receipt, expenditure or use of public funds of the State that are granted without limitation or condition imposed by law, other than the general limitation that such funds be used for public purposes;

(b) to make investigations authorized by or under this Act or the Constitution; and

(c) to make audits of the records of local government agencies to verify actual costs of state-mandated programs when directed to do so by the Legislative Audit Commission at the request of the State Board of Appeals under the State Mandates Act.

In addition to the foregoing, the Auditor General may conduct an audit of the Metropolitan Pier and Exposition Authority, the Regional Transportation Authority, the Suburban Bus Division, the Commuter Rail Division and the Chicago Transit Authority and any other subsidized carrier when authorized by the Legislative Audit Commission. Such audit may be a financial, management or program audit, or any combination thereof.

The audit shall determine whether they are operating in accordance with all applicable laws and regulations. Subject to the limitations of this Act, the Legislative Audit Commission may by resolution specify additional determinations to be included in the scope of the audit.

The Auditor General may also conduct an audit, when authorized by the Legislative Audit Commission, of any hospital which receives 10% or more of its gross revenues from payments from the State of Illinois, Department of Public Aid, Medical Assistance Program.

The Auditor General is authorized to conduct financial and compliance audits of the ~~Illinois-Distance--Learning--Foundation--and~~ the Illinois Conservation Foundation.

As soon as practical after the effective date of this amendatory Act of 1995, the Auditor General shall conduct a compliance and management audit of the City of Chicago and any other entity with regard to the operation of Chicago O'Hare International Airport, Chicago Midway Airport and Merrill C. Meigs Field. The audit shall include, but not be limited to, an examination of revenues, expenses, and transfers of funds; purchasing and contracting policies and practices; staffing levels; and hiring practices and procedures. When completed, the audit required by this paragraph shall be distributed in accordance with Section 3-14.

The Auditor General shall conduct a financial and compliance and program audit of distributions from the Municipal Economic Development Fund during the immediately preceding calendar year pursuant to Section 8-403.1 of the Public Utilities Act at no cost to the city, village, or incorporated town that received the distributions.

The Auditor General must conduct an audit of the Health

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Facilities Planning Board pursuant to Section 19.5 of the Illinois Health Facilities Planning Act.

(Source: P.A. 90-813, eff. 1-29-99; 91-782, eff. 6-9-00.)

(Text of Section after amendment by P.A. 91-935)

Sec. 3-1. Jurisdiction of Auditor General. The Auditor General has jurisdiction over all State agencies to make post audits and investigations authorized by or under this Act or the Constitution.

The Auditor General has jurisdiction over local government agencies and private agencies only:

(a) to make such post audits authorized by or under this Act as are necessary and incidental to a post audit of a State agency or of a program administered by a State agency involving public funds of the State, but this jurisdiction does not include any authority to review local governmental agencies in the obligation, receipt, expenditure or use of public funds of the State that are granted without limitation or condition imposed by law, other than the general limitation that such funds be used for public purposes;

(b) to make investigations authorized by or under this Act or the Constitution; and

(c) to make audits of the records of local government agencies to verify actual costs of state-mandated programs when directed to do so by the Legislative Audit Commission at the request of the State Board of Appeals under the State Mandates Act.

In addition to the foregoing, the Auditor General may conduct an audit of the Metropolitan Pier and Exposition Authority, the Regional Transportation Authority, the Suburban Bus Division, the Commuter Rail Division and the Chicago Transit Authority and any other subsidized carrier when authorized by the Legislative Audit Commission. Such audit may be a financial, management or program audit, or any combination thereof.

The audit shall determine whether they are operating in accordance with all applicable laws and regulations. Subject to the limitations of this Act, the Legislative Audit Commission may by resolution specify additional determinations to be included in the scope of the audit.

In addition to the foregoing, the Auditor General must also conduct a financial audit of the Illinois Sports Facilities Authority's expenditures of public funds in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of any existing "facility", as that term is defined in the Illinois Sports Facilities Authority Act.

The Auditor General may also conduct an audit, when authorized by the Legislative Audit Commission, of any hospital which receives 10% or more of its gross revenues from payments from the State of Illinois, Department of Public Aid, Medical Assistance Program.

The Auditor General is authorized to conduct financial and compliance audits of the ~~Illinois-Distance-Learning-Foundation~~ and the Illinois Conservation Foundation.

As soon as practical after the effective date of this amendatory Act of 1995, the Auditor General shall conduct a compliance and management audit of the City of Chicago and any other entity with regard to the operation of Chicago O'Hare International Airport, Chicago Midway Airport and Merrill C. Meigs Field. The audit shall include, but not be limited to, an examination of revenues, expenses, and transfers of funds; purchasing and contracting policies and practices; staffing levels; and hiring practices and procedures. When completed, the audit required by this paragraph shall be distributed in accordance with Section 3-14.

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The Auditor General shall conduct a financial and compliance and program audit of distributions from the Municipal Economic Development Fund during the immediately preceding calendar year pursuant to Section 8-403.1 of the Public Utilities Act at no cost to the city, village, or incorporated town that received the distributions.

The Auditor General must conduct an audit of the Health Facilities Planning Board pursuant to Section 19.5 of the Illinois Health Facilities Planning Act.

(Source: P.A. 90-813, eff. 1-29-99; 91-782, eff. 6-9-00; 91-935, eff. 6-1-01.)

(105 ILCS 40/Act rep.)

Section 35. The Illinois Distance Learning Foundation Act is repealed.

(20 ILCS 505/7.1 rep.)

Section 40. The Children and Family Services Act is amended by repealing Section 7.1.

(20 ILCS 605/605-360 rep.)

(20 ILCS 605/605-450 rep.)

(20 ILCS 605/605-850 rep.)

Section 45. The Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois is amended by repealing Sections 605-360, 605-450, and 605-850.

Section 50. The Illinois Emergency Employment Development Act is amended by changing Sections 2, 5, and 9 as follows:

(20 ILCS 630/2) (from Ch. 48, par. 2402)

Sec. 2. For the purposes of this Act, the following words have the meanings ascribed to them in this Section.

(a) ~~(Blank). "Coordinator" means the Illinois Emergency Employment Development Coordinator appointed under Section 3.~~

(b) "Eligible business" means a for-profit business.

(c) "Eligible employer" means an eligible nonprofit agency, or an eligible business.

(d) "Eligible job applicant" means a person who:

A. (1) has been a resident of this State for at least one year; and (2) is unemployed; and (3) is not receiving and is not qualified to receive unemployment compensation or workers' compensation; and (4) is determined by the employment administrator to be likely to be available for employment by an eligible employer for the duration of the job; or

B. Is otherwise eligible for services under the Job Training Partnership Act (29 USCA 1501 et seq.).

In addition, a farmer who resides in a county qualified under Federal Disaster Relief and who can demonstrate severe financial need may be considered unemployed under this subsection.

(e) "Eligible nonprofit agency" means an organization exempt from taxation under the Internal Revenue Code of 1954, Section 501(c)(3).

(f) "Employment administrator" means the Manager of the Department of Commerce and Community Affairs Job Training Programs Division or his designee.

(g) "Household" means a group of persons living at the same residence consisting of, at a maximum, spouses and the minor children of each.

(h) "Program" means the Illinois Emergency Employment Development Program created by this Act consisting of temporary work relief projects in nonprofit agencies and new job creation in the private sector.

(i) "Service Delivery Area" means that unit or units of local government designated by the Governor pursuant to Title I, Part A,

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Section 102 of the Job Training Partnership Act (29 USCA et seq.).

(j) "Excess unemployed" means the number of unemployed in excess of 6.5% of the service delivery area population.

(k) "Private industry council" means governing body of each service delivery area created pursuant to Title I, Section 102 of the Job Training Partnership Act (29 USC 1501 et seq.).

(Source: P.A. 84-1399.)

(20 ILCS 630/5) (from Ch. 48, par. 2405)

Sec. 5. (a) Allocation of funds among eligible job applicants within a service delivery area shall be determined by the Private Industry Council for each such service delivery area. The Private Industry Council shall give priority to

(1) applicants living in households with no other income source; and  
 (2) applicants who would otherwise be eligible to receive general assistance.

(b) Allocation of funds among eligible employers within each service delivery area shall be determined by the Private Industry Council for each such area according to the priorities which the Director of Commerce and Community Affairs, ~~upon recommendation of the coordinator,~~ shall by rule establish. The Private Industry Council shall give priority to funding private sector jobs to the extent that businesses apply for funds.

(Source: P.A. 84-1399.)

(20 ILCS 630/9) (from Ch. 48, par. 2409)

Sec. 9. (a) Eligible businesses. A business employer is an eligible employer if it enters into a written contract, signed and subscribed to under oath, with the employment administrator for its service delivery area containing assurances that:

(1) funds received by a business shall be used only as permitted under the program;

(2) the business has submitted a plan to the employment administrator (1) describing the duties and proposed compensation of each employee proposed to be hired under the program; and (2) demonstrating that with the funds provided under the program the business is likely to succeed and continue to employ persons hired under the program;

(3) the business will use funds exclusively for compensation and fringe benefits of eligible job applicants and will provide employees hired with these funds with fringe benefits and other terms and conditions of employment comparable to those provided to other employees of the business who do comparable work;

(4) the funds are necessary to allow the business to begin, or to employ additional people, but not to fill positions which would be filled even in the absence of funds from this program;

(5) ~~(blank); the business will cooperate with the coordinator in collecting data to assess the result of the program;~~ and

(6) the business is in compliance with all applicable affirmative action, fair labor, health, safety, and environmental standards.

(b) In allocating funds among eligible businesses, the employment administrator shall give priority to businesses which best satisfy the following criteria:

(1) have a high potential for growth and long-term job creation;

(2) are labor intensive;

(3) make high use of local and State resources;

(4) are under ownership of women and minorities;

(5) have their primary places of business in the State; and

(6) intend to continue the employment of the eligible applicant for at least 6 months of unsubsidized employment.

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(c) If the eligible employee remains employed for 6 months of unsubsidized employment, his employer may apply for a bonus equal to 1/6 of the subsidy provided to the employer for that employee under this Act.

(Source: P.A. 84-1399.)

(20 ILCS 630/3 rep.)

Section 55. The Illinois Emergency Employment Development Act is amended by repealing Section 3.

(20 ILCS 710/Act rep.)

Section 60. The Illinois Commission on Volunteerism and Community Service Act is repealed.

(20 ILCS 1705/64 rep.)

Section 65. The Mental Health and Developmental Disabilities Administrative Act is amended by repealing Section 64.

Section 70. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-315 as follows:

(20 ILCS 2310/2310-315) (was 20 ILCS 2310/55.41)

Sec. 2310-315. Prevention and treatment of AIDS. To perform the following in relation to the prevention and treatment of acquired immunodeficiency syndrome (AIDS):

(1) Establish a State AIDS Control Unit within the Department as a separate administrative subdivision, to coordinate all State programs and services relating to the prevention, treatment, and amelioration of AIDS.

(2) Conduct a public information campaign for physicians, hospitals, health facilities, public health departments, law enforcement personnel, public employees, laboratories, and the general public on acquired immunodeficiency syndrome (AIDS) and promote necessary measures to reduce the incidence of AIDS and the mortality from AIDS. This program shall include, but not be limited to, the establishment of a statewide hotline and a State AIDS information clearinghouse that will provide periodic reports and releases to public officials, health professionals, community service organizations, and the general public regarding new developments or procedures concerning prevention and treatment of AIDS.

(3) ~~(Blank). Establish an AIDS Advisory Council consisting of 25 persons appointed by the Governor, including representation from public and private agencies, organizations, and facilities involved in AIDS research, prevention, and treatment, which shall advise the Department on the State AIDS Control Plan. The terms of the initial appointments shall be staggered so that 13 members are appointed for 2-year terms and 12 members are appointed for 4-year terms. All subsequent appointments shall be for 4-year terms. Members shall serve without compensation, but may be reimbursed for expenses incurred in relation to their duties on the Council. A Chairman and other officers that may be considered necessary shall be elected from among the members. Any vacancy shall be filled for the term of the original appointment. Members whose terms have expired may continue to serve until their successors are appointed.~~

(4) Establish alternative blood test services that are not operated by a blood bank, plasma center or hospital. The Department shall prescribe by rule minimum criteria, standards and procedures for the establishment and operation of such services, which shall include, but not be limited to requirements for the provision of information, counseling and referral services that ensure appropriate counseling and referral for persons whose blood is tested and shows evidence of exposure to the human immunodeficiency virus (HIV) or other identified causative agent of acquired immunodeficiency syndrome (AIDS).

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(5) Establish regional and community service networks of public and private service providers or health care professionals who may be involved in AIDS research, prevention and treatment.

(6) Provide grants to individuals, organizations or facilities to support the following:

- (A) Information, referral, and treatment services.
- (B) Interdisciplinary workshops for professionals involved in research and treatment.
- (C) Establishment and operation of a statewide hotline.
- (D) Establishment and operation of alternative testing services.
- (E) Research into detection, prevention, and treatment.
- (F) Supplementation of other public and private resources.
- (G) Implementation by long-term care facilities of Department standards and procedures for the care and treatment of persons with AIDS and the development of adequate numbers and types of placements for those persons.

(7) Conduct a study and report to the Governor and the General Assembly by July 1, 1988, on the public and private costs of AIDS medical treatment, including the availability and accessibility of inpatient, outpatient, physician, and community support services.

(8) Accept any gift, donation, bequest, or grant of funds from private or public agencies, including federal funds that may be provided for AIDS control efforts.

(9) Develop and implement, in consultation with the Long-Term Care Facility Advisory Board, standards and procedures for long-term care facilities that provide care and treatment of persons with AIDS, including appropriate infection control procedures. The Department shall work cooperatively with organizations representing those facilities to develop adequate numbers and types of placements for persons with AIDS and shall advise those facilities on proper implementation of its standards and procedures.

(10) The Department shall create and administer a training program for State employees who have a need for understanding matters relating to AIDS in order to deal with or advise the public. The training shall include information on the cause and effects of AIDS, the means of detecting it and preventing its transmission, the availability of related counseling and referral, and other matters that may be appropriate. The training may also be made available to employees of local governments, public service agencies, and private agencies that contract with the State; in those cases the Department may charge a reasonable fee to recover the cost of the training.

(11) Approve tests or testing procedures used in determining exposure to HIV or any other identified causative agent of AIDS. (Source: P.A. 91-239, eff. 1-1-00.)

Section 75. The Bureau for the Blind Act is amended by changing Section 2 as follows:

(20 ILCS 2410/2) (from Ch. 23, par. 3412)

Sec. 2. Definitions. As used in this Act:

- (a) Bureau means the Bureau for the Blind.
- (b) Department means the Department of Human Services.
- (c) Secretary means the Secretary of Human Services.
- (d) Bureau Director means the Director of the Bureau for the Blind.
- (e) Blind means any person whose central visual acuity does not exceed 20/200 in the better eye with corrective lenses or a visually impaired person whose vision with best correction is 20/60 in the better eye, or with a field restriction of 105 degrees if monocular vision; 140 degrees if binocular vision.

(f) ~~(Blank). Blind-Services-Planning-Council--or--Council--means~~

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~~that Council established pursuant to Section 7.~~  
 (Source: P.A. 89-507, eff. 7-1-97.)

(20 ILCS 2410/7 rep.)

Section 80. The Bureau for the Blind Act is amended by repealing Section 7.

Section 85. The Capital Development Board Act is amended by changing Section 14 as follows:

(20 ILCS 3105/14) (from Ch. 127, par. 783.01)

Sec. 14. (a) It is the purpose of this Act to provide for the promotion and preservation of the arts by securing suitable works of art for the adornment of public buildings constructed or subjected to major renovation by the State or which utilize State funds, and thereby reflecting our cultural heritage, with emphasis on the works of Illinois artists.

(b) As used in this Act: "Works of art" shall apply to and include paintings, prints, sculptures, graphics, mural decorations, stained glass, statues, bas reliefs, ornaments, fountains, ornamental gateways, or other creative works which reflect form, beauty and aesthetic perceptions.

(c) Beginning with the fiscal year ending June 30, 1979, and for each succeeding fiscal year thereafter, the Capital Development Board shall set aside 1/2 of 1 percent of the amount authorized and appropriated for construction or reconstruction of each public building financed in whole or in part by State funds and generally accessible to and used by the public for purchase and placement of suitable works of art in such public buildings. The location and character of the work or works of art to be installed in such public buildings shall be determined by the designing architect, provided, however, that the work or works of art shall be in a permanent and prominent location.

(d) ~~(Blank). There is created a Fine Arts Review Committee consisting of the designing architect, the Chairman of the Illinois Arts Council or his designee, the Director of the Illinois State Museum or his designee, and three persons from the area in which the project is to be located who are familiar with the local area and are knowledgeable in matters of art. Of the three local members, two shall be selected by the County Board to the County in which the project is located and one shall be selected by the Mayor or other chief executive officer of the municipality in which the project is located. The Committee, after such study as it deems necessary, shall recommend three artists or works of art in order of preference, to the Capital Development Board. The Board will make the final selection from among the recommendations submitted to it.~~

(e) ~~(Blank). There is created a Public Arts Advisory Committee whose function is to advise the Capital Development Board and the Fine Arts Review Committee on various technical and aesthetic perceptions that may be utilized in the creation or major renovation of public buildings. The Public Arts Advisory Committee shall consist of 12 members who shall serve for terms of 2 years ending on June 30 of odd-numbered years, except the first appointees to the Committee shall serve for a term ending June 30, 1979. The Public Arts Advisory Committee shall meet four times each fiscal year. Four members shall be appointed by the Governor; four shall be chosen by the Senate, two of whom shall be chosen by the President, two by the minority leader; and four shall be appointed by the House of Representatives, two of whom shall be chosen by the Speaker and two by the minority leader. There shall also be a Chairman who shall be chosen from the committee members by the majority vote of that Committee.~~

(f) ~~(Blank). All necessary expenses of the Public Arts Advisory~~

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~~Committee and the Fine Arts Review Committee shall be paid by the Capital Development Board.~~

(Source: P.A. 90-655, eff. 7-30-98.)

(20 ILCS 3505/7.22 rep.)

(20 ILCS 3505/7.23 rep.)

(20 ILCS 3505/7.24 rep.)

(20 ILCS 3505/7.25 rep.)

(20 ILCS 3505/7.28 rep.)

(20 ILCS 3505/7.30 rep.)

Section 90. The Illinois Development Finance Authority Act is amended by repealing Sections 7.22, 7.23, 7.24, 7.25, 7.28, and 7.30.

(20 ILCS 3910/Act rep.)

Section 95. The Anti-Crime Advisory Council Act is repealed.

(20 ILCS 3940/Act rep.)

Section 100. The General Assistance Job Opportunities Act is repealed.

(20 ILCS 3980/Act rep.)

Section 105. The Laboratory Review Board Act is repealed.

(20 ILCS 3990/Act rep.)

Section 110. The Illinois Manufacturing Technology Alliance Act is repealed.

(20 ILCS 4000/Act rep.)

Section 115. The Minority Males Act is repealed.

(35 ILCS 505/19 rep.)

Section 120. The Motor Fuel Tax Law is amended by repealing Section 19.

(45 ILCS 155/Act rep.)

Section 125. The Midwestern Higher Education Compact Act is repealed.

(70 ILCS 200/Art. 135 rep.)

Section 130. The Civic Center Code is amended by repealing Article 135.

(70 ILCS 2605/4b rep.)

Section 135. The Metropolitan Water Reclamation District Act is amended by repealing Section 4b.

Section 140. The School Code is amended by changing Sections 2-3.80 and 14-11.02 as follows:

(105 ILCS 5/2-3.80) (from Ch. 122, par. 2-3.80)

Sec. 2-3.80. (a) The General Assembly recognizes that agriculture is the most basic and singularly important industry in the State, that agriculture is of central importance to the welfare and economic stability of the State, and that the maintenance of this vital industry requires a continued source of trained and qualified individuals for employment in agriculture and agribusiness. The General Assembly hereby declares that it is in the best interests of the people of the State of Illinois that a comprehensive education program in agriculture be created and maintained by the State's public school system in order to ensure an adequate supply of trained and skilled individuals and to ensure appropriate representation of racial and ethnic groups in all phases of the industry. It is the intent of the General Assembly that a State program for agricultural education shall be a part of the curriculum of the public school system K through adult, and made readily available to all school districts which may, at their option, include programs in education in agriculture as a part of the curriculum of that district.

(b) The State Board of Education shall adopt such rules and regulations as are necessary to implement the provisions of this Section. The rules and regulations shall not create any new State mandates on school districts as a condition of receiving federal, State, and local funds by those entities. It is in the intent of the

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General Assembly that, although this Section does not create any new mandates, school districts are strongly advised to follow the guidelines set forth in this Section.

(c) The State Superintendent of Education shall assume responsibility for the administration of the State program adopted under this Section throughout the public school system as well as the articulation of the State program to the requirements and mandates of federally assisted education. There is currently within the State Board of Education an agricultural education unit to assist school districts in the establishment and maintenance of educational programs pursuant to the provisions of this Section. The staffing of the unit shall at all times be comprised of an appropriate number of full-time employees who shall serve as program consultants in agricultural education and shall be available to provide assistance to school districts. At least one consultant shall be responsible for the coordination of the State program, as Head Consultant. At least one consultant shall be responsible for the coordination of the activities of student and agricultural organizations and associations.

(d) ~~(Blank). A committee of 13 agriculturalists representative of the various and diverse areas of the agricultural industry in Illinois shall be established to at least develop a curriculum and overview the implementation of the Build Illinois through Quality Agricultural Education plans of the Illinois Leadership Council for Agricultural Education and to advise the State Board of Education on vocational agricultural education. The Committee shall be composed of the following: (6) agriculturalists representing the Illinois Leadership Council for Agricultural Education; (2) Secondary Agriculture Teachers; (1) "Ag In The Classroom" Teacher; (1) Community College Agriculture Teacher; (1) Adult Agriculture Education Teacher; (1) University Agriculture Teacher Educator; and (1) FFA Representative. All members of the Committee shall be appointed by the Governor by and with the advice and consent of the Senate. The terms of all members so appointed shall be for 3 years, except that of the members initially appointed, 5 shall be appointed to serve for terms of 1 year, 4 shall be appointed to serve for terms of 2 years and 4 shall be appointed to serve for terms of 3 years. All members of the Committee shall serve until their successors are appointed and qualified. Vacancies in terms shall be filled by appointment of the Governor with the advice and consent of the Senate for the extent of the unexpired term. The State Board of Education shall implement a Build Illinois through Quality Agricultural Education plan following receipt of these recommendations which shall be made available on or before March 31, 1987. Recommendations shall include, but not be limited to, the development of a curriculum and a strategy for the purpose of establishing a source of trained and qualified individuals in agriculture, a strategy for articulating the State program in agricultural education throughout the public school system, and a consumer education outreach strategy regarding the importance of agriculture in Illinois. The committee of agriculturalists shall serve without compensation.~~

(Source: P.A. 84-1452.)

(105 ILCS 5/14-11.02) (from Ch. 122, par. 14-11.02)

Sec. 14-11.02. Notwithstanding any other Sections of this Article, the State Board of Education shall develop and operate or contract for the operation of a service center for persons who are deaf-blind. For the purpose of this Section, persons with deaf-blindness are persons who have both auditory and visual impairments, the combination of which causes such severe communication and other developmental, educational, vocational and

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rehabilitation problems that such persons cannot be properly accommodated in special education or vocational rehabilitation programs solely for persons with both hearing and visual disabilities.

To be eligible for deaf-blind services, a person must have (i) a visual impairment and an auditory impairment, or (ii) a condition in which there is a progressive loss of hearing or vision or both that results in concomitant vision and hearing impairments and that adversely affects educational performance as determined by the multidisciplinary conference. For purposes of this paragraph and Section:

(A) A visual impairment is defined to mean one or more of the following: (i) corrected visual acuity poorer than 20/70 in the better eye; (ii) restricted visual field of 20 degrees or less in the better eye; (iii) cortical blindness; (iv) does not appear to respond to visual stimulation, which adversely affects educational performance as determined by the multidisciplinary conference.

(B) An auditory impairment is defined to mean one or more of the following: (i) a sensorineural or ongoing or chronic conductive hearing loss with aided sensitivity of 30dB HL or poorer; (ii) functional auditory behavior that is significantly discrepant from the person's present cognitive and/or developmental levels, which adversely affects educational performance as determined by the multidisciplinary conference.

The State Board of Education is empowered to establish, maintain and operate or contract for the operation of a permanent state-wide service center known as the Philip J. Rock Center and School. The School serves eligible children between the ages of 3 and 21; the Center serves eligible persons of all ages. Services provided by the Center include, but are not limited to:

(1) Identifying and case management of persons who are auditorily and visually impaired;

(2) Providing families with appropriate counseling;

(3) Referring persons who are deaf-blind to appropriate agencies for medical and diagnostic services;

(4) Referring persons who are deaf-blind to appropriate agencies for educational, training and care services;

(5) Developing and expanding services throughout the State to persons who are deaf-blind. This will include ancillary services, such as transportation so that the individuals can take advantage of the expanded services;

(6) Maintaining a residential-educational training facility in the Chicago metropolitan area located in an area accessible to public transportation;

(7) Receiving, dispensing, and monitoring State and Federal funds to the School and Center designated for services to persons who are deaf-blind;

(8) Coordinating services to persons who are deaf-blind through all appropriate agencies, including the Department of Children and Family Services and the Department of Human Services;

(9) Entering into contracts with other agencies to provide services to persons who are deaf-blind;

(10) Operating on a no-reject basis. Any individual referred to the Center for service and diagnosed as deaf-blind, as defined in this Act, shall qualify for available services;

(11) Serving as the referral clearinghouse for all persons who are deaf-blind, age 21 and older; and

(12) Providing transition services for students of Philip

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J. Rock School who are deaf-blind and between the ages of 14 1/2 and 21.

The Advisory Board for Services for Persons who are Deaf-Blind shall provide advice to the State Superintendent of Education, the Governor, and the General Assembly on all matters pertaining to policy concerning persons who are deaf-blind, including the implementation of legislation enacted on their behalf.

Regarding the maintenance, operation and education functions of the Philip J. Rock Center and School, the Advisory Board shall also make recommendations pertaining to but not limited to the following matters:

(1) Existing and proposed programs of all State agencies that provide services for persons who are deaf-blind;

(2) The State program and financial plan for deaf-blind services and the system of priorities to be developed by the State Board of Education;

(3) Standards for services in facilities serving persons who are deaf-blind;

(4) Standards and rates for State payments for any services purchased for persons who are deaf-blind;

(5) Services and research activities in the field of deaf-blindness, including evaluation of services; and

(6) Planning for personnel/preparation, both preservice and inservice.

The Advisory Board shall consist of 3 persons appointed by the Governor; 2 persons appointed by the State Superintendent of Education; 4 persons appointed by the Secretary of Human Services; and 2 persons appointed by the Director of Children and Family Services. The 3 appointments of the Governor shall consist of a senior citizen 60 years of age or older, a consumer who is deaf-blind, and a parent of a person who is deaf-blind; provided that if any gubernatorial appointee serving on the Advisory Board on the effective date of this amendatory Act of 1991 is not either a senior citizen 60 years of age or older or a consumer who is deaf-blind or a parent of a person who is deaf-blind, then whenever that appointee's term of office expires or a vacancy in that appointee's office sooner occurs, the Governor shall make the appointment to fill that office or vacancy in a manner that will result, at the earliest possible time, in the Governor's appointments to the Advisory Board being comprised of one senior citizen 60 years of age or older, one consumer who is deaf-blind, and one parent of a person who is deaf-blind. One person designated by each agency other than the Department of Human Services may be an employee of that agency. Two persons appointed by the Secretary of Human Services may be employees of the Department of Human Services. The appointments of each appointing authority other than the Governor shall include at least one parent of an individual who is deaf-blind or a person who is deaf-blind.

Vacancies in terms shall be filled by the original appointing authority. After the original terms, all terms shall be for 3 years.

Except for those members of the Advisory Board who are compensated for State service on a full-time basis, members shall be reimbursed for all actual expenses incurred in the performance of their duties. Each member who is not compensated for State service on a full-time basis shall be compensated at a rate of \$50 per day which he spends on Advisory Board duties. The Advisory Board shall meet at least 4 times per year and not more than 12 times per year.

The Advisory Board shall provide for its own organization.

Six members of the Advisory Board shall constitute a quorum. The affirmative vote of a majority of all members of the Advisory Board

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~~shall be necessary for any action taken by the Advisory Board.~~  
 (Source: P.A. 88-670, eff. 12-2-94; 89-397, eff. 8-20-95; 89-507, eff. 7-1-97.)

(105 ILCS 5/14-3.01 rep.)

(105 ILCS 5/14-15.01 rep.)

(105 ILCS 5/Art. 34A rep.)

Section 145. The School Code is amended by repealing Sections 14-3.01 and 14-15.01 and Article 34A.

(105 ILCS 45/1-30 rep.)

Section 150. The Education for Homeless Children Act is amended by repealing Section 1-30.

(105 ILCS 215/Act rep.)

Section 155. The Chicago Community Schools Study Commission Act is repealed.

(105 ILCS 310/Act rep.)

Section 160. The Illinois Summer School for the Arts Act is repealed.

Section 165. The Conservation Education Act is amended by changing Sections 4 and 7 as follows:

(105 ILCS 415/4) (from Ch. 122, par. 698.4)

Sec. 4. The Division shall have the power and it shall be its duty:

A. To cooperate with the Federal government and State agencies engaged in a program of adult education to the extent and in the manner necessary to carry out the provisions of this Act.

B. To promote and aid in the establishment of schools and classes within the State, for the purpose of teaching the methods of conservation of wildlife, forests, timber lands, minerals and scenic and recreational areas, soil and water concerning which the Departments of Agriculture and Natural Resources of the State of Illinois have an interest. The Division may establish and operate branches of such schools at any location in this State determined by the Division to be suitable therefor and as the public convenience may require.

C. To cooperate with other State or Federal agencies in the operation of schools and branches thereof in developing and teaching a conservation education program and with the approval of any State agency affected, may use the facilities under the control or custody of any other State agency. All State agencies are granted authority to permit the use of their facilities for such purpose and to cooperate with the Division in the development and teaching of conservation education programs.

D. To establish courses to be taught in the conservation education program;~~with the advice of the Advisory Board.~~

(Source: P.A. 89-445, eff. 2-7-96.)

(105 ILCS 415/7) (from Ch. 122, par. 698.7)

~~Sec. 7. With the approval of the Advisory Board~~ The Division shall promulgate, and from time to time may change, reasonable rules and regulations not inconsistent with the provisions of this Act, for the proper administration of the Act. Such rules and regulations and changes therein shall be filed and shall become effective as provided by "The Illinois Administrative Procedure Act", approved September 22, 1975, as amended.

(Source: P.A. 83-333.)

(105 ILCS 415/3 rep.)

Section 170. The Conservation Education Act is amended by repealing Section 3.

(205 ILCS 616/70 rep.)

(205 ILCS 616/75 rep.)

Section 175. The Electronic Fund Transfer Act is amended by

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repealing Sections 70 and 75.  
 (205 ILCS 620/1-5.04 rep.)  
 (205 ILCS 620/9-1 rep.)  
 (205 ILCS 620/9-2 rep.)  
 (205 ILCS 620/9-3 rep.)  
 (205 ILCS 620/9-4 rep.)  
 Section 180. The Corporate Fiduciary Act is amended by repealing Sections 1-5.04, 9-1, 9-2, 9-3, and 9-4.  
 (210 ILCS 25/5-101 rep.)  
 (210 ILCS 25/5-102 rep.)  
 (210 ILCS 25/5-103 rep.)  
 Section 185. The Illinois Clinical Laboratory and Blood Bank Act is amended by repealing Sections 5-101, 5-102, and 5-103.  
 (210 ILCS 50/3.205 rep.)  
 Section 190. The Emergency Medical Services (EMS) Systems Act is amended by repealing Section 3.205.  
 (305 ILCS 20/5 rep.)  
 Section 195. The Energy Assistance Act of 1989 is amended by repealing Section 5.  
 (310 ILCS 45/Act rep.)  
 Section 200. The Illinois Mortgage Insurance Fund Act is repealed.  
 (310 ILCS 65/6 rep.)  
 Section 205. The Illinois Affordable Housing Act is amended by repealing Section 6.  
 (325 ILCS 20/4 rep.)  
 Section 210. The Early Intervention Services System Act is amended by repealing Section 4.  
 (405 ILCS 70/20 rep.)  
 (405 ILCS 70/25 rep.)  
 (405 ILCS 70/35 rep.)  
 Section 215. The Community Mental Health Equity Funding Act is amended by repealing Sections 20, 25, and 35.  
 (410 ILCS 405/6 rep.)  
 Section 220. The Alzheimer's Disease Assistance Act is amended by repealing Section 6.  
 Section 225. The Hemophilia Care Act is amended by changing Section 1 as follows:  
 (410 ILCS 420/1) (from Ch. 111 1/2, par. 2901)  
 Sec. 1. Definitions. As used in this Act, unless the context clearly requires otherwise:  
 (1) "Department" means the Illinois Department of Public Aid.  
 (1.5) "Director" means the Director of Public Aid.  
 (2) (Blank).  
 (3) "Hemophilia" means a bleeding tendency resulting from a genetically determined deficiency in the blood.  
 (4) ~~(Blank). "Committee" means the Hemophilia Advisory Committee created under this Act.~~  
 (5) "Eligible person" means any resident of the State suffering from hemophilia.  
 (6) "Family" means:  
 (a) In the case of a patient who is a dependent of another person or couple as defined by the Illinois Income Tax Act, all those persons for whom exemption is claimed in the State income tax return of the person or couple whose dependent the eligible person is, and  
 (b) In all other cases, all those persons for whom exemption is claimed in the State income tax return of the eligible person, or of the eligible person and his spouse.  
 (7) "Eligible cost of hemophilia services" means the cost of

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blood transfusions, blood derivatives, and for outpatient services, of physician charges, medical supplies, and appliances, used in the treatment of eligible persons for hemophilia, plus one half of the cost of hospital inpatient care, minus any amount of such cost which is eligible for payment or reimbursement by any hospital or medical insurance program, by any other government medical or financial assistance program, or by any charitable assistance program.

(8) "Gross income" means the base income for State income tax purposes of all members of the family.

(9) "Available family income" means the lesser of:

(a) Gross income minus the sum of (1) \$5,500, and (2) \$3,500 times the number of persons in the family, or

(b) One half of gross income.

(Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98.)

(410 ILCS 420/4 rep.)

Section 230. The Hemophilia Care Act is amended by repealing Section 4.

(430 ILCS 50/4 rep.)

Section 235. The Hazardous Materials Emergency Act is amended by repealing Section 4.

(430 ILCS 115/15 rep.)

Section 240. The Illinois Manufactured Housing and Mobile Home Safety Act is amended by repealing Section 15.

Section 245. The Illinois Corn Marketing Act is amended by changing Sections 6 and 7 as follows:

(505 ILCS 40/6) (from Ch. 5, par. 706)

~~Sec. 6. Upon enactment of this legislation and if there are sponsors willing and able to meet the requirements of Section 8, the Director shall appoint a temporary corn marketing program committee consisting of 7 members who are corn producers to develop a corn marketing program proposal. Such proposal shall be considered at a public hearing. After the close of the public hearing the Director and temporary corn marketing program committee shall send copies of their findings to all parties of record appearing at the hearing. If such proposal is approved by the temporary corn marketing program committee, a referendum shall be held thereon in accordance with Section 7 of this Act.~~

The Director, upon recommendation of the temporary corn marketing program committee, shall establish procedures for the qualifications of producers for corn marketing programs for the participation of producers in hearings and referenda and other procedures necessary in the development and adoption of a corn marketing program. Such procedures shall not be subject to the provisions of The Illinois Administrative Procedure Act; however, the Director shall take any necessary steps to inform affected persons of the procedures, including publication of the procedures in the Illinois Register.

(Source: P.A. 82-941.)

(505 ILCS 40/7) (from Ch. 5, par. 707)

~~Sec. 7. Within 90 days after final approval by the temporary corn marketing program committee of any proposed corn marketing program, The Director shall determine by referendum whether the affected producers assent to a such proposed corn marketing program. The proposed corn marketing program is approved when a majority of those voting in the referendum vote in favor of such proposed corn marketing program. Following such approval the Department shall file the program with the Secretary of State as provided in Section 5-65 of the Illinois Administrative Procedure Act.~~

If any proposed corn marketing program is not approved by such referendum, no additional referendum on such corn marketing program may be held for 2 years from the date of the close of such referendum

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period. A succeeding referendum shall be called by the Director upon request by petition of 2,500 producers of corn with at least 10 signers of such petition from each of 50 counties. Prior to holding a succeeding referendum, the Director shall appoint a temporary corn marketing program committee who are corn producers and shall follow the procedures as set forth in Section 6.

(Source: P.A. 88-45.)

Section 250. The Illinois Sheep and Wool Production Development and Marketing Act is amended by changing Sections 6 and 7 as follows:  
(505 ILCS 115/6) (from Ch. 5, par. 1056)

Sec. 6. After the effective date of this Act, if there are sponsors willing and able to meet the requirements of Section 8, the Director shall appoint a temporary sheep and wool production development and marketing program committee consisting of 7 members who are sheep or wool producers to develop a sheep and wool production development and marketing program proposal. Such program shall be considered at a public hearing. After the close of the public hearing the Director and temporary sheep and wool production development and marketing program committee shall send copies of their findings to all parties of record appearing at the hearing. If such proposed program is approved by the temporary sheep and wool production development and marketing program committee, a referendum shall be held thereon in accordance with Section 7 of this Act.

The Director, upon recommendation of the temporary sheep and wool production development and marketing program committee, shall establish procedures for the qualifications of producers for sheep and wool production development and marketing programs for the participation of producers in hearing and referenda and other procedures necessary in the development and adoption of a sheep and wool production development and marketing program.

(Source: P.A. 82-100.)

(505 ILCS 115/7) (from Ch. 5, par. 1057)

Sec. 7. Within 120 days after final approval by the temporary sheep and wool production development and marketing program committee of any proposed sheep and wool production development or marketing program, the Director shall determine by referendum whether the affected producers assent to a such proposed sheep and wool production development or marketing program. The proposed sheep and wool production development and marketing program is approved when a majority of those voting in the referendum vote in favor of such proposed sheep and wool production development and marketing program.

If any proposed sheep and wool production development and marketing program is not approved by such referendum, no additional referendum on such sheep and wool production development and marketing program may be held for 2 years from the date of the close of such referendum period. A succeeding referendum shall be called by the Director upon request by written petition of 400 producers of sheep and/or wool with at least 5 signers of such petition from each of 25 counties. Prior to holding a succeeding referendum, the Director shall appoint a temporary sheep and wool production development and marketing program committee who are sheep and/or wool producers and shall follow the procedures as set forth in Section 6.

(Source: P.A. 82-100.)

Section 255. The Soybean Marketing Act is amended by changing Sections 7 and 8 as follows:

(505 ILCS 130/7) (from Ch. 5, par. 557)

Sec. 7. If any marketing program or amendment to an existing marketing program is proposed under Section 6 of this Act, the Director shall appoint a temporary operating committee consisting of 7 members who are soybean producers to develop such proposed

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~~marketing program. Such proposal shall be considered at a public hearing. After the close of the public hearing the Director and temporary operating committee shall send copies of their findings to all parties of record appearing at the hearing. If such proposal is approved by the temporary operating committee, a referendum shall be held thereon in accordance with Section 8 of this Act.~~

The Director, upon recommendation of the temporary operating committee, shall establish procedures for the qualifications of producers for marketing programs, for the participation of producers in hearings and referenda and other procedures necessary in the development and adoption of marketing programs. Procedures relative to the adoption of any marketing program or amendment to an existing marketing program shall not be subject to the provisions of The Illinois Administrative Procedure Act. However, the Director shall take any necessary steps to inform affected persons of the procedures, including publication of the procedures in the Illinois Register.

(Source: P.A. 83-80.)

(505 ILCS 130/8) (from Ch. 5, par. 558)

~~Sec. 8. Within 90 days after final approval by the temporary operating committee of any proposed marketing program,~~ The Director shall determine by referendum in accordance with this Section and Section 11 of this Act whether the affected producers assent to a such proposed program. The proposed program is approved when a majority of those voting in the referendum vote in favor of such proposed program.

~~Within 90 days after final approval by the program operating board of any proposed amendment to the marketing program,~~ The Director shall determine by referendum in accordance with this Section and Section 11 of this Act whether the affected producers assent to a such proposed amendment. The proposed amendment to the program is approved when a majority voting on the amendment vote in favor of the amendment.

If any proposed marketing program or amendment is not approved by such referendum, no additional referendum on such program or amendment may be held for 2 years from the date of the close of such referendum period.

(Source: P.A. 85-181.)

Section 260. The Animal Gastroenteritis Act is amended by changing Section 2 as follows:

(510 ILCS 15/2) (from Ch. 8, par. 204)

Sec. 2. The Director of Agriculture is authorized to establish within the Department an Advisory Committee to be known as the Swine Disease Control Committee. Such committee shall consist of 5 producers of swine, 2 representatives of general farm organizations in the State, one representative of general swine organizations in the State, one or more licensed practicing veterinarians, the administrator of animal disease programs the Dean of the College of Veterinary Medicine and the Dean of the College of Agriculture of the University of Illinois, the Director of Public Health and the Chairman of the Agriculture, Conservation and Energy Committee of the Senate and the Chairman of the Committee on Agriculture of the House. In the appointment of such committee, the Director shall consult with representative persons and recognized organizations in the respective fields concerning such appointments of producers and members of general farm organizations.

~~The Director is authorized to establish within the Department an advisory committee to be known as the Cattle Disease Research Committee. Such committee shall consist of 2 representatives of general farm organizations in the State, one representative of~~

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general-cattle-organizations-in-the-State, the Dean of the College of Veterinary Medicine and the Dean of the College of Agriculture of the University of Illinois, the administrator of animal disease programs and the Director of Public Health, the Chairman of the Agriculture, Conservation and Energy Committee of the Senate and the Chairman of the Committee on Agriculture of the House. Eight additional members representing the following agricultural interests: feeder cattle, purebred beef cattle, dairy cattle and one or more licensed practicing veterinarians. In the appointment of such committee, the Director shall consult with representative persons and recognized organizations in the respective fields, producers and members of general farm organizations.

From time to time the Director shall consult with the Swine Disease Control Committee and the Cattle Disease Research Committee concerning research projects to be undertaken, the priority of such projects, the results of such research and the manner in which the results of such research can be made available to best serve the livestock industry of the State.

The Director may also consult with the committee such committees concerning problems arising in the administration of "An Act authorizing and providing for a cooperative program between United States, state and local agencies, public and private agencies and organizations and individuals for the control of starlings, rodents and other injurious predatory animal and bird pests and making an appropriation therefor", approved August 26, 1963.

(Source: P.A. 85-323.)

(520 ILCS 10/6 rep.)

Section 265. The Illinois Endangered Species Protection Act is amended by repealing Section 6.

(605 ILCS 10/3.1 rep.)

Section 270. The Toll Highway Act is amended by repealing Section 3.1.

Section 275. The Unified Code of Corrections is amended by changing Section 3-2-6 as follows:

(730 ILCS 5/3-2-6) (from Ch. 38, par. 1003-2-6)

Sec. 3-2-6. Advisory Board Boards. (a) There shall be an Adult Advisory Board and a Juvenile Advisory Board each composed of 11 persons, one of whom shall be a senior citizen age 60 or over, appointed by the Governor to advise the Director on matters pertaining to adult and juvenile offenders respectively. The members of the Board Boards shall be qualified for their positions by demonstrated interest in and knowledge of adult and juvenile correctional work and shall not be officials of the State in any other capacity. The members first appointed under this amendatory Act of 1984 shall serve for a term of 6 years and shall be appointed as soon as possible after the effective date of this amendatory Act of 1984. The members of the Board Boards now serving shall complete their terms as appointed, and thereafter members shall be appointed by the Governor to terms of 6 years. Any vacancy occurring shall be filled in the same manner for the remainder of the term. The Director of Corrections and the Assistant Director Directors, Adult Division and Juvenile Divisions respectively, for the 2 Boards, shall be ex-officio members of the Board Boards. The Each Board shall elect a chairman from among its appointed members. The Director shall serve as secretary of the each Board. Members of the each Board shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties. The Each Board shall meet quarterly and at other times at the call of the chairman. At the request of the Director, the Boards may meet together.

(b) The Board Boards shall advise the Director concerning policy

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matters and programs of the Department with regard to the custody, care, study, discipline, training and treatment of persons in the State correctional institutions and for the care and supervision of persons released on parole.

(c) There shall be a Subcommittee on Women Offenders to the Adult Advisory Board. The Subcommittee shall be composed of 3 members of the Adult Advisory Board appointed by the Chairman who shall designate one member as the chairman of the Subcommittee. Members of the Subcommittee shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties. The Subcommittee shall meet no less often than quarterly and at other times at the call of its chairman.

The Subcommittee shall advise the Adult Advisory Board and the Director on all policy matters and programs of the Department with regard to the custody, care, study, discipline, training and treatment of women in the State correctional institutions and for the care and supervision of women released on parole.

(Source: P.A. 85-624.)

(730 ILCS 5/3-6-3.1 rep.)

Section 280. The Unified Code of Corrections is amended by repealing Section 3-6-3.1.

(820 ILCS 305/14.1 rep.)

Section 285. The Workers' Compensation Act is amended by repealing Section 14.1.

Section 995. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 999. Effective date. This Act takes effect July 1, 2001."

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

On motion of Senator T. Walsh, Senate Bill No. 1209 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. 1210 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. 1213 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. 1214 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dudycz, Senate Bill No. 1514 having been printed, was taken up and read by title a second time.

Senator Dudycz offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1514 as follows:

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by replacing the title with the following:

"AN ACT in relation to the operation of motor vehicles."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 6-206 and adding Section 11-1429 as follows:

(625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;
2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;
3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;
4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in death or injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;
5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;
6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;
7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;
8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;
9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;
10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;
11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a judicial driving permit, probationary license to drive, or a restricted driving permit issued under this Code;
12. Has submitted to any portion of the application process for another person or has obtained the services of another person

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to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;

15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a police officer;

17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of \$1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the provisions of the Cannabis Control Act, in which case the person's driving privileges shall be suspended for one year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the provisions of the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act shall be suspended for 5 years. Any defendant found

guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act or a controlled substance as listed in the Illinois Controlled Substances Act in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

34. Has committed a violation of Section 11-1301.5 of this Code;

35. Has committed a violation of Section 11-1301.6 of this Code; ~~or~~

36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction; or-

37. Has committed a second or subsequent violation of Section 11-1429 of this Code.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was

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entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to obtain a commercial driver's license under Section 6-507 during the period of a disqualification of commercial driving privileges under Section 6-514.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship, issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of his employment related duties, or to allow transportation for the petitioner, or a household member of the petitioner's family, to receive necessary medical care and if the professional evaluation indicates, provide transportation for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare. In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except

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that all permits shall expire within one year from the date of issuance. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant under the age of 18 years whose driver's license or permit has been suspended pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

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

(Source: P.A. 89-283, eff. 1-1-96; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 90-43, eff. 7-2-97; 90-106, eff. 1-1-98; 90-369, eff. 1-1-98; 90-655, eff. 7-30-98.)

(625 ILCS 5/11-1429 new)

Sec. 11-1429. Theft of motor fuel.

(a) No person may operate a vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of the vehicle unless that person or some other person has paid for or charged the price of the dispensed motor fuel.

(b) Violation of this Section is a petty offense punishable by a fine of \$250 or 30 hours of community service.

(c) A second violation of this Section shall cause the person's driver's license to be suspended for 6 months. A third or subsequent violation of this Section shall result in a one-year suspension."

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

Senator Dudycz offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1514, with regard to Senate Amendment #1, on page 10, in line 25 by inserting prior to the word "fine" the word "minimum".

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 Dudycz, Senate Bill No. 1518 having been printed, was taken up, read by title a second time and ordered to a

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third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Mahar, Senate Bill No. 10, 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 56; 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, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson

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

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

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

On motion of Senator Cronin, Senate Bill No. 21, 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 57; 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, E.  
 Jones, W.  
 Karpel  
 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  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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

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

On motion of Senator Rauschenberger, Senate Bill No. 22, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 34; Nays 18; Present 2.

The following voted in the affirmative:

Bomke  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Geo-Karis  
 Halvorson  
 Hendon  
 Jacobs  
 Jones, E.  
 Lightford  
 Link  
 Madigan, L.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 O'Daniel  
 O'Malley  
 Peterson  
 Radogno  
 Rauschenberger

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Ronen  
Shaw  
Sieben  
Silverstein  
Viverito  
Walsh, L.  
Walsh, T.  
Weaver  
Welch  
Woolard

The following voted in the negative:

Bowles  
Burzynski  
Clayborne  
Dudycz  
Hawkinson  
Karpel  
Klemm  
Luechtefeld  
Noland  
Obama  
Parker  
Roskam  
Shadid  
Sullivan  
Syverson  
Trotter  
Watson  
Mr. President

The following voted present:

Jones, W.  
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 Dillard, Senate Bill No. 32, 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 43; Nays 13.

The following voted in the affirmative:

Bowles  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Dillard  
Donahue  
Dudycz

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Geo-Karis  
 Halvorson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 Lightford  
 Link  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Obama  
 O'Daniel  
 O'Malley  
 Peterson  
 Petka  
 Radogno  
 Ronen  
 Roskam  
 Shaw  
 Sieben  
 Silverstein  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Woolard  
 Mr. President

The following voted in the negative:

Bomke  
 Burzynski  
 Demuzio  
 Hawkinson  
 Klemm  
 Lauzen  
 Noland  
 Parker  
 Rauschenberger  
 Shadid  
 Sullivan  
 Syverson  
 Welch

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

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

On motion of Senator Hawkinson, Senate Bill No. 42, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

[Apr. 5, 2001]

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
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  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard

[Apr. 5, 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 Parker, Senate Bill No. 48, 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 56; 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, E.  
 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  
 Shaw  
 Sieben

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

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

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

On motion of Senator Obama, Senate Bill No. 62, 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 56; 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, E.  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama

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

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

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

On motion of Senator Sullivan, Senate Bill No. 71, 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 57; 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, E.  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen

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

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

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

On motion of Senator Klemm, Senate Bill No. 118, 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 3.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Dillard  
 Donahue

[Apr. 5, 2001]

Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 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  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Woolard  
 Mr. President

The following voted in the negative:

Demuzio  
 Rauschenberger  
 Welch

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

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

On motion of Senator Watson, Senate Bill No. 151, 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 56; Nays None.

The following voted in the affirmative:

[Apr. 5, 2001]

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
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  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

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

[Apr. 5, 2001]

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

On motion of Senator Philip, Senate Bill No. 188, 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 47; Nays 6.

The following voted in the affirmative:

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

The following voted in the negative:

[Apr. 5, 2001]

Clayborne  
Hawkinson  
Madigan, L.  
Obama  
Ronen  
Welch

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

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

At the hour of 11:46 o'clock a.m., Senator Donahue presiding.

On motion of Senator Dillard, Senate Bill No. 250, 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 56; 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, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson

[Apr. 5, 2001]

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

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

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

On motion of Senator Halvorson, Senate Bill No. 269, 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 57; 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, E.  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.

[Apr. 5, 2001]

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

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

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

On motion of Senator Dillard, Senate Bill No. 385, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 34; Nays 21.

The following voted in the affirmative:

Bowles  
 Burzynski  
 Clayborne  
 Cullerton  
 DeLeo  
 del Valle  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Jacobs  
 Jones, E.  
 Lauzen  
 Luechtefeld

[Apr. 5, 2001]

Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 O'Daniel  
 O'Malley  
 Peterson  
 Petka  
 Radogno  
 Shaw  
 Sieben  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Woolard  
 Mr. President

The following voted in the negative:

Bomke  
 Cronin  
 Demuzio  
 Hawkinson  
 Hendon  
 Jones, W.  
 Karpel  
 Lightford  
 Link  
 Madigan, L.  
 Noland  
 Obama  
 Parker  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Silverstein  
 Sullivan  
 Syverson  
 Welch

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

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

Senator Lauzen asked and obtained unanimous consent for the Journal to reflect that he inadvertently voted "Yes" instead of "No" on the passage of Senate Bill No. 385.

On motion of Senator Parker, Senate Bill No. 434, 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 56; Nays 1.

[Apr. 5, 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, E.  
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  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

The following voted in the negative:

[Apr. 5, 2001]

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 Parker, Senate Bill No. 435, 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 56; 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, E.  
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  
Shaw

[Apr. 5, 2001]

Sieben  
Silverstein  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
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. 437, 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 56; 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, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama

[Apr. 5, 2001]

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

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 Sullivan, Senate Bill No. 447, 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 57; 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, E.

[Apr. 5, 2001]

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

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

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

On motion of Senator DeLeo, Senate Bill No. 500, 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 56; Nays None.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton

[Apr. 5, 2001]

DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 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  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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

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

On motion of Senator Lauzen, Senate Bill No. 603, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

[Apr. 5, 2001]

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
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  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch

[Apr. 5, 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 Philip, Senate Bill No. 627, 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 56; 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, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw

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

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

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

On motion of Senator O'Malley, Senate Bill No. 636, 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 35; Nays 21; Present 1.

The following voted in the affirmative:

Bomke  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Lauzen  
 Lightford  
 Link  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Silverstein  
 Sullivan  
 Viverito  
 Walsh, T.

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Watson  
Weaver  
Mr. President

The following voted in the negative:

Bowles  
Burzynski  
Clayborne  
Demuzio  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel  
Klemm  
Luechtefeld  
Myers  
Noland  
Peterson  
Shaw  
Sieben  
Syverson  
Walsh, L.  
Welch  
Woolard

The following voted present:

Trotter

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

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

At the hour of 12:25 o'clock p.m., Senator Karpiel presiding.

On motion of Senator Lauzen, Senate Bill No. 653, 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  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis

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

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

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

Senator O'Daniel asked and obtained unanimous consent for the Journal to reflect that he inadvertently voted "Yes" instead of "No" on the passage of Senate Bill No. 653.

On motion of Senator Clayborne, Senate Bill No. 725, 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 57; Nays None.

The following voted in the affirmative:

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Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
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  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

This bill, having received the vote of a constitutional majority  
of the members elected, was declared passed, and all amendments not

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adopted were tabled pursuant to Senate Rule No. 5-4(a).

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

On motion of Senator Roskam, Senate Bill No. 729, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

The following voted in the affirmative:

Bomke  
Bowles  
Cronin  
Cullerton  
DeLeo  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
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  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Woolard

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Mr. President

The following voted in the negative:

Clayborne  
del Valle  
Shadid  
Welch

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

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

On motion of Senator Lauzen, Senate Bill No. 796, 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 32; Nays 25.

The following voted in the affirmative:

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

The following voted in the negative:

Bowles  
Clayborne

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Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Halvorson  
 Hendon  
 Jacobs  
 Jones, E.  
 Lightford  
 Link  
 Madigan, L.  
 Molaro  
 Munoz  
 Obama  
 Ronen  
 Shadid  
 Shaw  
 Silverstein  
 Trotter  
 Viverito  
 Walsh, L.  
 Welch  
 Woolard

This roll call verified.

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. 797, 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 56; 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, E.  
 Jones, W.  
 Karpel

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

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

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

On motion of Senator Lauzen, Senate Bill No. 921, 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 55; Nays None.

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, E.  
 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  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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

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

#### 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:

[Apr. 5, 2001]

Senate Amendment No. 3 to Senate Bill 1497  
 Senate Amendment No. 4 to Senate Bill 1497

#### REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, reported that Senate Joint Resolution No. 21, which was referred to the Committee on Executive has been re-referred from the Committee on Executive to the Committee on Rules and has been approved for consideration by the Rules Committee and referred to the Senate floor for Consideration.

Senator Weaver, Chairperson of the Committee on Rules, during its April 5, 2001 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Environment and Energy: Senate Amendment No. 3 to Senate Bill 372.

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

Senate Amendment No. 2 to Senate Bill 721  
 Senate Amendment No. 4 to Senate Bill 1497

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

#### READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Philip, Senate Bill No. 993, 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 56; 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  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel

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

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

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

On motion of Senator Hawkinson, Senate Bill No. 1011, 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 56; Nays None.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle

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Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
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  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

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

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

On motion of Senator Noland, Senate Bill No. 1069, 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, E.  
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  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson  
Viverito  
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

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thereof and ask their concurrence therein.

On motion of Senator Cronin, Senate Bill No. 1190, 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 31; Nays 17; Present 7.

The following voted in the affirmative:

Bomke  
Burzynski  
Cronin  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Hawkinson  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Luechtefeld  
Madigan, R.  
Mahar  
Myers  
Noland  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Roskam  
Sieben  
Sullivan  
Syverson  
Walsh, T.  
Watson  
Weaver  
Mr. President

The following voted in the negative:

Bowles  
Clayborne  
Cullerton  
DeLeo  
Jacobs  
Lauzen  
Madigan, L.  
Molaro  
Munoz  
Obama  
O'Daniel  
Shaw  
Silverstein  
Viverito  
Walsh, L.  
Welch

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Woolard

The following voted present:

del Valle  
Halvorson  
Hendon  
Lightford  
Link  
Ronen  
Shadid

This roll call verified.

Following the verification of the roll call, the Chair directed that the name of Senator Demuzio, having voted in the affirmative, be removed, as he was absent from the floor at the time of the verification.

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

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

On motion of Senator Cronin, Senate Bill No. 1241, 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 57; 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, E.  
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  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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

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

On motion of Senator Lauzen, Senate Bill No. 1254, 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 57; 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

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Hendon  
 Jacobs  
 Jones, E.  
 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  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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

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

On motion of Senator Klemm, Senate Bill No. 1258, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 49; Nays 4; Present 1.

The following voted in the affirmative:

Bowles  
 Clayborne  
 Cronin

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

The following voted in the negative:

Bomke  
Burzynski  
Hawkinson  
Myers

The following voted present:

Lightford

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not

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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. 1309, 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 57; 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, E.  
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  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson

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

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

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

On motion of Senator Radogno, Senate Bill No. 1341, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 51; Nays None; Present 6.

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, E.  
Jones, W.  
Karpel  
Klemm  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka

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

The following voted present:

Burzynski  
 Lauzen  
 Myers  
 Rauschenberger  
 Roskam  
 Syverson

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

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

On motion of Senator Philip, Senate Bill No. 1262, 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 56; 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  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 Klemm

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

#### COMMITTEE MEETING ANNOUNCEMENT

Senator Mahar, Chairperson of the Committee on Environment and Energy announced that the Environment and Energy Committee will meet today in Room 400, Capitol Building, at 3:00 o'clock p.m.

#### CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Philip moved that Senate Joint Resolution No. 21, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Philip moved that Senate Joint Resolution No. 21, be adopted.

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

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Yeas 56; 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, E.  
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  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

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The motion prevailed.  
And the resolution was adopted.  
Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Rauschenberger, Senate Bill No. 799 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, Senate Bill No. 1111 having been printed, was taken up and read by title a second time.

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

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

At the hour of 1:47 o'clock p.m., Senator Dudycz presiding.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Cullerton, Senate Bill No. 24, 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 42; Nays 5; Present 8.

The following voted in the affirmative:

Bomke  
Burzynski  
Cronin  
Cullerton  
DeLeo  
del Valle  
Dillard  
Dudycz  
Geo-Karis  
Hendon  
Jones, E.  
Jones, W.  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno

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Rauschenberger  
Ronen  
Roskam  
Sieben  
Sullivan  
Syverson  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Woolard  
Mr. President

The following voted in the negative:

Donahue  
Hawkinson  
Jacobs  
Karpel  
Welch

The following voted present:

Bowles  
Clayborne  
Demuzio  
Myers  
Shadid  
Shaw  
Silverstein  
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 Silverstein, Senate Bill No. 39, 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 57; Nays None.

The following voted in the affirmative:

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

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Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 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  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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

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

On motion of Senator Radogno, Senate Bill No. 114, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 49; Nays 8.

The following voted in the affirmative:

Bomke

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

The following voted in the negative:

Burzynski  
Donahue  
Lauzen  
Luechtefeld  
Madigan, R.  
O'Malley  
Syverson  
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 Syverson, Senate Bill No. 163, 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 56; 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, E.  
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  
Shaw  
Sieben  
Silverstein  
Sullivan

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

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

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

On motion of Senator Roskam, Senate Bill No. 213, 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 57; 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, E.  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley

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

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

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

On motion of Senator T. Walsh, Senate Bill No. 333, 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 56; Nays None; Present 1.

The following voted in the affirmative:

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

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

The following voted present:

Bomke

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. 356, 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 55; Nays 2.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo

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

The following voted in the negative:

Parker  
Sullivan

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.

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On motion of Senator Syverson, Senate Bill No. 608, 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 56; 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, E.  
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  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson

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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 Bomke, Senate Bill No. 629, 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 56; 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, E.  
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

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

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

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

On motion of Senator Dillard, Senate Bill No. 663, 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 36; Nays 16; Present 5.

The following voted in the affirmative:

Bomke  
 Burzynski  
 Cronin  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Hawkinson  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen  
 Link  
 Luechtefeld  
 Madigan, R.  
 Mahar  
 Myers  
 Noland  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Roskam  
 Shadid  
 Sieben  
 Sullivan  
 Syverson

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Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Woolard  
Mr. President

The following voted in the negative:

Clayborne  
del Valle  
Demuzio  
Halvorson  
Hendon  
Jacobs  
Jones, E.  
Madigan, L.  
Molaro  
Obama  
Ronen  
Shaw  
Silverstein  
Trotter  
Viverito  
Welch

The following voted present:

Bowles  
Cullerton  
DeLeo  
Lightford  
Munoz

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. 694, 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 57; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz

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Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 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  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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

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

On motion of Senator Cronin, Senate Bill No. 717, 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 57; Nays None.

The following voted in the affirmative:

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Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
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  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not

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adopted were tabled pursuant to Senate Rule No. 5-4(a).

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

SENATE BILL RECALLED

On motion of Senator Cullerton, Senate Bill No. 721 was recalled from the order of third reading to the order of second reading.

Senators Hawkinson - Cullerton offered the following amendment:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 721, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Sections 8-2001, 8-2003, and 8-2004, changing the heading of Part 20 of Article VIII, and adding Sections 8-2005 and 8-2006 as follows:

(735 ILCS 5/Art. 8, Part 20 heading)

Part 20. Inspection of Hospital Records

(735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)

(Text of Section WITHOUT the changes made by P.A. 89-7, which has been held unconstitutional)

Sec. 8-2001. Examination of records. Every private and public hospital shall, upon the request of any patient who has been treated in such hospital and after his or her discharge therefrom, permit the patient, his or her physician or authorized attorney to examine the hospital records, including but not limited to the history, bedside notes, charts, pictures and plates, kept in connection with the treatment of such patient, and permit copies of such records to be made by him or her or his or her physician or authorized attorney. A request for copies examination of the records shall be in writing and shall be delivered to the administrator of such hospital. The hospital shall be reimbursed by the person requesting copies of records at the time of such copying for all reasonable expenses, including the costs of independent copy service companies, incurred by the hospital in connection with such copying not to exceed a \$20 handling charge for processing the request for copies, and 75 cents per page for the first through 25th pages, 50 cents per page for the 26th through 50th pages, and 25 cents per page for all pages in excess of 50 (except that the charge shall not exceed \$1.25 per page for any copies made from microfiche or microfilm), and actual shipping costs. These rates shall be automatically adjusted as set forth in Section 8-2006. The hospital may, however, charge for the reasonable cost of all duplication of record material or information that cannot routinely be copied or duplicated on a standard commercial photocopy machine such as x-ray films or pictures.

The requirements of this Section shall be satisfied within 60 days of the receipt of a request by a patient, for his or her physician, authorized attorney, or own person.

Failure to comply with the time limit requirement of this Section shall subject the denying party to expenses and reasonable attorneys' fees incurred in connection with any court ordered enforcement of the provisions of this Section.

(Source: P.A. 84-7.)

(735 ILCS 5/8-2003) (from Ch. 110, par. 8-2003)

(Text of Section WITHOUT the changes made by P.A. 89-7, which has been held unconstitutional)

Sec. 8-2003. Physician's Records of physicians and other health care practitioners. In this Section, "practitioner" means any health care practitioner other than a physician, clinical

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psychologist, or clinical social worker.

Every physician and practitioner shall, upon the request of any patient who has been treated by such physician or practitioner, permit such patient's physician, practitioner, or authorized attorney to examine and copy the patient's records, including but not limited to those relating to the diagnosis, treatment, prognosis, history, charts, pictures and plates, kept in connection with the treatment of such patient. Such request for examining and copying of the records shall be in writing and shall be delivered to such physician or practitioner. Such written request shall be complied with by the physician or practitioner within a reasonable time after receipt by him or her at his or her office or any other place designated by him or her. The physician or practitioner shall be reimbursed by the person requesting such records at the time of such examination--or copying, for all reasonable expenses, including the costs of independent copy service companies, incurred by the physician or practitioner in connection with such examination--or copying not to exceed a \$20 handling charge for processing the request for copies, and 75 cents per page for the first through 25th pages, 50 cents per page for the 26th through 50th pages, and 25 cents per page for all pages in excess of 50 (except that the charge shall not exceed \$1.25 per page for any copies made from microfiche or microfilm), and actual shipping costs. These rates shall be automatically adjusted as set forth in Section 8-2006. The physician or other practitioner may, however, charge for the reasonable cost of all duplication of record material or information that cannot routinely be copied or duplicated on a standard commercial photocopy machine such as x-ray films or pictures.

The requirements of this Section shall be satisfied within 60 days of the receipt of a request by a patient or, his or her physician, practitioner, or authorized attorney.

Failure to comply with the time limit requirement of this Section shall subject the denying party to expenses and reasonable attorneys' fees incurred in connection with any court ordered enforcement of the provisions of this Section.

(Source: P.A. 84-7.)

(735 ILCS 5/8-2004) (from Ch. 110, par. 8-2004)

(Text of Section WITHOUT the changes made by P.A. 89-7, which has been held unconstitutional)

Sec. 8-2004. Records of clinical psychologists and clinical social workers. Except where the clinical psychologist or clinical social worker consents, records of a clinical psychologist or clinical social worker regulated in this State, relating to psychological services or social work services, shall not be examined or copied by a patient, unless otherwise ordered by the court for good cause shown. For the purpose of obtaining records, the patient or his or her authorized agent may apply to the circuit court of the county in which the patient resides or the county in which the clinical psychologist or clinical social worker resides. The clinical psychologist or clinical social worker shall be reimbursed by the person requesting the records at the time of the examination or copying, for all reasonable expenses, including the costs of independent copy service companies, incurred by the clinical psychologist or clinical social worker in connection with the examination--or copying, not to exceed a \$20 handling charge for processing the request for copies, and 75 cents per page for the first through 25th pages, 50 cents per page for the 26th through 50th pages, and 25 cents per page for all pages in excess of 50 (except that the charge shall not exceed \$1.25 per page for any copies made from microfiche or microfilm), and actual shipping costs. These rates

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shall be automatically adjusted as set forth in Section 8-2006. The clinical psychologist or clinical social worker may, however, charge for the reasonable cost of all duplication of record material or information that cannot routinely be copied or duplicated or a standard commercial photocopy machine such as pictures.

(Source: P.A. 87-530.)

(735 ILCS 5/8-2005 new)

Sec. 8-2005. Attorney's records. This Section applies only if a client and his or her authorized attorney have complied with all applicable legal requirements regarding examination and copying of client files, including but not limited to satisfaction of expenses and attorney retaining liens.

Upon the request of a client, an attorney shall permit the client's authorized attorney to examine and copy the records kept by the attorney in connection with the representation of the client, with the exception of attorney work product. The request for examination and copying of the records shall be in writing and shall be delivered to the attorney. Within a reasonable time after the attorney receives the written request, the attorney shall comply with the written request at his or her office or any other place designated by him or her. At the time of copying, the person requesting the records shall reimburse the attorney for all reasonable expenses, including the costs of independent copy service companies, incurred by the attorney in connection with the copying not to exceed a \$20 handling charge for processing the request for copies, and 75 cents per page for the first through 25th pages, 50 cents per page for the 26th through 50th pages, and 25 cents per page for all pages in excess of 50 (except that the charge shall not exceed \$1.25 per page for any copies made from microfiche or microfilm), and actual shipping costs. These rates shall be automatically adjusted as set forth in Section 8-2006. The attorney may, however, charge for the reasonable cost of all duplication of record material or information that cannot routinely be copied or duplicated on a standard commercial photocopy machine such as pictures.

An attorney shall satisfy the requirements of this Section within 60 days after he or she receives a request from a client or his or her authorized attorney. An attorney who fails to comply with the time limit requirement of this Section shall be required to pay expenses and reasonable attorney's fees incurred in connection with any court-ordered enforcement of the requirements of this Section.

(735 ILCS 5/8-2006 new)

Sec. 8-2006. Copying fees; adjustment for inflation. Beginning in 2003, every January 20, the copying fee limits established in Sections 8-2001, 8-2003, 8-2004, and 8-2005 shall automatically be increased or decreased, as applicable, by a percentage equal to the percentage change in the consumer price index-u during the preceding 12-month calendar year. "Consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Comptroller and made available to the public on January 20 of every year.

Section 99. Effective date. This Act takes effect 30 days after becoming law."

Senator Hawkinson moved the adoption of the foregoing amendment.

The motion prevailed.

And the amendment was adopted and ordered printed.

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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 Radogno, Senate Bill No. 750, 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 55; 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, E.  
 Jones, W.  
 Karpel  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein

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Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 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. 832, 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 57; 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, E.  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley

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

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

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

On motion of Senator Rauschenberger, Senate Bill No. 847, 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 42; Nays 11; Present 3.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Cronin  
Cullerton  
DeLeo  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Hawkinson  
Jacobs  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Link  
Luechtefeld  
Madigan, R.  
Mahar  
Myers  
Noland  
O'Daniel

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

The following voted in the negative:

Clayborne  
del Valle  
Halvorson  
Hendon  
Jones, E.  
Lightford  
Madigan, L.  
Molaro  
Obama  
Ronen  
Silverstein

The following voted present:

Demuzio  
Munoz  
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 Parker, Senate Bill No. 930, 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 55; Nays 1; 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, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Sieben  
Silverstein  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

The following voted in the negative:

Shaw

The following voted present:

Lightford

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not

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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 Petka, Senate Bill No. 933, 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 57; 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, E.  
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  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson

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

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

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

On motion of Senator R. Madigan, Senate Bill No. 941, 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 57; 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, E.  
Jones, W.  
Karpel  
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  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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

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

On motion of Senator R. Madigan, Senate Bill No. 943, 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 57; 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, E.  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen  
 Lightford  
 Link

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

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

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

On motion of Senator Cullerton, Senate Bill No. 1047, 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 57; Nays None.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Dudycz

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Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 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  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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

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

On motion of Senator T. Walsh, Senate Bill No. 1180, 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 56; Nays None.

The following voted in the affirmative:

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Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Jacobs  
Jones, E.  
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  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

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

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

#### SENATE BILL RECALLED

On motion of Senator T. Walsh, Senate Bill No. 1497 was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 3 was filed earlier today and referred to the Committee on Rules.

Senator T. Walsh offered the following amendment and moved its adoption:

#### AMENDMENT NO. 4

AMENDMENT NO. 4. Amend Senate Bill 1497, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 1 by replacing lines 19 through 22 with the following:

"Health care provider" has the meaning ascribed to that term in Section 10 of this Act.

"Health care treatment decision" means a determination made by the health care plan that affects the quality of the care or treatment provided to the plan's insureds or enrollees. The definition of "health care treatment"; and

on page 2 by deleting lines 1, 2, and 3; and

on page 2, line 10, by changing "in" to "in all its branches in"; and on page 2 by replacing line 24 with the following:

"circumstances. Nothing in this Section affects the confidentiality of peer review or utilization review records as provided by law."; and

on page 3, line 5, by deleting "physician, hospital, or other".

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.

#### READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Syverson, Senate Bill No. 1504, 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 32; Nays None; Present 18.

The following voted in the affirmative:

Bomke  
Burzynski  
Cronin  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Hawkinson  
Jones, W.  
Karpel  
Klemm

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Lauzen  
Luechtefeld  
Madigan, R.  
Mahar  
Myers  
Noland  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Roskam  
Shadid  
Sieben  
Sullivan  
Syverson  
Walsh, T.  
Watson  
Weaver  
Mr. President

The following voted present:

Bowles  
Clayborne  
del Valle  
Demuzio  
Halvorson  
Hendon  
Lightford  
Link  
Madigan, L.  
Obama  
O'Daniel  
Ronen  
Silverstein  
Trotter  
Viverito  
Walsh, L.  
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 Lauzen, Senate Bill No. 1521, 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 56; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski

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Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
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  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

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

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

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On motion of Senator T. Walsh, Senate Bill No. 1497, 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 39; Nays 1; Present 15.

The following voted in the affirmative:

Bomke  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Hawkinson  
Jacobs  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Luechtefeld  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Roskam  
Sullivan  
Syverson  
Walsh, T.  
Watson  
Weaver  
Woolard  
Mr. President

The following voted in the negative:

Sieben

The following voted present:

Bowles  
Demuzio  
Hendon  
Jones, E.  
Lightford  
Link

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Madigan, L.  
 Ronen  
 Shadid  
 Shaw  
 Silverstein  
 Trotter  
 Viverito  
 Walsh, L.  
 Welch

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

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

On motion of Senator Cullerton, Senate Bill No. 721, 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 57; 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, E.  
 Jones, W.  
 Karpel  
 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  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

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

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

Senator Karpziel announced that there will be a Republican caucus tomorrow, April 6, 2001 at 8:30 o'clock a.m.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has 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. 280
A bill for AN ACT in relation to taxes.	
	HOUSE BILL NO. 632
A bill for AN ACT in relation to children.	
	HOUSE BILL NO. 953
A bill for AN ACT concerning seeds.	
	HOUSE BILL NO. 2276
A bill for AN ACT in relation to health.	
	HOUSE BILL NO. 2437
A bill for AN ACT in relation to health.	
	HOUSE BILL NO. 2438
A bill for AN ACT in relation to senior citizens and disabled persons.	
	HOUSE BILL NO. 2548
A bill for AN ACT to amend the Illinois Clean Indoor Air Act by changing Section 11.	
	HOUSE BILL NO. 2566
A bill for AN ACT concerning the regulation of professions.	
	HOUSE BILL NO. 2807

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- A bill for AN ACT in relation to courts.  
HOUSE BILL NO. 3037
- A bill for AN ACT concerning State moneys.  
HOUSE BILL NO. 3576
- A bill for AN ACT concerning clerks of courts.

Passed the House, April 5, 2001.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bills numbered 280, 632, 953, 2276, 2437, 2438, 2548, 2566, 2807, 3037 and 3576 were taken up, ordered printed and placed on first reading.

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. 300
- A bill for AN ACT in relation to the expungement and sealing of arrest and court records.
- HOUSE BILL NO. 546
- A bill for AN ACT in relation to criminal law.
- HOUSE BILL NO. 625
- A bill for AN ACT in relation to bonds.
- HOUSE BILL NO. 1695
- A bill for AN ACT in relation to private sewage disposal.
- HOUSE BILL NO. 1741
- A bill for AN ACT concerning schools.
- HOUSE BILL NO. 1915
- A bill for AN ACT concerning natural resources.
- HOUSE BILL NO. 1956
- A bill for AN ACT concerning the payment of local government fees.
- HOUSE BILL NO. 2377
- A bill for AN ACT concerning business transactions.
- HOUSE BILL NO. 2419
- A bill for AN ACT concerning insurance.
- HOUSE BILL NO. 2432
- A bill for AN ACT in relation to housing.

Passed the House, April 5, 2001.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bills numbered 300, 546, 625, 1695, 1741, 1915, 1956, 2377, 2419 and 2432 were taken up, ordered printed and placed on first reading.

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. 3008
- A bill for AN ACT concerning credit unions.
- HOUSE BILL NO. 3011

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A bill for AN ACT in relation to public aid.  
HOUSE BILL NO. 3157  
A bill for AN ACT concerning public employees.  
HOUSE BILL NO. 3212  
A bill for AN ACT concerning technology.  
HOUSE BILL NO. 3241  
A bill for AN ACT concerning municipalities.  
HOUSE BILL NO. 3292  
A bill for AN ACT in relation to taxes.

Passed the House, April 5, 2001.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bills numbered 3008, 3011, 3157, 3212, 3241 and 3292 were taken up, ordered printed and placed on first reading.

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

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

HOUSE JOINT RESOLUTION NO. 27

WHEREAS, At approximately 8:15 p.m. Eastern Standard Time, Saturday, March 31, 2001, in international waters, a United States Navy EP-3 maritime patrol aircraft on a routine surveillance mission over the South China Sea was intercepted by two People's Republic of China fighter aircraft; and

WHEREAS, There was contact between one of the Chinese aircraft and the EP-3, causing sufficient damage for the United States plane to issue a "Mayday" signal and divert to an airfield on Hainan Island, People's Republic of China; and

WHEREAS, The plane's crew of 24 United States service members is being detained incommunicado by the government of the People's Republic of China; and

WHEREAS, Seaman Jeremy Crandall of Poplar Grove, Illinois and Marine Corps Sgt. Mitchell Pray of Geneseo, Illinois are among the 24 crew members detained by the People's Republic of China; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the citizens of the State of Illinois represented by the General Assembly strongly urge the Government of the People's Republic of China to respect the well-being and safety of the crew in accordance with international practices; and be it further

RESOLVED, That the People's Republic of China expedite the immediate return of Seaman Jeremy Crandall and Marine Corps Sgt. Mitchell Pray along with the 22 additional United States service men and women; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the families of Seaman Jeremy Crandall and Marine Corps Sgt. Mitchell Pray; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Honorable George W. Bush, United States President.

Adopted by the House, April 5, 2001.

ANTHONY D. ROSSI, Clerk of the House

The foregoing message from the House of Representatives,  
[Apr. 5, 2001]

reporting House Joint Resolution No. 27, was referred to the Committee on Rules.

#### PRESENTATION OF RESOLUTIONS

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

##### SENATE JOINT RESOLUTION NO. 23

WHEREAS, The Property Tax Extension Limitation Law (PTELL) limits increases in property tax extensions to the lesser of 5 percent or the increase in the national Consumer Price Index for the year preceding the levy year; and

WHEREAS, The tax caps of PTELL were imposed by the State on DuPage, Kane, Lake, McHenry, and Will counties beginning with the 1991 levy year; and

WHEREAS, The tax caps of PTELL were imposed by the State on Cook County taxing districts beginning with the 1995 levy year; and

WHEREAS, Since the 1997 tax year, 28 downstate counties have approved property tax cap referenda while nine counties have defeated tax cap referenda; and

WHEREAS, Every year since tax caps were imposed numerous pieces of legislation have been introduced seeking exceptions to the tax cap limits of PTELL; and

WHEREAS, The General Assembly and Governor have approved a number of those exceptions allowing them to become law, and thus negating the local voter approval provisions of PTELL; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there is created a bi-partisan Tax Cap Advisory Committee to study the statewide affect of the Property Tax Extension Limitation Law on residential, business and farmland property taxpayers as well as the affect of tax caps on local governments and school districts and their ability to deliver critically needed services to the citizens they serve; and be it further

RESOLVED, that the Tax Cap Advisory Committee shall consist of 12 members; six members appointed from the House of Representatives, with 3 members appointed by the Speaker and 3 members appointed by the Minority Leader, with the majority caucus members serving at the pleasure of the Speaker and the minority caucus members serving at the pleasure of the Minority Leader; and six members appointed from the Senate, with the majority caucus members serving at the pleasure of the Speaker and the minority caucus member serving at the pleasure of the Minority Leader; all of whom shall serve without compensation but shall be reimbursed for their reasonable and necessary expenses; and be it further

RESOLVED, That the Tax Cap Committee shall meet as soon as possible after at least 8 members have been appointed, shall elect one member from the House and one member from the Senate to serve as co-chairs by majority vote, shall hold public hearings, and shall report its findings and recommendations to the General Assembly by filing a copy of its report with the Secretary of the Senate and the Clerk of the House on or before January 1, 2002; and that upon filing its report the Committee is dissolved.

Senators Rauschenberger - Karpiel - Roskam - Burzynski - T. Walsh, Jacobs, DeLeo, Molaro, Cronin, Link, Halvorson, Bowles, R. Madigan and Peterson offered the following Senate Resolution, which was referred to the Committee on Rules:

[Apr. 5, 2001]

## SENATE RESOLUTION NO. 106

WHEREAS, The availability of accessible credit is of great importance to the citizens of Illinois and contributes to the economic well-being of this State; and

WHEREAS, It is in the interest of the citizens of the State of Illinois that credit be available to meet personal and business needs; and

WHEREAS, The State of Illinois has a legitimate interest in ensuring that credit is available in Illinois on equitable terms and conditions; and

WHEREAS, The Department of Financial Institutions and the Office of Banks and Real Estate have issued rules regarding High Risk Home Loans, published on December 20, 2000; and

WHEREAS, There are numerous questions regarding these rules and their effect on the economic climate of Illinois; and

WHEREAS, Because these rules will have a far-reaching effect upon both borrowers and lenders in Illinois, it is imperative that these rules be thoroughly reviewed; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Department of Financial Institutions and the Office of Banks and Real Estate to delay implementation of the rules regarding High Risk Home Loans, published December 20, 2000; and be it further

RESOLVED, That the Department of Financial Institutions and the Office of Banks and Real Estate engage in a fact-finding process that involves borrowers, lenders, financial regulators, and other interested parties, that is designed to develop a legislative response to the issues, and that protects the interests of borrowers while maintaining the competitiveness of Illinois lending institutions on a national level; and be it further

RESOLVED, That the Department of Financial Institutions and the Office of Banks and Real Estate present the results of the fact-finding process, including recommendations for legislation, to the General Assembly; and be it further

RESOLVED, That a copy of this resolution be delivered to the Director of Financial Institutions and to the Commissioner of Banks and Real Estate.

## SENATE RESOLUTION NO. 107

Offered by Senator Donahue and all Senators:

Mourns the death of Lennard Michael McNamara of Springfield.

The foregoing resolution was referred to the Resolutions Consent Calendar.

At the hour of 4:10 o'clock p.m., on motion of Senator Geo-Karis, the Senate stood adjourned until Friday, April 6, 2001 at 9:00 o'clock a.m.