SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

81ST LEGISLATIVE DAY

WEDNESDAY, APRIL 3, 2002

9:00 O'CLOCK A.M.

No. 81
[Apr. 3, 2002]

The Senate met pursuant to adjournment.
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
Prayer by Reverend Jeff Chitwood, South Side Christian Church, Springfield, Illinois.
Senator Radogno led the Senate in the Pledge of Allegiance.

Senator Myers moved that reading and approval of the Journal of Tuesday, April 2, 2002 be postponed pending arrival of the printed Journal.
The motion prevailed.

LEGISLATIVE MEASURES FILED

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

Senate Amendment No. 1 to Senate Bill 1635
Senate Amendment No. 1 to Senate Bill 1637
Senate Amendment No. 3 to Senate Bill 1666
Senate Amendment No. 4 to Senate Bill 1666
Senate Amendment No. 2 to Senate Bill 1688
Senate Amendment No. 1 to Senate Bill 1756
Senate Amendment No. 1 to Senate Bill 1760
Senate Amendment No. 1 to Senate Bill 1764
Senate Amendment No. 2 to Senate Bill 1779
Senate Amendment No. 2 to Senate Bill 1820
Senate Amendment No. 2 to Senate Bill 1830
Senate Amendment No. 3 to Senate Bill 1830
Senate Amendment No. 1 to Senate Bill 1907
Senate Amendment No. 1 to Senate Bill 1908
Senate Amendment No. 1 to Senate Bill 1930
Senate Amendment No. 1 to Senate Bill 1934
Senate Amendment No. 1 to Senate Bill 1949
Senate Amendment No. 1 to Senate Bill 2018
Senate Amendment No. 1 to Senate Bill 2069
Senate Amendment No. 2 to Senate Bill 2074
Senate Amendment No. 2 to Senate Bill 2132
Senate Amendment No. 1 to Senate Bill 2147
Senate Amendment No. 1 to Senate Bill 2155
Senate Amendment No. 1 to Senate Bill 2210

PRESENTATION OF RESOLUTIONS

Senators Rauschenberger - Donahue - Watson - Luechtefeld - Parker, Bomke offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 63

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, That the report of the Compensation Review Board filed in the year 2002 as provided in the Compensation Review Act is hereby disapproved in whole in accordance with Section 5 of that Act; and be it further
RESOLVED, That a copy of this resolution be directed to the Compensation Review Board.

MESSAGE FROM THE GOVERNOR

A Message for the Governor by Michael P. Madigan
Director, Legislative Affairs

April 2, 2002

Mr. President,

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

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT

To The Honorable
Members of the Senate
Illinois General Assembly

I have nominated and appointed the following named person to the office enumerated below and respectfully ask concurrence in and confirmation of this appointment of your Honorable Body.

STATE BANKING BOARD OF ILLINOIS

To be a member of the State Banking Board of Illinois for a term ending December 31, 2005:

Lee J. Plummer of Dow
Non-Salaried

GEORGE H. RYAN

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

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. 3637
A bill for AN ACT in relation to public health.
HOUSE BILL NO. 4074
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 4098
A bill for AN ACT in relation to the expungement and sealing of arrest and court records.
HOUSE BILL NO. 4179
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 4187
A bill for AN ACT concerning college savings.
HOUSE BILL NO. 5607
A bill for AN ACT concerning insurance.
HOUSE BILL NO. 5663

A bill for AN ACT relating to schools.

HOUSE BILL NO. 5681

A bill for AN ACT concerning the State's Attorneys Appellate Prosecutor.

HOUSE BILL NO. 5807

A bill for AN ACT concerning organ donation.

HOUSE BILL NO. 5997

A bill for AN ACT in relation to State finance.

Passed the House, April 2, 2002.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 3637, 4074, 4098, 4179, 4187, 5607, 5663, 5681, 5807 and 5997** 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. 3797

A bill for AN ACT in relation to vehicles.

HOUSE BILL NO. 4023

A bill for AN ACT concerning local planning.

HOUSE BILL NO. 4090

A bill for AN ACT in relation to property.

HOUSE BILL NO. 4328

A bill for AN ACT concerning the Auditor General.

HOUSE BILL NO. 4337

A bill for AN ACT concerning property taxes.

HOUSE BILL NO. 4377

A bill for AN ACT concerning guaranteed job opportunity projects.

HOUSE BILL NO. 4946

A bill for AN ACT relating to higher education student assistance.

HOUSE BILL NO. 5000

A bill for AN ACT in relation to alcoholic liquor.

HOUSE BILL NO. 5645

A bill for AN ACT in relation to criminal law.

HOUSE BILL NO. 5657

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 5739

A bill for AN ACT relating to education.

HOUSE BILL NO. 5829

A bill for AN ACT concerning payroll deductions.

HOUSE BILL NO. 5839

A bill for AN ACT concerning financial institutions.

HOUSE BILL NO. 5858

A bill for AN ACT in relation to vehicles.

HOUSE BILL NO. 6002

A bill for AN ACT relating to higher education.

Passed the House, April 2, 2002.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 3797, 4023, 4090, 4328, 4337, 4377, 4946, 5000, 5645, 5657, 5739, 5829, 5839, 5858 and 6002** 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. 4103
A bill for AN ACT concerning employment.
HOUSE BILL NO. 4188
A bill for AN ACT concerning local government.
HOUSE BILL NO. 4194
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 4257
A bill for AN ACT concerning aquariums and museums.
HOUSE BILL NO. 4322
A bill for AN ACT in relation to the transfer of real property.
HOUSE BILL NO. 4429
A bill for AN ACT concerning townships.
HOUSE BILL NO. 4451
A bill for AN ACT concerning workers' compensation.
HOUSE BILL NO. 4900
A bill for AN ACT concerning partnerships.
HOUSE BILL NO. 4942
A bill for AN ACT concerning pest control.
HOUSE BILL NO. 5611
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 5941
A bill for AN ACT in relation to vehicles.
HOUSE BILL NO. 5967
A bill for AN ACT concerning deductions from State warrants.

Passed the House, April 2, 2002.
ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 4103, 4188, 4194, 4257, 4322, 4429, 4451, 4900, 4942, 5611, 5941 and 5967** 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. 4228
A bill for AN ACT concerning corporation.
HOUSE BILL NO. 4912
A bill for AN ACT concerning higher education student assistance.
HOUSE BILL NO. 5718
A bill for AN ACT concerning domestic violence.
HOUSE BILL NO. 5720
A bill for AN ACT concerning nuclear safety.
HOUSE BILL NO. 5779
A bill for AN ACT in relation to taxation.
HOUSE BILL NO. 5849
A bill for AN ACT concerning the Capital Development Board.

HOUSE BILL NO. 6034
A bill for AN ACT concerning audits and reports.

Passed the House, April 2, 2002.
ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 4228, 4912, 5718, 5720, 5779, 5849 and 6034** were taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 1434, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1436, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1437, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1438, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1440, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3688, sponsored by Senator Munoz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3697, sponsored by Senator Karpiel was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3768, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3772, sponsored by Senator Parker was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3775, sponsored by Senator Peterson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3975, sponsored by Senator Bowles was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4014, sponsored by Senator Cullerton was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4023, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4037, sponsored by Senator Sieben was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4055, sponsored by Senator Lightford was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4074, sponsored by Senator Munoz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4110, sponsored by Senator Lauzen was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4117, sponsored by Senator Burzynski was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4130, sponsored by Senator Dudycz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4194, sponsored by Senator Hawkinson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4218, sponsored by Senator Link was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4229, sponsored by Senator Parker was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4321, sponsored by Senator Parker was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4371, sponsored by Senators Sullivan - Silverstein was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4397, sponsored by Senator Clayborne was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4454, sponsored by Senator Donahue was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4471, sponsored by Senators Jacobs - Donahue was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4911, sponsored by Senator O'Daniel was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4916, sponsored by Senator Burzynski was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4926, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4989, sponsored by Senator Peterson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4990, sponsored by Senator Link was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5577, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5579, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5593, sponsored by Senator Rauschenberger was

taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5610, sponsored by Senator Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5615, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5648, sponsored by Senator Geo-Karis was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5649, sponsored by Senator Dudycz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5662, sponsored by Senator Parker was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5663, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5700, sponsored by Senator Hawkinson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5709, sponsored by Senators Dillard - Clayborne was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5728, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5732, sponsored by Senator Sieben was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5742, sponsored by Senator Parker was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5785, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5794, sponsored by Senators Demuzio - Donahue was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5829, sponsored by Senator Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5965, sponsored by Senator Syverson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6001, sponsored by Senators Rauschenberger - Syverson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6004, sponsored by Senator E. Jones was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6041, sponsored by Senator Syverson was taken up, read by title a first time and referred to the Committee on Rules.

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House Bill No. 4179, sponsored by Senators Madigan - Hawkinson - Demuzio - Dudycz - Viverito was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4988, sponsored by Senator Peterson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5607, sponsored by Senator Peterson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5934, sponsored by Senator Demuzio was taken up, read by title a first time and referred to the Committee on Rules.

PRESENTATION OF RESOLUTIONS

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

SENATE RESOLUTION NO. 374

WHEREAS, In 2000, the Surgeon General of the Public Health Service announced as a goal the elimination by 2010 of health disparities experienced by racial and ethnic minorities in health access and outcome in 6 areas: infant mortality, cancer screening, cardiovascular disease, diabetes, acquired immunodeficiency syndrome and human immunodeficiency virus infection, and immunizations; and

WHEREAS, Despite notable progress in the overall health of the Nation, there is a crisis of minority health, consisting of continuing disparities in the burden of illness and death experienced by African-Americans, Hispanics, Native Americans, Alaska Natives, Asians, and Pacific Islanders, compared to the United States population as a whole; and

WHEREAS, Minorities suffer more than 60,000 excess deaths annually, compared to nonminorities; and

WHEREAS, Minorities are more likely than nonminorities to die from cancer, cardiovascular disease, stroke, chemical dependency, diabetes, infant mortality, violence, and, in recent years, acquired immunodeficiency syndrome; and

WHEREAS, Minority populations are not benefiting equitably from advances in medical research and technology; and

WHEREAS, Minority populations face substantial cultural, social, and economic barriers to obtaining access to and delivery of health care; and

WHEREAS, Minorities have made significant contributions to the United States, yet are underrepresented in the health care professions; and

WHEREAS, The crisis in minority health results in losses of billions of dollars by the United States because of reduced productivity and increased health care expenditures; and

WHEREAS, The establishment of a National Minority Health Month for the month of April would encourage all health organizations in the United States to host activities to promote healthfulness in minority communities; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize the month of April as "Minority Health Awareness Month" in the interest of promoting healthier lifestyles and greater access to quality health care for minorities in Illinois; and be it further

RESOLVED, That we encourage every citizen of the State of Illinois to annually observe "Minority Health Awareness Month" by

supporting and participating in programs and activities to attack the many problems associated with the health status disparities persistently experienced by minorities in Illinois.

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

SENATE RESOLUTION NO. 375

WHEREAS, The University of Illinois-Urbana Champaign's (UIUC) dedication to adapted sports programs for varsity students with physical disabilities is unparalleled; and

WHEREAS, UIUC sponsored one of the first collegiate wheelchair basketball teams in the country and was one of the charter members of the National Wheelchair Basketball Association in 1949; and

WHEREAS, The proposed collaboration of the State of Illinois, UIUC, and the Division of Intercollegiate Athletics provides the future sport sponsorship support and recognition for wheelchair athletics at UIUC; and

WHEREAS, The University has become the hub of technology, research and advancement in wheelchair sports and has been at the forefront of improvements and modifications of wheelchairs for enhanced player participation; and

WHEREAS, In recent years, the University's continued dedication to adapted varsity sports is evident through their nationally acclaimed basketball and track and field wheelchair teams, as well as their support for individuals participating in other sports programs; and

WHEREAS, UIUC wheelchair athletics partnered with the Illinois High School Association piloted the first State-wide model in the nation for interscholastic wheelchair basketball competition, providing athletic opportunities to high school students with disabilities across all 102 counties within Illinois; and

WHEREAS, The Fighting Illini Men's Wheelchair Basketball team has won ten National Intercollegiate Championship titles, played in every National Wheelchair Basketball Association post-season tournament, as well as winning three open titles prior to intercollegiate play; the Fighting Illini Women's Wheelchair Basketball team has won nine National Women's Basketball Tournament Championships and holds the record for the most consecutive national titles; and

WHEREAS, A long line of successful and historically significant wheelchair basketball coaches, including Dr. Timothy Nuggent, Dr. Brad Hedrick, and Dr. Bob Szyman, continue to dedicate their time, resources, and energy to the UIUC Men's and Women's Wheelchair Basketball programs that are currently under the direction of internationally renowned Head Coach, Michael Frogley; and

WHEREAS, The University's adapted varsity sports program has sent many of its elite players on to compete in national and international competitions, including eight current students, four recent graduates, four alternates and numerous UIUC alums attending the 2000 Paralympics Games in Sydney, Australia; and

WHEREAS, Ms. Lauren Reynolds, a University of Illinois junior swimmer, won three swimming medals in the 2000 Paralympics in Sydney, Australia, a gold medal in the 400 meter freestyle, a silver medal in the 100 meter freestyle and 4X100 free relay, and set a world record in the 400 meter freestyle; and

WHEREAS, Ms. Reynolds has served as an inspiration and role model to thousands of children and students with disabilities, helping them set and reach their goals in life; in recognition of her significant contributions, Ms. Reynolds was named the Wheelchair Sports USA's Female Athlete of the Year in 2000; and

WHEREAS, Ms. Reynolds is a junior and Speech Pathology major at UIUC and is the only athlete with a disability to be chosen for the varsity women's swimming team; and

WHEREAS, The University's dedication to adapted varsity sports program has created an important forum for students with disabilities to compete with their peers in athletic programs while helping individuals build self-confidence, team work and setting personal goals; therefore be it

RESOLVED BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we salute and recognize the University of Illinois, its President, Chancellors, Board of Trustees, and athletes for its commitment to providing increased opportunities for athletes with disabilities to participate in varsity sports and encourage them to expand those opportunities; and be it further

RESOLVED, That the Senate congratulates and recognizes Ms. Lauren Reynolds for her dedication, perseverance, and hard work in not only the sport of swimming but in her leadership and example to all children and citizens with disabilities to strive to do their personal best; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the University of Illinois, its President, Chancellors, Board of Trustees, and Athletic Director as a symbol of our support and appreciation for their continuing support for varsity athletics for students with disabilities.

LEGISLATIVE MEASURES FILED

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

Senate Amendment No. 1 to Senate Bill 1876
Senate Amendment No. 2 to Senate Bill 1882
Senate Amendment No. 3 to Senate Bill 1909
Senate Amendment No. 1 to Senate Bill 1951
Senate Amendment No. 2 to Senate Bill 2117
Senate Amendment No. 2 to Senate Bill 2130
Senate Amendment No. 1 to Senate Bill 2293

At the hour of 10:04 o'clock a.m., Senator Dudycz presiding.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Shadid, Senate Bill No. 1530, 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
Cullerton
DeLeo
del Valle

Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
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 Shadid, **Senate Bill No. 1531**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
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 Peterson, **Senate Bill No. 1543**, 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 1.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cullerton
DeLeo
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw

[Apr. 3, 2002]

Sieben
Smith
Stone
Sullivan
Syverson
Viverito
Walsh, L.
Walsh, T.
Weaver
Woolard
Mr. President

The following voted in the negative:

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 L. Walsh, **Senate Bill No. 1552**, 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 1.

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.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers

Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
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 Karpiel, **Senate Bill No. 1556**, 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
Clayborne
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon

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

The following voted in the negative:

Burzynski

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. 1577**, 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 58; 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.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority

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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 Weaver, **Senate Bill No. 1582**, 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
Clayborne
Cullerton
DeLeo
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Silverstein
Smith
Sullivan
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver

Woolard
Mr. President

The following voted in the negative:

Burzynski
Radogno
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 Parker, **Senate Bill No. 1611**, 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 58; 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.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson

[Apr. 3, 2002]

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

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

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

At the hour of 10:26 o'clock a.m., Senator Donahue presiding.

On motion of Senator DeLeo, **Senate Bill No. 1622**, 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 1; Present 1.

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.
Karpiel
Klemm
Lauzen

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

The following voted in the negative:

Rauschenberger

The following voted present:

Luechtefeld

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. 1623**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 52; Nays 3.

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

The following voted in the negative:

Karpiel
Luechtefeld
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.

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EXCUSED FROM ATTENDANCE

On motion of Senator Demuzio, Senator Silverstein was excused from attendance today and Thursday, April 4, 2002, due to religious obligation.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Parker, Senate Bill No. 1638, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw

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

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

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

At the hour of 10:35 o'clock a.m., Senator Dudycz presiding.

On motion of Senator Roskam, **Senate Bill No. 1646**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers

Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shaw
Smith
Stone
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 O'Daniel, **Senate Bill No. 1649**, 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
Clayborne
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford

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

The following voted in the negative:

Burzynski

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. 1657**, 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
Cullerton
DeLeo

Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Ronen, **Senate Bill No. 1664**, 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
Cullerton
DeLeo
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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. 1668**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Sieben
Smith
Stone
Sullivan
Syverson

[Apr. 3, 2002]

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 Geo-Karis, **Senate Bill No. 1683**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka

Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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. 1697**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar

Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Burzynski, **Senate Bill No. 1705**, 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
Cullerton
DeLeo
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon

Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 DeLeo, **Senate Bill No. 1701**, 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

Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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. 1706**, 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 1.

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.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver

[Apr. 3, 2002]

Woolard
Mr. President

The following voted in the negative:

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 Sieben, **Senate Bill No. 1707**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen

Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Hendon, **Senate Bill No. 1713**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Munoz

Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Petka, **Senate Bill No. 1721**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.

Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Hawkinson, **Senate Bill No. 1726**, 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
Cullerton
DeLeo

del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Syverson, **Senate Bill No. 1735**, having been transcribed and typed and all amendments adopted thereto having been

printed, was taken up and read by title a third time.
    And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 33; Nays 22; Present 1.

    The following voted in the affirmative:

Bomke
Burzynski
Cullerton
DeLeo
del Valle
Dillard
Donahue
Dudycz
Geo-Karis
Hawkinson
Jones, W.
Karpiel
Klemm
Mahar
Maitland
Molaro
Munoz
Myers
Noland
O'Malley
Petka
Radogno
Roskam
Shadid
Sieben
Stone
Sullivan
Syverson
Viverito
Walsh, T.
Weaver
Woolard
Mr. President

    The following voted in the negative:

Bowles
Clayborne
Demuzio
Halvorson
Hendon
Jacobs
Lauzen
Lightford
Link
Madigan
Obama
O'Daniel
Parker
Peterson
Rauschenberger
Ronen
Shaw
Smith

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Trotter
Walsh, L.
Watson
Welch

The following voted present:

Jones, E.

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. 1752**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka

Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Karpiel, **Senate Bill No. 1763**, 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 9; Present 1.

The following voted in the affirmative:

Bowles
Clayborne
Cullerton
DeLeo
del Valle
Dillard
Dudycz
Geo-Karis
Halvorson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Obama
O'Malley

[Apr. 3, 2002]

Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shaw
Sieben
Smith
Stone
Sullivan
Trotter
Viverito
Walsh, L.
Walsh, T.
Weaver
Mr. President

The following voted in the negative:

Burzynski
Donahue
Hawkinson
Noland
O'Daniel
Shadid
Syverson
Watson
Woolard

The following voted present:

Demuzio

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

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

On motion of Senator Watson, Senate Bill No. 1803, 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
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson

Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Noland, **Senate Bill No. 1808**, 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 2.

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.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Welch
Woolard
Mr. President

The following voted in the negative:

Molaro
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 Hawkinson, **Senate Bill No. 1839**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Sullivan

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Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
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. 1851**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson

Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Shaw, **Senate Bill No. 1854**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).
Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

At the hour of 11:25 o'clock a.m., Senator Donahue presiding.

On motion of Senator Peterson, **Senate Bill No. 1932**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue

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

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

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

On motion of Senator Roskam, **Senate Bill No. 1946**, 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:

[Apr. 3, 2002]

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not

adopted were tabled pursuant to Senate Rule No. 5-4(a).
Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

At the hour of 11:30 o'clock a.m., Senator Dudycz presiding.

On motion of Senator Madigan, **Senate Bill No. 1953**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone

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

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

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

On motion of Senator Roskam, **Senate Bill No. 1966**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley

Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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. 1971**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford

Link
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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.

REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its April 3, 2002 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Commerce and Industry: **Senate Amendment No. 2 to Senate Bill 1975.**

Education: **Senate Amendment No. 1 to Senate Bill 1930; Senate Amendment No. 1 to Senate Bill 2018.**

Environment and Energy: **Senate Amendments numbered 3 and 4 to Senate Bill 1569; Senate Amendment No. 2 to Senate Bill 1968; Senate Amendment No. 1 to Senate Bill 2072.**

Executive: **Senate Amendment No. 1 to Senate Bill 1565; Senate Amendment No. 2 to Senate Bill 1583; Senate Amendment No. 1 to Senate Bill 1756; Senate Amendment No. 2 to Senate Bill 1882; Senate Amendment No. 2 to Senate Bill 2117; Senate Amendment No. 2 to Senate**

Bill 2130; Senate Amendment No. 1 to Senate Bill 2293; Senate Amendment No. 2 to Senate Bill 2301.

Insurance and Pensions: Senate Amendment No. 2 to Senate Bill 1779; Senate Amendment No. 1 to Senate Bill 1859; Senate Amendment No. 1 to Senate Bill 2147.

Judiciary: Senate Amendment No. 2 to Senate Bill 1576; Senate Amendment No. 1 to Senate Bill 1637; Senate Amendments numbered 2 and 3 to Senate Bill 1830; Senate Amendment No. 1 to Senate Bill 1934; Senate Amendment No. 2 to Senate Bill 1936; Senate Amendment No. 1 to Senate Bill 1949; Senate Amendment No. 2 to Senate Bill 2022; Senate Amendment No. 1 to Senate Bill 2023; Senate Amendment No. 2 to Senate Bill 2024; Senate Amendment No. 2 to Senate Bill 2030; Senate Amendment No. 2 to Senate Bill 2074; Senate Amendment No. 1 to Senate Bill 2266; Senate Amendment No. 1 to Senate Bill 2271.

Licensed Activities: Senate Amendment No. 2 to Senate Bill 1688; Senate Amendment No. 2 to Senate Bill 2223.

Local Government: Senate Amendment No. 1 to Senate Bill 1635; Senate Amendment No. 1 to Senate Bill 1972; Senate Amendment No. 1 to Senate Bill 1997; Senate Amendment No. 2 to Senate Bill 2016; Senate Amendment No. 2 to Senate Bill 2149.

Public Health and Welfare: Senate Amendment No. 2 to Senate Bill 1820; Senate Amendment No. 2 to Senate Bill 2001; Senate Amendment No. 1 to Senate Bill 2069; Senate Amendment No. 1 to Senate Bill 2098.

Revenue: Senate Amendments numbered 3 and 4 to Senate Bill 1666; Senate Amendment No. 1 to Senate Bill 1760; Senate Amendment No. 1 to Senate Bill 1876; Senate Amendment No. 1 to Senate Bill 2210.

State Government Operations: Senate Amendment No. 2 to Senate Bill 1782.

Transportation: Senate Amendment No. 1 to Senate Bill 1764; Senate Amendment No. 1 to Senate Bill 1795; Senate Amendment No. 2 to Senate Bill 1880; Senate Amendment No. 1 to Senate Bill 1907; Senate Amendment No. 1 to Senate Bill 1924; Senate Amendment No. 2 to Senate Bill 1926; Senate Amendment No. 1 to Senate Bill 2129; Senate Amendment No. 2 to Senate Bill 2132; Senate Amendment No. 1 to Senate Bill 2194.

Senator Weaver, Chairperson of the Committee on Rules, during its April 3, 2002 meeting, reported the following House Bills have been assigned to the indicated Standing Committees of the Senate:

Commerce and Industry: House Bill No. 4044.

Environment and Energy: House Bills numbered 4471 and 5709.

Licensed Activities: House Bills numbered 1006, 1815, 2463, 3999 and 4004.

Local Government: House Bills numbered 3363 and 5785.

Public Health and Welfare: House Bill No. 2046.

Revenue: House Bill No. 1918.

State Government Operations: House Bills numbered 811, 1033 and 3119.

Transportation: House Bill No. 1495.

Senator Weaver, Chairperson of the Committee on Rules, during its April 3, 2002 meeting, reported the following Senate Resolutions have been assigned to the indicated Standing Committees of the Senate:

Environment and Energy: Senate Resolution No. 342.

Executive: Senate Joint Resolutions numbered 56, 63; Senate Joint Resolution Constitutional Amendment No. 54; Senate Resolutions numbered 164 and 346.

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

Senate Amendment 2 to Senate Bill 1537
Senate Amendment 3 to Senate Bill 1687
Senate Amendment 3 to Senate Bill 1909
Senate Amendment 1 to Senate Bill 1917
Senate Amendment 2 to Senate Bill 1978
Senate Amendment 1 to Senate Bill 2050
Senate Amendment 1 to Senate Bill 2155
Senate Amendment 2 to Senate Bill 2227
Senate Amendment 2 to Senate Bill 2235
Senate Amendment 1 to Senate Bill 2263
Senate Amendment 1 to Senate Bill 2265

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Obama, **Senate Bill No. 1983**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers

Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Shadid
Shaw
Sieben
Smith
Stone
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 Bowles, **Senate Bill No. 2037**, 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 7.

The following voted in the affirmative:

Bomke
Bowles
Clayborne
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hendon
Jacobs
Jones, E.
Jones, W.
Klemm
Lightford
Link

Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

Burzynski
Hawkinson
Karpiel
Lauzen
Parker
Rauschenberger
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.

On motion of Senator Parker, **Senate Bill No. 2052**, 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; Present 2.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Cullerton

DeLeo
del Valle
Demuzio
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

The following voted present:

Clayborne
Dillard

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. 2071**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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. 2081**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno

Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Bomke, **Senate Bill No. 2118**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland

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

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

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

On motion of Senator Philip, **Senate Bill No. 2157**, 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
Burzynski
Clayborne
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs

Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Link, **Senate Bill No. 2160**, 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

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

The following voted in the negative:

Stone

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

[Apr. 3, 2002]

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

On motion of Senator Link, **Senate Bill No. 2161**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Link, **Senate Bill No. 2164**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen

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

The following voted in the negative:

Lauzen
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 Roskam, **Senate Bill No. 2195**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link

Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Parker, **Senate Bill No. 2201**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis

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

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

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

On motion of Senator Watson, **Senate Bill No. 2215**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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. 3, 2002]

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

On motion of Senator Rauschenberger, **Senate Bill No. 2216**, 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; Present 1.

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.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
O'Daniel
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Sullivan
Syverson
Trotter
Viverito

Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The following voted present:

O'Malley

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. 2224**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker

Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Sullivan
Syverson
Trotter
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 thereof and ask their concurrence therein.

On motion of Senator Syverson, **Senate Bill No. 2225**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Link
Madigan
Mahar
Maitland

Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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. 2226**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon

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

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

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

SENATE BILL RECALLED

On motion of Senator Rauschenberger, **Senate Bill No. 2235** 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. 2

AMENDMENT NO. 2. Amend Senate Bill 2235 on page 9, line 11 by changing "providers" to "providers;"; and

on page 9, line 12 by changing "respond" to "in responding"; and
on page 11, line 25 by changing "shall" to "shall,".

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Syverson, **Senate Bill No. 2241**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen

Roskam
Shadid
Shaw
Sieben
Smith
Stone
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. 2245**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro

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

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

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

SENATE BILLS RECALLED

On motion of Senator Dillard, **Senate Bill No. 2263** 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. 1

AMENDMENT NO. 1. Amend Senate Bill 2263, on page 1 by inserting immediately after line 3 the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 3.1-10-5 as follows:".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Dillard, **Senate Bill No. 2265** 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. 1

AMENDMENT NO. 1. Amend Senate Bill 2265 on page 1 by inserting immediately after line 3 the following:

"Section 5. The Counties Code is amended by changing Section 5-1005 as follows:".

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.

READING A BILL OF THE SENATE A THIRD TIME

On motion of Senator Lauzen, **Senate Bill No. 2319**, 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 11.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
del Valle
Demuzio
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Jones, W.
Karpiel
Klemm
Lauzen
Link
Luechtefeld
Madigan
Mahar
Maitland
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Shadid
Sieben
Stone
Sullivan
Syverson
Viverito

Walsh, L.
Walsh, T.
Watson
Welch
Woolard
Mr. President

The following voted in the negative:

Cullerton
DeLeo
Hendon
Jones, E.
Lightford
Molaro
Munoz
Ronen
Shaw
Smith
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.

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced that the following committees will meet this afternoon:

1:00 o'clock p.m. Insurance and Pensions, Room 212, Capitol Building
Public Health and Welfare, Room 400, Capitol Building
Local Government, Room A1, Stratton Building

1:30 o'clock p.m. Judiciary, Room 400, Capitol Building

2:30 o'clock p.m. Education, Room 212, Capitol Building
Environment and Energy, Room 400, Capitol Building
Transportation, Room A1, Stratton Building

3:15 o'clock p.m. Executive, Room 212, Capitol Building
Revenue, Room 400, Capitol Building
State Government Operations, Room A1, Stratton Building

4:00 o'clock p.m. Commerce and Industry, Room 212, Capitol Building
Licensed Activities, Room A1, Stratton Building

At the hour of 12:25 o'clock p.m., the Chair announced that the Senate stand at recess until 4:30 o'clock p.m.

AFTER RECESS

At the hour of 4:57 o'clock p.m., the Senate resumed consideration of business.

Senator Dudycz, presiding.

REPORTS FROM STANDING COMMITTEES

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

Amendment No. 2 to Senate Bill 1975

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

Senator O'Malley, Vice-Chairperson of the Committee on Education to which was referred the following Senate floor amendments, reported that the Committee recommends that they be approved for consideration:

Amendment No. 1 to Senate Bill 1930
Amendment No. 1 to Senate Bill 2018

Under the rules, the foregoing floor amendments are 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. 3 to Senate Bill 1569
Amendment No. 4 to Senate Bill 1569
Amendment No. 2 to Senate Bill 1968
Amendment No. 1 to Senate Bill 2072

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

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

Amendment No. 1 to Senate Bill 1565
Amendment No. 2 to Senate Bill 1583
Amendment No. 1 to Senate Bill 1756
Amendment No. 2 to Senate Bill 1882
Amendment No. 2 to Senate Bill 2117
Amendment No. 2 to Senate Bill 2130
Amendment No. 1 to Senate Bill 2293
Amendment No. 2 to Senate Bill 2301

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

Senator T. Walsh, 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 adopted:

Amendment No. 2 to Senate Bill 1779
Amendment No. 1 to Senate Bill 1859

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 1576
Amendment No. 1 to Senate Bill 1637
Amendment No. 2 to Senate Bill 1830
Amendment No. 1 to Senate Bill 1934
Amendment No. 2 to Senate Bill 1936
Amendment No. 1 to Senate Bill 1949
Amendment No. 2 to Senate Bill 2022
Amendment No. 1 to Senate Bill 2023
Amendment No. 2 to Senate Bill 2024
Amendment No. 2 to Senate Bill 2030
Amendment No. 2 to Senate Bill 2074
Amendment No. 1 to Senate Bill 2271

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

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

Amendment No. 2 to Senate Bill 1688
Amendment No. 2 to Senate Bill 2223

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 approved for consideration:

Amendment No. 1 to Senate Bill 1635
Amendment No. 1 to Senate Bill 1972
Amendment No. 1 to Senate Bill 1997
Amendment No. 2 to Senate Bill 2016
Amendment No. 2 to Senate Bill 2149

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 1820
Amendment No. 2 to Senate Bill 2001
Amendment No. 1 to Senate Bill 2069
Amendment No. 1 to Senate Bill 2098

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 amendments, reported that the Committee recommends that they be approved for consideration:

Amendment No. 3 to Senate Bill 1666
Amendment No. 1 to Senate Bill 1760
Amendment No. 1 to Senate Bill 2210

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

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

Amendment No. 2 to Senate Bill 1782

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

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

Amendment No. 1 to Senate Bill 1795
Amendment No. 2 to Senate Bill 1880
Amendment No. 1 to Senate Bill 1907
Amendment No. 1 to Senate Bill 1924
Amendment No. 2 to Senate Bill 1926
Amendment No. 2 to Senate Bill 2132

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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 376
Offered by Senators Parker and all Senators:
Mourns the death of Lorraine A. Murray of Park Ridge.

SENATE RESOLUTION NO. 377
Offered by Senator Parker and all Senators:
Mourns the death of William R. Cortesi of Lake Forest.

SENATE RESOLUTION NO. 378
Offered by Senator Shaw and all Senators:
Mourns the death of Richard Clark Grimmett, Jr.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the

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

HOUSE BILL NO. 3682
A bill for AN ACT concerning government security procedures.
HOUSE BILL NO. 3744
A bill for AN ACT concerning schools.
HOUSE BILL NO. 4001
A bill for AN ACT concerning prescription drugs.
HOUSE BILL NO. 4116
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 4220
A bill for AN ACT concerning insurance.
HOUSE BILL NO. 4344
A bill for AN ACT in relation to vehicles.
HOUSE BILL NO. 4467
A bill for AN ACT concerning a State tartan.
HOUSE BILL NO. 5578
A bill for AN ACT in relation to criminal offenses.
HOUSE BILL NO. 5636
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 5846
A bill for AN ACT concerning environmental safety.

Passed the House, April 3, 2002.
ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 3682, 3744, 4001, 4116, 4220, 4344, 4467, 5578, 5636 and 5846** were taken up, ordered printed and placed on first reading.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator T. Walsh, **Senate Bill No. 1537** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1537 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Emergency Evacuation Plan for People with Disabilities Act.

Section 5. Emergency evacuation plan for persons with disabilities required. By January 1, 2004, every high rise building owner must establish and maintain an emergency evacuation plan for disabled occupants of the building. As used in this Act, "high rise building" means any building 80 feet or more in height. The owner is responsible for maintaining and updating the plan as necessary to ensure that the plan continues to comply with the provisions of this Act.

Section 10. Plan requirements.

(a) Each plan must establish procedures for locating and evacuating persons with disabilities from the building in the event of an emergency.

(b) Each plan must provide for a list to be maintained of persons who have notified the owner that they are disabled and would require special assistance in the event of an emergency. The list

must include the unit, office, or room number location that the disabled person occupies in the building. The intent of this Act is to provide that these lists must be maintained for the sole purpose of emergency evacuation. The lists may not be used or disseminated for any other purpose.

(c) The plan must provide for a means to notify occupants of the building that a list identifying persons with a disability in need of emergency evacuation assistance is maintained by the owner, and the method by which occupants can place their name on the list.

(d) In hotels and motels, each plan must provide an opportunity for a guest to identify himself or herself as a person with a disability in need of emergency evacuation assistance.

(e) The plan must identify the location and type of any evacuation assistance devices or assistive technologies that are available in the building.

If the plan provides for areas of rescue assistance, the plan must provide that these areas are to be identified by signs that state "Area of Rescue Assistance" and display the international symbol of accessibility. Lettering must be permanent and must comply with Americans with Disabilities Act Accessibility Guidelines.

(f) Each plan must include recommended procedures to be followed by building employees, tenants, or guests to assist persons with disabilities in need of emergency evacuation assistance.

(g) A copy of the plan must be maintained at all times in a place that is easily accessible by law enforcement or fire safety personnel, such as in the management office of the high rise building, at the security desk, or in the vicinity of the fireman's elevator recall key, the life safety panel, or the fire pump room.

Section 15. Implementation

(a) The plan must be made available to local law enforcement and fire safety personnel upon request.

(b) The plan must provide the names of and contact information regarding any building personnel to be contacted by law enforcement or fire safety personnel in the event of an emergency requiring implementation of the plan.

(c) The plan must provide for dissemination or availability of the plan to building employees, tenants, or guests.

(d) The plan must identify the roles and responsibilities of building personnel in carrying out the evacuation plan. The plan must provide for appropriate training for building personnel regarding their roles and responsibilities.

(e) The plan must provide for drills regarding evacuation procedures not less than once per year. A written record of the date of the drill must be kept with the evacuation plan.

Section 905. The State Mandates Act is amended by adding Section 8.26 as follows:

(30 ILCS 805/8.26 new)

Sec. 8.26. 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 999. Effective date. This Act takes effect upon becoming law.".

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1537, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page

1, by replacing lines 6 through 17 with the following:
"Section 5. Scope of the Act. This Act does not apply within a municipality with a population of over 1,000,000 that, before the effective date of this Act, has adopted an ordinance establishing emergency procedures for high rise buildings.
Section 10. Emergency evacuation plan for persons with disabilities required. By January 1, 2004, every high rise building owner must establish and maintain an emergency evacuation plan for disabled occupants of the building who have notified the owner of their need for assistance. As used in this Act, "high rise building" means any building 80 feet or more in height. The owner is responsible for maintaining and updating the plan as necessary to ensure that the plan continues to comply with the provisions of this Act.
Section 15. Plan requirements.
(a) Each plan must establish procedures for evacuating persons with disabilities from the building in the event of an emergency, when those persons have notified the owner of their need for assistance."; and
on page 2, by replacing line 2 with "building. It is the intent of this Act that these"; and
on page 3, line 1, by replacing "15." with "20."; and
on page 3, line 9, after "the", by inserting "appropriate evacuation procedures portions of the"; and
on page 3, below line 19, by inserting the following:
"Section 25. Penalty. Failure to comply with any Section of this Act is a petty offense punishable by a fine of $500.".

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 Mahar, **Senate Bill No. 1545** having been printed, was taken up and read by title a second time.
The following amendments were offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1
AMENDMENT NO. 1. Amend Senate Bill 1545 as follows:
on page 2, line 28, after the period, by inserting the following:
"However, for fire protection issues, only one one-year extension may be made, and no other provision of this Code or an applicable code may supersede this requirement."; and
on page 6, line 13, after "department", by inserting "or fire protection district"; and
on page 6, line 14, by replacing "school board" with "fire department or fire protection district"; and
on page 6, line 15, after "department", by inserting "or fire protection district"; and
on page 6, by replacing line 18 with the following:
"manner if any corrective action must be taken. Upon being notified by the regional superintendent of schools that corrective action must be taken to resolve a violation, the school board must take corrective action within one year, except that any violation that presents imminent danger must be addressed immediately.";and
on page 6, immediately below line 19, by inserting the following:
"Section 90. The State Mandates Act is amended by adding Section 8.26 as follows:

(30 ILCS 805/8.26 new)

Sec. 8.26. 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.".

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1545 as follows:

on page 2, line 28, after "requirement.", by inserting the following: "For routine inspections, fire officials shall provide written notice to the superintendent of the school district to schedule a date for the fire safety check."; and

on page 5, line 15, after "department", by inserting ", fire protection district,"; and

on page 5, line 15, by deleting "or both"; and

on page 6, by replacing lines 11 through 18 with the following:

"The regional superintendent of schools shall submit, within 10 working days, a copy of the plans and specifications for review by the local fire department or fire protection district where the school is being constructed or altered if the fire department or fire protection district requests such a review. The fire department or fire protection district may comment on the plans and specifications based on the building code authorized in Section 2-3.12 of the Code and, if any corrective action must be taken, shall respond to the regional superintendent of schools within 15 days after receipt of the plans and specifications. The Office of the State Fire Marshal may review the plans and specifications at the request of the fire department or fire protection district. The review must be conducted at no cost to the school district. Upon being notified by the regional superintendent of schools that corrective action must be taken to resolve a violation, the school board shall take corrective action within one year, except that a violation that presents imminent danger must be addressed immediately."; and

on page 6, by deleting everything after line 19.

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

On motion of Senator Burzynski, **Senate Bill No. 1558** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1558 by replacing everything after the enacting clause with the following:

"Section 5. The Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 is amended by changing Section 75 as follows:

(225 ILCS 446/75)

(Section scheduled to be repealed on December 31, 2003)

Sec. 75. Qualifications for licensure and agency certification.

(a) Private Detective. A person is qualified to receive a license as a private detective if he or she meets all of the following requirements:

(1) Is at least 21 years of age.

(2) Has not been convicted in any jurisdiction of any felony or at least 10 years have expired from the time of discharge from any sentence imposed for a felony.

(3) Is of good moral character. Good character is a continuing requirement of licensure. Conviction of crimes not listed in paragraph (2) of subsection (a) of this Section may be used in determining moral character, but does not operate as an absolute bar to licensure.

(4) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease unless a court has since declared him or her to be competent.

(5) Is not suffering from habitual drunkenness or from narcotic addiction or dependence.

(6) Has a minimum of 3 years experience out of the 5 years immediately preceding his or her application working full-time for a licensed private detective agency as a registered private detective employee or with 3 years experience out of the 5 years immediately preceding his or her application employed as a full-time investigator for a licensed attorney or in a law enforcement agency of a federal or State political subdivision, which shall include a State's Attorney's office or a Public Defender's office, such full-time investigator experience to be approved by the Board and the Department. An applicant who has obtained a baccalaureate degree in police science or a related field or a business degree from an accredited college or university shall be given credit for 2 of the 3 years experience required under this Section. An applicant who has obtained an associate degree in police science or a related field or in business from an accredited college or university shall be given credit for one of the 3 years experience required under this Section.

(7) Has not been dishonorably discharged from the armed services of the United States.

(8) Has successfully passed an examination authorized by the Department. The examination shall include subjects reasonably related to the activities licensed so as to provide for the protection of the health and safety of the public.

(9) Has not violated Section 15, 20, or 25 of this Act, but this requirement does not operate as an absolute bar to licensure.

It is the responsibility of the applicant to obtain liability insurance in an amount and coverage type appropriate as determined by rule for the applicant's individual business circumstances. The applicant shall provide evidence of insurance to the Department before being issued a license. This insurance requirement is a continuing requirement for licensure. Failure to maintain insurance shall result in cancellation of the license by the Department.

(b) Private security contractor. A person is qualified to receive a license as a private security contractor if he or she meets all of the following requirements:

(1) Is at least 21 years of age.

(2) Has not been convicted in any jurisdiction of any felony or at least 10 years have expired from the time of discharge from any sentence imposed for a felony.

(3) Is of good moral character. Good moral character is a continuing requirement of licensure. Convictions of crimes not listed in paragraph (2) of subsection (b) of this Section may be used in determining moral character, but do not operate as an absolute bar to licensure.

(4) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease unless a court has since declared him or her to

be competent.

(5) Is not suffering from habitual drunkenness or from narcotic addiction or dependence.

(6) Has a minimum of 3 years experience out of the 5 years immediately preceding his or her application as a full-time manager or administrator for a licensed private security contractor agency or a manager or administrator of a proprietary security force of 30 or more persons registered with the Department, or with 3 years experience out of the 5 years immediately preceding his or her application as a full-time supervisor in a law enforcement agency of a federal or State political subdivision, which shall include a State's Attorney's office or Public Defender's office, such full-time supervisory experience to be approved by the Board and the Department. An applicant who has obtained a baccalaureate degree in police science or a related field or a business degree from an accredited college or university shall be given credit for 2 of the 3 years experience required under this Section. An applicant who has obtained an associate degree in police science or a related field or in business from an accredited college or university shall be given credit for one of the 3 years experience required under this Section.

(7) Has not been dishonorably discharged from the armed services of the United States.

(8) Has successfully passed an examination authorized by the Department. The examination shall include subjects reasonably related to the activities licensed so as to provide for the protection of the health and safety of the public.

(9) Has not violated Section 15, 20, or 25 of this Act, but this requirement does not operate as an absolute bar to licensure.

It is the responsibility of the applicant to obtain liability insurance in amount and coverage type appropriate as determined by rule for the applicant's individual business circumstances. The applicant shall provide evidence of insurance to the Department before being issued a license. This insurance requirement is a continuing requirement for licensure. Failure to maintain insurance shall result in cancellation of the license by the Department.

(c) Private alarm contractor. A person is qualified to receive a license as a private alarm contractor if he or she meets all of the following requirements:

(1) Is at least 21 years of age.

(2) Has not been convicted in any jurisdiction of any felony or at least 10 years have expired from the time of discharge from any sentence imposed for a felony.

(3) Is of good moral character. Good moral character is a continuing requirement of licensure. Convictions of crimes not listed in paragraph (2) of subsection (c) of this Section may be used in determining moral character, but do not operate as an absolute bar to licensure.

(4) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease unless a court has since declared him or her to be competent.

(5) Is not suffering from habitual drunkenness or from narcotic addiction or dependence.

(6) Has not been dishonorably discharged from the armed services of the United States.

(7) Has a minimum of 3 years experience out of the 5 years immediately preceding application as a full time manager or

administrator for an agency licensed as a private alarm contractor agency, or for an entity that designs, sells, installs, services, or monitors alarm systems which in the judgment of the Board satisfies standards of alarm industry competence. An individual who has received a 4 year degree in electrical engineering or a related field from a program approved by the Board shall be given credit for 2 years of experience under this item (7). An individual who has successfully completed a national certification program approved by the Board shall be given credit for one year of experience under this item (7).

(8) Has successfully passed an examination authorized by the Department. The examination shall include subjects reasonably related to the activities licensed so as to provide for the protection of the health and safety of the public.

(9) Has not violated Section 15, 20, or 25 of this Act, but this requirement does not operate as an absolute bar to licensure.

It is the responsibility of the applicant to obtain liability insurance in an amount and coverage type appropriate as determined by rule for the applicant's individual business circumstances. The applicant shall provide evidence of insurance to the Department before being issued a license. This insurance requirement is a continuing requirement for licensure. Failure to maintain insurance shall result in cancellation of the license by the Department.

Alternatively, a person is qualified to receive a license as a private alarm contractor without meeting the requirements of items (7), (8), and (9) of this subsection, if he or she:

(i) applies for a license between <u>September 2, 2002</u> ~~July 1, 2000~~ and <u>September 5, 2002</u> ~~August 31, 2000~~, in writing, on forms supplied by the Department;

(ii) provides proof to the Department that he or she was engaged in the alarm contracting business on or before <u>July 1, 1975</u> ~~January 1, 1984~~;

(iii) submits the photographs, fingerprints, proof of insurance, and current license fee required by the Department; ~~and~~

(iv) has not violated Section 25 of this Act<u>; and</u>~~.~~

<u>(v) has held a Permanent Employee Registration Card for a minimum of 12 months.</u>

(d) Locksmith. A person is qualified to receive a license as a locksmith if he or she meets all of the following requirements:

(1) Is at least 18 years of age.

(2) Has not violated any provisions of Section 120 of this Act.

(3) Has not been convicted in any jurisdiction of any felony or at least 10 years have expired from the time of discharge from any sentence imposed for a felony.

(4) Is of good moral character. Good moral character is a continuing requirement of licensure. Convictions of crimes not listed in paragraph (3) of subsection (d) of this Section may be used in determining moral character, but do not operate as an absolute bar to licensure.

(5) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease unless a court has since declared him or her to be competent.

(6) Is not suffering from habitual drunkenness or from narcotic addiction or dependence.

(7) Has not been dishonorably discharged from the armed

services of the United States.

(8) Has passed an examination authorized by the Department in the theory and practice of the profession.

(9) Has submitted to the Department proof of insurance sufficient for the individual's business circumstances. The Department, with input from the Board, shall promulgate rules specifying minimum insurance requirements. This insurance requirement is a continuing requirement for licensure. Failure to maintain insurance shall result in the cancellation of the license by the Department. A locksmith employed by a licensed locksmith agency or employed by a private concern may provide proof that his or her actions as a locksmith are covered by the insurance of his or her employer.

(e) Private detective agency. Upon payment of the required fee and proof that the applicant has a full-time Illinois licensed private detective in charge, which is a continuing requirement for agency certification, the Department shall issue, without examination, a certificate as a private detective agency to any of the following:

(1) An individual who submits an application in writing and who is a licensed private detective under this Act.

(2) A firm or association that submits an application in writing and all of the members of the firm or association are licensed private detectives under this Act.

(3) A duly incorporated or registered corporation allowed to do business in Illinois that is authorized by its articles of incorporation to engage in the business of conducting a detective agency, provided at least one officer or executive employee is licensed as a private detective under this Act and all unlicensed officers and directors of the corporation are determined by the Department to be persons of good moral character.

No private detective may be the private detective in charge for more than one agency. Upon written request by a representative of an agency within 10 days after the loss of a licensee in charge of an agency because of the death of that individual or because of an unanticipated termination of the employment of that individual, the Department shall issue a temporary permit allowing the continuing operation of a previously licensed agency. No temporary permit shall be valid for more than 90 days. An extension of an additional 90 days may be granted by the Department for good cause shown upon written request by the representative of the agency. No more than 2 extensions may be granted to any agency. No temporary permit shall be issued for the loss of the detective in charge because of disciplinary action by the Department.

(f) Private alarm contractor agency. Upon receipt of the required fee and proof that the applicant has a full-time Illinois licensed private alarm contractor in charge, which is a continuing requirement for agency certification, the Department shall issue, without examination, a certificate as a private alarm contractor agency to any of the following:

(1) An individual who submits an application in writing and who is a licensed private alarm contractor under this Act.

(2) A firm or association that submits an application in writing that all of the members of the firm or association are licensed private alarm contractors under this Act.

(3) A duly incorporated or registered corporation allowed to do business in Illinois that is authorized by its articles of incorporation to engage in the business of conducting a private alarm contractor agency, provided at least one officer or executive employee is licensed as a private alarm contractor

under this Act and all unlicensed officers and directors of the corporation are determined by the Department to be persons of good moral character.

No private alarm contractor may be the private alarm contractor in charge for more than one agency. Upon written request by a representative of an agency within 10 days after the loss of a licensed private alarm contractor in charge of an agency because of the death of that individual or because of the unanticipated termination of the employment of that individual, the Department shall issue a temporary permit allowing the continuing operation of a previously licensed agency. No temporary permit shall be valid for more than 90 days. An extension of an additional 90 days may be granted by the Department for good cause shown and upon written request by the representative of the agency. No more than 2 extensions may be granted to any agency. No temporary permit shall be issued for the loss of the licensee in charge because of disciplinary action by the Department.

(g) Private security contractor agency. Upon receipt of the required fee and proof that the applicant has a full-time Illinois licensed private security contractor in charge, which is continuing requirement for agency certification, the Department shall issue, without examination, a certificate as a private security contractor agency to any of the following:

(1) An individual who submits an application in writing and who is a licensed private security contractor under this Act.

(2) A firm or association that submits an application in writing that all of the members are licensed private security contractors under this Act.

(3) A duly incorporated or registered corporation allowed to do business in Illinois that is authorized by its articles of incorporation to engage in the business of conducting a private security contractor agency, provided at least one officer or executive employee is licensed as a private security contractor under this Act and all unlicensed officers and directors of the corporation are determined by the Department to be persons of good moral character.

No private security contractor may be the private security contractor in charge for more than one agency. Upon written request by a representative of the agency within 10 days after the loss of a licensee in charge of an agency because of the death of that individual or because of the unanticipated termination of the employment of that individual, the Department shall issue a temporary permit allowing the continuing operation of a previously licensed agency. No temporary permit shall be valid for more than 90 days. An extension of an additional 90 days may be granted upon written request by the representative of the agency. No more than 2 extensions may be granted to any agency. No temporary permit shall be issued for the loss of the licensee in charge because of disciplinary action by the Department.

(h) Licensed locksmith agency. Upon receipt of the required fee and proof that the applicant is an Illinois licensed locksmith who shall assume full responsibility for the operation of the agency and the directed actions of the agency's employees, which is a continuing requirement for agency licensure, the Department shall issue, without examination, a certificate as a Locksmith Agency to any of the following:

(1) An individual who submits an application in writing and who is a licensed locksmith under this Act.

(2) A firm or association that submits an application in writing and certifies that all of the members of the firm or

association are licensed locksmiths under this Act.

(3) A duly incorporated or registered corporation or limited liability company allowed to do business in Illinois that is authorized by its articles of incorporation or organization to engage in the business of conducting a locksmith agency, provided that at least one officer or executive employee of a corporation or one member of a limited liability company is licensed as a locksmith under this Act, and provided that person agrees in writing on a form acceptable to the Department to assume full responsibility for the operation of the agency and the directed actions of the agency's employees, and further provided that all unlicensed officers and directors of the corporation or members of the limited liability company are determined by the Department to be persons of good moral character.

An individual licensed locksmith operating under a business name other than the licensed locksmith's own name shall not be required to obtain a locksmith agency license if that licensed locksmith does not employ any persons to engage in the practice of locksmithing.

An applicant for licensure as a locksmith agency shall submit to the Department proof of insurance sufficient for the agency's business circumstances. The Department shall promulgate rules specifying minimum insurance requirements. This insurance requirement is a continuing requirement for licensure.

No licensed locksmith may be the licensed locksmith responsible for the operation of more than one agency except for any individual who submits proof to the Department that, on the effective date of this amendatory Act of 1995, he or she is actively responsible for the operations of more than one agency. A licensed private alarm contractor who is responsible for the operation of a licensed private alarm contractor agency and who is a licensed locksmith may also be the licensed locksmith responsible for the operation of a locksmith agency.

Upon written request by a representative of an agency within 10 days after the loss of a responsible licensed locksmith of an agency, because of the death of that individual or because of the unanticipated termination of the employment of that individual, the Department shall issue a temporary permit allowing the continuing operation of a previously licensed locksmith agency. No temporary permit shall be valid for more than 90 days. An extension for an additional 90 days may be granted by the Department for good cause shown and upon written request by a representative of the agency. No more than 2 extensions may be granted to any agency. No temporary permit shall be issued to any agency due to the loss of the responsible locksmith because of disciplinary action by the Department.

(i) Proprietary Security Force. All commercial or industrial operations that employ 5 or more persons as armed security guards and all financial institutions that employ armed security guards shall register their security forces with the Department on forms provided by the Department.

All armed security guard employees of the registered proprietary security force shall be required to complete a 20-hour basic training course and 20-hour firearm training course in accordance with administrative rules.

Each proprietary security force shall be required to apply to the Department, on forms supplied by the Department, for the issuance of a firearm authorization card, in accordance with administrative rules, for each armed employee of the security force.

The Department shall prescribe rules for the administration of

this Section.

(j) Any licensed agency that operates a branch office as defined in this Act shall apply for a branch office license.

(Source: P.A. 90-436, eff. 1-1-98; 90-580, eff. 5-21-98; 90-602, eff. 6-26-98; 91-357, eff. 7-29-99; 91-815, eff. 6-13-00.)

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

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

On motion of Senator Sieben, **Senate Bill No. 1573** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **Senate Bill No. 1576** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1576 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 24-3.4 as follows:

(720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

(a) It is ~~shall be~~ unlawful for any person who holds a license to sell at retail any alcoholic liquor issued by the Illinois Liquor Control Commission or local liquor control commissioner under the Liquor Control Act of 1934 or an agent or employee of the licensee to sell or deliver to any other person a firearm in or on the real property of the establishment where the licensee is licensed to sell alcoholic liquors unless the sale or delivery of the firearm is otherwise lawful under this Article and under the Firearm Owners Identification Card Act.

(b) Sentence. A violation of subsection (a) of this Section is a Class 4 felony.

(Source: P.A. 87-591.)".

Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1576, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 24-3.4 as follows:

(720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

(a) It shall be unlawful for any person or agent or employee of that person who holds a license to sell at retail any alcoholic liquor issued by the Illinois Liquor Control Commission or local liquor control commissioner under the Liquor Control Act of 1934 ~~or an agent or employee of the licensee~~ to sell or deliver to any other person a firearm in or on the real property of the establishment where the licensee is licensed to sell alcoholic liquors unless the licensed seller allows only off premise sales (as defined in subdivision (d)(2) of Section 5-1 of the Liquor Control Act of 1934),

such alcoholic liquor sales account for less than 15% of the sales of all tangible personal property, firearm sales account for less than 15% of the sales of all tangible personal property, and the sale or delivery of the firearm is otherwise lawful under this Article and under the Firearm Owners Identification Card Act.

(b) Sentence. A violation of subsection (a) of this Section is a Class 4 felony.

(Source: P.A. 87-591.)

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 numbered 1 and 2, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Syverson, **Senate Bill No. 1635** having been printed, was taken up and read by title a second time.

Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1635, on page 1, line 5, by replacing "Section 3.1-20-10" with "Sections 3.1-20-10 and 3.1-20-20"; and

on page 2, immediately below line 11, by inserting the following:

"(65 ILCS 5/3.1-20-20) (from Ch. 24, par. 3.1-20-20)

Sec. 3.1-20-20. Aldermen; restrict or reinstate number.

(a) In a city of less than 100,000 inhabitants, a proposition to restrict the number of aldermen to one-half of the total authorized by Section 3.1-20-10, with one alderman representing each ward, shall be certified by the city clerk to the proper election authorities, who shall submit the proposition at an election in accordance with the general election law, if a petition requesting that action is signed by electors of the city numbering not less than 10% of the total vote cast at the last election for mayor of the city and the petition is filed with the city clerk.

The proposition shall be substantially in the following form:

Shall (name of city) restrict the number of aldermen to (state number) (one-half of the total authorized by Section 3.1-20-10 of the Illinois Municipal Code), with one alderman representing each ward?

If a majority of those voting on the proposition vote in favor of it, all existing aldermanic terms shall expire as of the date of the next regular aldermanic election, at which time a full complement of aldermen shall be elected for the full term.

(b) In a city of less than 100,000 inhabitants, a proposition to restrict the number of aldermen to one alderman per ward, with one alderman representing each ward, plus an additional number of aldermen not to exceed the number of wards in the city to be elected at large, shall be certified by the city clerk to the proper election authorities, who shall submit the proposition at an election in accordance with the general election law, if a petition requesting that action is signed by electors of the city numbering not less than 10% of the total vote cast at the last election for mayor of the city and the petition is filed with the city clerk.

The proposition shall be substantially in the following form:

Shall (name of city) restrict the number of aldermen to (number), with one alderman representing each ward, plus an

additional (number) alderman (aldermen) to be elected at large?

If a majority of those voting on the proposition vote in favor of it, all existing aldermanic terms shall expire as of the date of the next regular aldermanic election, at which time a full complement of aldermen shall be elected for the full term.

(c) In a city of less than 100,000 inhabitants where a proposition under subsection (a) or (b) has been successful, a proposition to reinstate the number of aldermen in accordance with Section 3.1-20-10 shall be certified by the city clerk to the proper election authorities, who shall submit the proposition at an election in accordance with the general election law, if a petition requesting that action has been signed by electors of the city numbering not less than 10% of the total vote cast at the last election for mayor of the city and the petition has been filed with the city clerk.

The election authority must submit the proposition in substantially the following form:

Shall (name of city) reinstate the number of aldermen to (number of aldermen allowed by Section 3.1-20-10)?

The election authority must record the votes as "Yes" or "No".

If a majority of the electors voting on the proposition vote in the affirmative, then, if the restriction in the number of aldermen has taken effect, all existing aldermanic terms shall expire as of the date of the next regular aldermanic election, at which time a full complement of aldermen shall be elected for the full term and thereafter terms shall be determined in accordance with Section 3.1-20-35.

(Source: P.A. 87-1119.)".

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. 1641** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, **Senate Bill No. 1687** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1687, after Section 5, by inserting the following:

"Section 10. The Funeral Directors and Embalmers Licensing Code is amended by changing Sections 5-15 and 15-15 as follows:

(225 ILCS 41/5-15)

(Section scheduled to be repealed on December 31, 2002)

Sec. 5-15. Expiration and renewal; inactive status; continuing education. The expiration date and renewal period for each license issued under this Article shall be set by rule. The holder of a license as a licensed funeral director may renew the license during the month preceding the expiration date of the license by paying the required fee. A licensed funeral director whose license has expired may have the license reinstated within 5 years from the date of expiration upon payment of the required reinstatement fee. The reinstatement shall be effective as of the date of reissuance of the license.

Any licensed funeral director whose license has been expired for more than 5 years may have the license restored only by fulfilling the requirements of the Department's rules and by paying the required restoration fee. However, any licensed funeral director whose license has expired while he or she has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America or (2) in training or education under the supervision of the United States preliminary to induction into the military service may have his or her license restored without paying any lapsed renewal fees or restoration fee or without passing any examination if, within 2 years after termination of the service, training or education other than by dishonorable discharge, he or she furnishes the Department with an affidavit to the effect that he or she has been so engaged and that service, training or education has been so terminated.

In addition to any other requirement for renewal of a license or reinstatement of an expired license, beginning with licenses renewed or reinstated in 1993, as a condition for the renewal or reinstatement of a license as a licensed funeral director, each licensee shall provide evidence to the Department of completion of at least 12 hours of continuing education during the 24 months preceding the expiration date of the license, or in the case of reinstatement, during the 24 months preceding application for reinstatement. The continuing education sponsors shall be approved by the Board. In addition, any qualified continuing education course for funeral directors offered by a college, university, the Illinois Funeral Directors Association, Funeral Directors Services Association of Greater Chicago, Cook County Association of Funeral Home Owners, Inc., Illinois Selected Morticians Association, Inc., National Funeral Directors Association, National Foundation of Funeral Service, National Selected Morticians, National Funeral Directors and Morticians Association, Inc., International Order of the Golden Rule, or an Illinois school of mortuary science shall be accepted toward satisfaction of the continuing education requirements.

The Department shall establish by rule a means for verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by licensees, by requiring the filing of continued education certificates with the Department or a qualified organization selected by the Department to maintain these records, or by other means established by the Department.

A person who is licensed as a funeral director under this Act and who has engaged in the practice of funeral directing for at least 40 years shall be exempt from the continuing education requirements of this Section. In addition, the Department shall establish by rule an exemption or exception for funeral directors who, by reason of advanced age, health or other extreme condition should reasonably be excused from the continuing education requirement upon explanation to the Board, the approval of the Director, or both. Those persons, identified above, who cannot attend on-site classes, shall have the opportunity to comply by completing home study courses designed for them by sponsors.

Any funeral director who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on an inactive status and shall be excused from completion of continuing education requirements until he or she notifies the Department in writing of an intent to restore the license to active status. ~~While on inactive status, the licensee shall only be required to pay a single fee, established by the Department, to have~~

~~his or her license placed on inactive status.~~ Any licensee requesting restoration from inactive status shall notify the Department as provided by rule of the Department and pay the fee required by the Department for restoration of the license. Any licensee whose license is on inactive status shall not practice in the State of Illinois.

Practice on a license that has lapsed or been placed in inactive status is practicing without a license and a violation of this Act.
(Source: P.A. 90-50, eff. 1-1-98.)

(225 ILCS 41/15-15)

(Section scheduled to be repealed on December 31, 2002)

Sec. 15-15. Complaints; investigations; hearings. The Department may ~~shall~~ conduct regular inspections of all funeral establishments to determine compliance with the provisions of this Code. The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts that if proved would constitute grounds for refusal, suspension, revocation, or other disciplinary action investigate the action of any person holding or claiming to hold a license under this Code. The Department shall report to the Board, on at least a quarterly basis, the status or disposition of all complaints against, and investigations of, license holders. The Department shall, before refusing to issue or renew, suspending, revoking, or taking any other disciplinary action with respect to any license and at least 30 days before the date set for the hearing, notify in writing the licensee of any charges made and shall direct that person to file a written answer to the Board under oath within 20 days after the service of the notice and inform that person that failure to file an answer may result in default being taken and the person's license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Director may deem proper. The Department shall afford the licensee an opportunity to be heard in person or by counsel in reference to the charges. Written notice may be served by personal delivery to the licensee or by mailing it by registered mail to the last known business address of licensee. In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. The hearing on the charges shall be at a time and place as the Department shall prescribe. The Department may appoint a hearing officer to conduct the hearing. The Department shall notify the Board of the time and place of the hearing and Board members shall be allowed to sit at the hearing. The Department has the power to subpoena and bring before it any person in this State, or take testimony of any person by deposition, with the same fees and mileage, in the same manner as prescribed by law in judicial proceedings in circuit courts of this State in civil cases. If the Department determines that any licensee is guilty of a violation of any of the provisions of this Code, disciplinary action shall be taken against the licensee. The Department may take disciplinary action without a formal hearing subject to Section 10-70 of the Illinois Administrative Procedure Act.
(Source: P.A. 87-966; 88-45.)".

AMENDMENT NO. 2

[Apr. 3, 2002]

AMENDMENT NO. 2. Amend Senate Bill 1687, after Section 5, by inserting the following:

"Section 10. The Funeral Directors and Embalmers Licensing Code is amended by changing Section 5-15 as follows:

(225 ILCS 41/5-15)

(Section scheduled to be repealed on December 31, 2002)

Sec. 5-15. Expiration and renewal; inactive status; continuing education. The expiration date and renewal period for each license issued under this Article shall be set by rule. The holder of a license as a licensed funeral director may renew the license during the month preceding the expiration date of the license by paying the required fee. A licensed funeral director whose license has expired may have the license reinstated within 5 years from the date of expiration upon payment of the required reinstatement fee. The reinstatement shall be effective as of the date of reissuance of the license.

Any licensed funeral director whose license has been expired for more than 5 years may have the license restored only by fulfilling the requirements of the Department's rules and by paying the required restoration fee. However, any licensed funeral director whose license has expired while he or she has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America or (2) in training or education under the supervision of the United States preliminary to induction into the military service may have his or her license restored without paying any lapsed renewal fees or restoration fee or without passing any examination if, within 2 years after termination of the service, training or education other than by dishonorable discharge, he or she furnishes the Department with an affidavit to the effect that he or she has been so engaged and that service, training or education has been so terminated.

In addition to any other requirement for renewal of a license or reinstatement of an expired license, beginning with licenses renewed or reinstated in 1993, as a condition for the renewal or reinstatement of a license as a licensed funeral director, each licensee shall provide evidence to the Department of completion of at least 12 hours of continuing education during the 24 months preceding the expiration date of the license, or in the case of reinstatement, during the 24 months preceding application for reinstatement. The continuing education sponsors shall be approved by the Board. In addition, any qualified continuing education course for funeral directors offered by a college, university, the Illinois Funeral Directors Association, Funeral Directors Services Association of Greater Chicago, Cook County Association of Funeral Home Owners, Inc., Illinois Selected Morticians Association, Inc., National Funeral Directors Association, National Foundation of Funeral Service, National Selected Morticians, National Funeral Directors and Morticians Association, Inc., International Order of the Golden Rule, or an Illinois school of mortuary science shall be accepted toward satisfaction of the continuing education requirements.

The Department shall establish by rule a means for verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by licensees, by requiring the filing of continued education certificates with the Department or a qualified organization selected by the Department to maintain these records, or by other means established by the Department.

A person who is licensed as a funeral director under this Act and who has engaged in the practice of funeral directing for at least 40

years shall be exempt from the continuing education requirements of this Section. In addition, the Department shall establish by rule an exemption or exception for funeral directors who, by reason of advanced age, health or other extreme condition should reasonably be excused from the continuing education requirement upon explanation to the Board, the approval of the Director, or both. Those persons, identified above, who cannot attend on-site classes, shall have the opportunity to comply by completing home study courses designed for them by sponsors.

Any funeral director who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on an inactive status and shall be excused from completion of continuing education requirements until he or she notifies the Department in writing of an intent to restore the license to active status. ~~While on inactive status, the licensee shall only be required to pay a single fee, established by the Department, to have his or her license placed on inactive status.~~ Any licensee requesting restoration from inactive status shall notify the Department as provided by rule of the Department and pay the fee required by the Department for restoration of the license. Any licensee whose license is on inactive status shall not practice in the State of Illinois.

Practice on a license that has lapsed or been placed in inactive status is practicing without a license and a violation of this Act. (Source: P.A. 90-50, eff. 1-1-98.)".

Senator Burzynski offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 1687, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.13 and adding Section 4.23 as follows:

(5 ILCS 80/4.13) (from Ch. 127, par. 1904.13)

Sec. 4.13. Acts repealed on December 31, 2002. The following Acts are repealed on December 31, 2002:

The Environmental Health Practitioner Licensing Act.

The Naprapathic Practice Act.

The Wholesale Drug Distribution Licensing Act.

The Dietetic and Nutrition Services Practice Act.

~~The Funeral Directors and Embalmers Licensing Code.~~

The Professional Counselor and Clinical Professional Counselor Licensing Act.

(Source: P.A. 88-45; 89-61, eff. 6-30-95; revised 8-22-01.)

(5 ILCS 80/4.23 new)

Sec. 4.23. Act repealed on January 1, 2013. The following Act is repealed on January 1, 2013:

The Funeral Directors and Embalmers Licensing Code.

Section 10. The Funeral Directors and Embalmers Licensing Code is amended by changing Section 5-15 as follows:

(225 ILCS 41/5-15)

(Section scheduled to be repealed on December 31, 2002)

Sec. 5-15. Expiration and renewal; inactive status; continuing education. The expiration date and renewal period for each license issued under this Article shall be set by rule. The holder of a license as a licensed funeral director may renew the license during the month preceding the expiration date of the license by paying the required fee. A licensed funeral director whose license has expired may have the license reinstated within 5 years from the date of

expiration upon payment of the required reinstatement fee. The reinstatement shall be effective as of the date of reissuance of the license.

Any licensed funeral director whose license has been expired for more than 5 years may have the license restored only by fulfilling the requirements of the Department's rules and by paying the required restoration fee. However, any licensed funeral director whose license has expired while he or she has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America or (2) in training or education under the supervision of the United States preliminary to induction into the military service may have his or her license restored without paying any lapsed renewal fees or restoration fee or without passing any examination if, within 2 years after termination of the service, training or education other than by dishonorable discharge, he or she furnishes the Department with an affidavit to the effect that he or she has been so engaged and that service, training or education has been so terminated.

In addition to any other requirement for renewal of a license or reinstatement of an expired license, beginning with licenses renewed or reinstated in 1993, as a condition for the renewal or reinstatement of a license as a licensed funeral director, each licensee shall provide evidence to the Department of completion of at least 12 hours of continuing education during the 24 months preceding the expiration date of the license, or in the case of reinstatement, during the 24 months preceding application for reinstatement. The continuing education sponsors shall be approved by the Board. In addition, any qualified continuing education course for funeral directors offered by a college, university, the Illinois Funeral Directors Association, Funeral Directors Services Association of Greater Chicago, Cook County Association of Funeral Home Owners, Inc., Illinois Selected Morticians Association, Inc., National Funeral Directors Association, National Foundation of Funeral Service, National Selected Morticians, National Funeral Directors and Morticians Association, Inc., International Order of the Golden Rule, or an Illinois school of mortuary science shall be accepted toward satisfaction of the continuing education requirements.

The Department shall establish by rule a means for verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by licensees, by requiring the filing of continued education certificates with the Department or a qualified organization selected by the Department to maintain these records, or by other means established by the Department.

A person who is licensed as a funeral director under this Act and who has engaged in the practice of funeral directing for at least 40 years shall be exempt from the continuing education requirements of this Section. In addition, the Department shall establish by rule an exemption or exception for funeral directors who, by reason of advanced age, health or other extreme condition should reasonably be excused from the continuing education requirement upon explanation to the Board, the approval of the Director, or both. Those persons, identified above, who cannot attend on-site classes, shall have the opportunity to comply by completing home study courses designed for them by sponsors.

Any funeral director who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on an inactive status and shall be excused from completion of continuing education requirements until he or she notifies the

Department in writing of an intent to restore the license to active status. ~~While on inactive status, the licensee shall only be required to pay a single fee, established by the Department, to have his or her license placed on inactive status.~~ Any licensee requesting restoration from inactive status shall notify the Department as provided by rule of the Department and pay the fee required by the Department for restoration of the license. Any licensee whose license is on inactive status shall not practice in the State of Illinois.

Practice on a license that has lapsed or been placed in inactive status is practicing without a license and a violation of this Act. (Source: P.A. 90-50, eff. 1-1-98.)

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 Amendments numbered 1, 2 and 3, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1760** 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 1760 on page 1, by replacing lines 6 through 31 with the following:

"(35 ILCS 120/5k) (from Ch. 120, par. 444k)

Sec. 5k. Building materials exemption. Each retailer who makes a qualified sale of building materials to be incorporated into real estate in an enterprise zone established by a county or municipality under the Illinois Enterprise Zone Act by remodeling, rehabilitation or new construction, may deduct receipts from such sales when calculating the tax imposed by this Act. For purposes of this Section, "qualified sale" means a sale of building materials that will be incorporated into real estate as part of a building project for which a Certificate of Eligibility for Sales Tax Exemption has been issued by the administrator of the enterprise zone in which the building project is located. To document the exemption allowed under this Section, the retailer must obtain from the purchaser a copy of the Certificate of Eligibility for Sales Tax Exemption issued by the administrator of the enterprise zone into which the building materials will be incorporated. The Certificate of Eligibility for Sales Tax Exemption must contain:

(1) a statement that the building project identified in the Certificate meets all the requirements for the building material exemption contained in the enterprise zone ordinance of the jurisdiction in which the building project is located;

(2) the location or address of the building project; and

(3) the signature of the administrator of the enterprise zone in which the building project is located.

In addition, the retailer must obtain certification from the purchaser that contains:

(1) a statement that the building materials are being purchased for incorporation into real estate located in an Illinois enterprise zone;

(2) the location or address of the real estate into which the building materials will be incorporated;

(3) the name of the enterprise zone in which that real estate is located;

(4) a description of the building materials being purchased; and

(5) the purchaser's signature and date of purchase.

The deduction allowed by this Section for the sale of building materials may be limited, to the extent authorized by ordinance, adopted after the effective date of this amendatory Act of 1992, by the municipality or county that created the enterprise zone into ~~in~~ which the building materials will be incorporated ~~retailer's place of business is located~~. The ordinance, however, may neither require nor prohibit the purchase of building materials from any retailer or class of retailers in order to qualify for the exemption allowed under this Section. ~~The corporate authorities of any municipality or county that adopts an ordinance or resolution imposing or changing any limitation on the enterprise zone exemption for building materials shall transmit to the Department of Revenue on or not later than 5 days after publication, as provided by law, a certified copy of the ordinance or resolution imposing or changing those limitations, whereupon the Department of Revenue shall proceed to administer and enforce those limitations effective the first day of the second calendar month next following date of receipt by the Department of the certified ordinance or resolution.~~ The provisions of this Section are exempt from Section 2-70.

(Source: P.A. 91-51, eff. 6-30-99; 91-954, eff. 1-1-02; 92-484, eff. 8-23-01.)".

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. 1764** having been printed, was taken up and read by title a second time.

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

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

On motion of Senator Cullerton, **Senate Bill No. 1756** having been printed, was taken up and read by title a second time.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1756 on page 1, in line 15 by inserting after "website" the following:
"that the staff of the public body maintains"; and
on page 1, in line 16 by replacing "72 ~~48~~" with "48"; and
on page 2, in line 7 by inserting after "a website" the following:
"that the staff of the public body maintains"; and
on page 3, in line 7 by inserting after "a website" the following:
"that the staff of the public body maintains".

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 Bomke, **Senate Bill No. 1779** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1779 on page 3, by replacing lines 11 through 18 with the following:

"(e) (Blank).".

Senator Bomke offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1779, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Section 14-105 as follows:

(40 ILCS 5/14-105) (from Ch. 108 1/2, par. 14-105)

Sec. 14-105. Service credit for which contributions are not required.

(a) Each employee in service on December 31, 1943, or then on leave of absence not in conflict with Civil Service rules, if such leave had not extended for more than one year continuously, or who is otherwise entitled to prior service credit, who becomes a member shall file with the board on a form supplied by it, a detailed statement of all service rendered prior to January 1, 1944, for which credit is claimed.

Upon verification thereof, the board shall issue a prior service certificate certifying length of prior service. A prior service certificate shall be conclusive so long as membership continues, provided, that a member may, within one year from the date of original issuance of the certificate or modification thereof, request the board to modify or correct the certificate.

When membership ceases, a prior service certificate shall become void, and shall be revived only under the conditions specified in this Article.

In the computation of prior service, the following schedule shall govern: 9 months of service or more during any fiscal year constitutes a year of service; 6 to 9 months, 3/4 of a year; 3 to 6 months, 1/2 year; less than 3 months shall not be considered. Credit shall not be allowed for any period of absence without compensation or for less than 15 days service in any month, nor shall more than one year of service be creditable for all service rendered in any one fiscal year.

(b) Any member shall receive credit for military service provided all of the following conditions are met:

(1) the member was a State employee within 6 months immediately prior to entry into military service;

(2) the member returns as a State employee within 15 months after his unconditional discharge other than by dishonorable discharge; and

(3) the member establishes creditable service for State employment immediately prior to and following the military service.

The total amount of creditable military service for any member during his entire term of service shall not exceed 5 years in the aggregate, except that any member who on July 1, 1963, had accrued more than 5 years of such credit shall be entitled to the total amount of such accrued credit.

(c) Any active member of the System who (1) was earning eligible creditable service under subdivision (b)(12) of Section 14-110 on January 1, 1992, and (2) has at least 17 years of creditable service under Article 5, and (3) is eligible to transfer that creditable service to this System under subsection (c) of Section 5-236 of this Code, and (4) applies in writing for transfer of that creditable service to this System within 30 days after the effective date of this amendatory Act of 1993, shall receive eligible creditable service in this System for that creditable service upon receipt by this System of the amounts transferred under Section 5-236. No additional contributions shall be required for the transferred service.

(d) Any active member of the system who (1) was earning eligible creditable service under subdivision (b)(5) of Section 14-110 on January 1, 1992, and (2) has no more than 7 years of creditable service as a municipal conservator of the peace under Article 7, and (3) is eligible to transfer that creditable service to this System under subsection (a) of Section 7-139.7 of this Code, and (4) makes written notification to this System by January 31, 1994, shall receive eligible creditable service in this System for that service upon receipt by this System of the amounts transferred under Section 7-139.7. No additional contributions shall be required for the transferred service.

(e) Any member may establish creditable service and earnings credit for a period of voluntary or involuntary furlough, not exceeding 5 days, beginning on or after January 1, 2002 and ending before July 1, 2002, that is utilized as a means of addressing a State fiscal emergency. To receive this credit, the member must apply in writing to the System or the member's employer before July 1, 2005. No additional contribution is required for this credit.

(Source: P.A. 87-1265.)

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 numbered 1 and 2, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Klemm, **Senate Bill No. 1798** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1798 by replacing everything after the enacting clause with the following:

"Section 5. The Hospital Licensing Act is amended by changing Section 10.4 as follows:

(210 ILCS 85/10.4) (from Ch. 111 1/2, par. 151.4)

Sec. 10.4. Medical staff privileges.

(a) A ~~Any~~ hospital licensed under this Act or any hospital organized under the University of Illinois Hospital Act shall, prior to the granting of any medical staff privileges to an applicant, or renewing a current medical staff member's privileges, request of the Director of Professional Regulation information concerning the licensure status and any disciplinary action taken against the applicant's or medical staff member's license, except for medical personnel who enter a hospital to obtain organs and tissues for

transplant from a deceased donor in accordance with the Uniform Anatomical Gift Act. The Director of Professional Regulation shall transmit, in writing and in a timely fashion, such information regarding the license of the applicant or the medical staff member, including the record of imposition of any periods of supervision or monitoring as a result of alcohol or substance abuse, as provided by Section 23 of the Medical Practice Act of 1987, and such information as may have been submitted to the Department indicating that the application or medical staff member has been denied, or has surrendered, medical staff privileges at a hospital licensed under this Act, or any equivalent facility in another state or territory of the United States. The Director of Professional Regulation shall define by rule the period for timely response to such requests.

No transmittal of information by the Director of Professional Regulation, under this Section shall be to other than the president, chief operating officer, chief administrative officer, or chief of the medical staff of a hospital licensed under this Act, a hospital organized under the University of Illinois Hospital Act, or a hospital operated by the United States, or any of its instrumentalities. The information so transmitted shall be afforded the same status as is information concerning medical studies by Part 21 of Article VIII of the Code of Civil Procedure, as now or hereafter amended.

(b) All hospitals licensed under this Act, except county hospitals as defined in subsection (c) of Section 15-1 of the Illinois Public Aid Code, shall comply with, and the medical staff bylaws of these hospitals shall include rules consistent with, the provisions of this Section in granting, limiting, renewing, or denying medical staff membership and clinical staff privileges. Hospitals that require medical staff members to possess faculty status with a specific institution of higher education are not required to comply with subsection (1) below when the physician does not possess faculty status.

(1) Minimum procedures for pre-applicants and applicants for medical staff membership shall include the following:

(A) Written procedures relating to the acceptance and processing of pre-applicants or applicants for medical staff membership, which should be contained in medical staff bylaws.

(B) Written procedures to be followed in determining a pre-applicant's or an applicant's qualifications for being granted medical staff membership and privileges.

(C) Written criteria to be followed in evaluating a pre-applicant's or an applicant's qualifications.

(D) An evaluation of a pre-applicant's or an applicant's current health status and current license status in Illinois.

(E) A written response to each pre-applicant or applicant that explains the reason or reasons for any adverse decision (including all reasons based in whole or in part on the applicant's medical qualifications or any other basis, including economic factors).

(2) Minimum procedures with respect to medical staff and clinical privilege determinations concerning current members of the medical staff shall include the following:

(A) A written notice of an adverse decision.

(B) An explanation of the reasons for an adverse decision including all reasons based on the quality of medical care or any other basis, including economic factors.

(C) A statement of the medical staff member's right to

request a fair hearing on the adverse decision before a hearing panel whose membership is mutually agreed upon by the medical staff and the hospital governing board. The hearing panel shall have independent authority to recommend action to the hospital governing board. Upon the request of the medical staff member or the hospital governing board, the hearing panel shall make findings concerning the nature of each basis for any adverse decision recommended to and accepted by the hospital governing board.

(i) Nothing in this subparagraph (C) limits a hospital's or medical staff's right to summarily suspend, without a prior hearing, a person's medical staff membership or clinical privileges if the continuation of practice of a medical staff member constitutes an immediate danger to the public, including patients, visitors, and hospital employees and staff. A fair hearing shall be commenced within 15 days after the suspension and completed without delay.

(ii) Nothing in this subparagraph (C) limits a medical staff's right to permit, in the medical staff bylaws, summary suspension of membership or clinical privileges in designated administrative circumstances as specifically approved by the medical staff. This bylaw provision must specifically describe both the administrative circumstance that can result in a summary suspension and the length of the summary suspension. The opportunity for a fair hearing is required for any administrative summary suspension. Any requested hearing must be commenced within 15 days after the summary suspension and completed without delay. Adverse decisions other than suspension or other restrictions on the treatment or admission of patients may be imposed summarily and without a hearing under designated administrative circumstances as specifically provided for in the medical staff bylaws as approved by the medical staff.

(iii) If a hospital exercises its option to enter into an exclusive contract and that contract results in the total or partial termination or reduction of medical staff membership or clinical privileges of a current medical staff member, the hospital shall provide the affected medical staff member 60 days prior notice of the effect on his or her medical staff membership or privileges. An affected medical staff member desiring a hearing under subparagraph (C) of this paragraph (2) must request the hearing within 14 days after the date he or she is so notified. The requested hearing shall be commenced and completed (with a report and recommendation to the affected medical staff member, hospital governing board, and medical staff) within 30 days after the date of the medical staff member's request. If agreed upon by both the medical staff and the hospital governing board, the medical staff bylaws may provide for longer time periods.

(D) A statement of the member's right to inspect all pertinent information in the hospital's possession with respect to the decision.

(E) A statement of the member's right to present witnesses and other evidence at the hearing on the decision.

(F) A written notice and written explanation of the decision resulting from the hearing.

(F-5) A written notice of a final adverse decision by a hospital governing board.

(G) Notice given 15 days before implementation of an adverse medical staff membership or clinical privileges decision based substantially on economic factors. This notice shall be given after the medical staff member exhausts all applicable procedures under this Section, including item (iii) of subparagraph (C) of this paragraph (2), and under the medical staff bylaws in order to allow sufficient time for the orderly provision of patient care.

(H) Nothing in this paragraph (2) of this subsection (b) limits a medical staff member's right to waive, in writing, the rights provided in subparagraphs (A) through (G) of this paragraph (2) of this subsection (b) upon being granted the written exclusive right to provide particular services at a hospital, either individually or as a member of a group. If an exclusive contract is signed by a representative of a group of physicians, a waiver contained in the contract shall apply to all members of the group unless stated otherwise in the contract.

(3) Every adverse medical staff membership and clinical privilege decision based substantially on economic factors shall be reported to the Hospital Licensing Board before the decision takes effect. These reports shall not be disclosed in any form that reveals the identity of any hospital or physician. These reports shall be utilized to study the effects that hospital medical staff membership and clinical privilege decisions based upon economic factors have on access to care and the availability of physician services. The Hospital Licensing Board shall submit an initial study to the Governor and the General Assembly by January 1, 1996, and subsequent reports shall be submitted periodically thereafter.

(4) As used in this Section:

"Adverse decision" means a decision reducing, restricting, suspending, revoking, denying, or not renewing medical staff membership or clinical privileges.

"Economic factor" means any information or reasons for decisions unrelated to quality of care or professional competency.

"Pre-applicant" means a physician licensed to practice medicine in all its branches who requests an application for medical staff membership or privileges.

"Privilege" means permission to provide medical or other patient care services and permission to use hospital resources, including equipment, facilities and personnel that are necessary to effectively provide medical or other patient care services. This definition shall not be construed to require a hospital to acquire additional equipment, facilities, or personnel to accommodate the granting of privileges.

(5) Any amendment to medical staff bylaws required because of this amendatory Act of the 91st General Assembly shall be adopted on or before July 1, 2001.

(c) All hospitals shall consult with the medical staff prior to closing membership in the entire or any portion of the medical staff or a department. If the hospital closes membership in the medical staff, any portion of the medical staff, or the department over the objections of the medical staff, then the hospital shall provide a detailed written explanation for the decision to the medical staff 10

days prior to the effective date of any closure. No applications need to be provided when membership in the medical staff or any relevant portion of the medical staff is closed.
(Source: P.A. 90-14, eff. 7-1-97; 90-149, eff. 1-1-98; 90-655, eff. 7-30-98; 91-166, eff. 1-1-00.)".

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

On motion of Senator Peterson, **Senate Bill No. 1810** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1820** having been printed, was taken up and read by title a second time.

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

Senator Munoz offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1820 by replacing everything after the enacting clause with the following:

"Section 5. The Hospital Licensing Act is amended by adding Section 10.6 as follows:

(210 ILCS 85/10.6 new)

Sec. 10.6. Hospital merger; medical staff bylaws. When one or more hospitals combine or merge in any manner that does not require any of the parties to the transaction to obtain a new license under this Act, the medical staff bylaws of each individual hospital shall remain in effect until such time as the bylaws are amended according to the terms of the bylaws. This Section shall not apply to a county hospital as defined in subsection (c) of Section 15-1 of the Illinois Public Aid Code.

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 Sieben, **Senate Bill No. 1830** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1830 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Restricted Call Registry Act.

Section 5. Definitions. As used in this Act:

(a) "Residential subscriber" means a person or spouse who has subscribed to either residential telephone service from a local exchange company or public mobile services, as defined by Section 13-214 of the Public Utilities Act, a guardian of the person or the person's spouse, or an individual who has power of attorney from or an authorized agent of the person or the person's spouse.

(b) "Established business relationship" means the existence of an oral or written arrangement, agreement, contract, or other legal state of affairs between a person or entity and an existing customer under which both parties have a course of conduct or established pattern of activity for commercial or mercantile purposes and for the benefit or profit of both parties. A pattern of activity does not necessarily mean multiple previous contacts. The established business relationship must exist between the existing customer and the person or entity directly, and does not extend to any related business entity or other business organization of the person or entity or related to the person or entity or the person or entity's agent including but not limited to a parent corporation, subsidiary partnership, company or other corporation or affiliate.

(c) "Existing customer" means an individual who has either:

(1) entered into a transaction, agreement, contract, or other legal state of affairs between a person or entity and a residential subscriber under which the payment or exchange of consideration for any goods or services has taken place within the preceding 18 months or has been arranged to take place at a future time; or

(2) opened or maintained a debit account, credit card account, or other revolving credit or discount program offered by the person or entity and has not requested the person or entity to close such account or terminate such program.

(d) "Registry" means the Restricted Call Registry established under this Act.

(e) "Telephone solicitation" means any voice communication over a telephone line from a live operator, through the use of an autodialer or autodialer system, as defined in Section 5 of the Automatic Telephone Dialers Act, or by other means for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, or for the purposes of soliciting charitable contributions but does not include communications:

(1) to any residential subscriber with that subscriber's prior express invitation or permission when a voluntary 2-way communication between a person or entity and a residential subscriber has occurred with or without an exchange of consideration. A telephone solicitation is presumed not to be made at the express request of a subscriber if one of the following occurs, as applicable:

(A) The telephone solicitation is made 30 business days after the last date on which the subscriber contacted a business with the purpose of inquiring about the potential purchase of goods or services.

(B) The telephone solicitation is made 30 business days after the last date on which the subscriber consented to be contacted.

(C) The telephone solicitation is made 30 business days after a product or service becomes available where the subscriber has made a request to the business for that product or service that is not then available, and requests a call when the product or service becomes available;

(2) by or on behalf of any person or entity with whom a residential subscriber has an established business relationship which has not been terminated in writing by either party and which is related to the nature of the established business relationship;

(3) by or on behalf of any person or entity with whom a residential subscriber is an existing customer, unless the customer has stated to the person or entity or the person or

entity's agent that he or she no longer wishes to receive the telemarketing sales calls of the person or entity, or unless the nature of the call is unrelated to the established business relationship with the existing customer;

(4) by or on behalf of an organization that is exempt from federal income taxation under Section 501 of the Internal Revenue Code, but only if the person making the telephone solicitation immediately discloses all of the following information upon making contact with the consumer:

(A) the caller's true first and last name; and

(B) the name, address, and telephone number of the charitable organization;

(5) by or on behalf of an individual licensed under the Real Estate License Act of 2000 or as an insurance producer under the Illinois Insurance Code who either:

(A) is setting or attempting to set a face to face appointment for actions relating to that small business; or

(B) is encouraging or attempting to encourage the purchase or rental of, or investment in, property, goods, or services, which cannot be completed, and for which payment or authorization of payment is not required, until after a written or electronic agreement is signed by the residential subscriber; or

(6) until July 1, 2005, by or on behalf of any entity over which the Federal Communications Commission or the Illinois Commerce Commission has regulatory authority to the extent that, subject to that authority, the entity is required to maintain a license, permit, or certificate to sell or provide telecommunications service, as defined in Section 13-203 of the Public Utilities Act, while the entity is engaged in telephone solicitation for inter-exchange telecommunications service, as defined in Section 13-205 of the Public Utilities Act, or local exchange telecommunications service, as defined in Section 13-204 of the Public Utilities Act.

Section 10. Prohibited calls. Beginning July 1, 2003, no person or entity may make or cause to be made any telephone solicitation calls to any residential subscriber more than 45 days after the residential subscriber's telephone number or numbers first appear on the Registry.

Section 15. Complaints. The Illinois Commerce Commission shall receive telephone solicitation complaints from residential subscribers to object to such calls. Complaints shall be taken by any means deemed appropriate by the Illinois Commerce Commission.

Section 20. Registry; establishment and maintenance.

(a) The Illinois Commerce Commission shall establish and provide for the operation of a Restricted Call Registry, which shall contain a list of the telephone numbers of residential subscribers who do not wish to receive telephone solicitation calls. The Illinois Commerce Commission may contract with a private vendor to establish and maintain the Registry if the contract requires the vendor to provide the Registry in a printed hard copy format, in an electronic format, and in any other format prescribed by the Illinois Commerce Commission. Any person or entity conducting telephone solicitation calls as defined by Section 5(e) of this Act within the State of Illinois shall purchase the Restricted Call Registry and updates exclusively from the Illinois Commerce Commission. Failure to do so prior to conducting telephone solicitation calls is a violation subject to the penalties provided for in Section 35 of this Act.

(b) No later than January 1, 2003, the Illinois Commerce Commission shall adopt rules consistent with this Act that the

Illinois Commerce Commission deems necessary and appropriate to fully implement this Act. The rules shall include, at a minimum, methods by which any person or entity desiring to make telephone solicitation calls may obtain access to the Registry to avoid calling the telephone numbers of residential subscribers included in the Registry.

(c) The fee for obtaining the Registry and updates shall be set forth in rules adopted by the Illinois Commerce Commission. The fee may not exceed $1,000 annually and may not exceed the costs incurred by the Commission in the preparation, maintenance, production, and distribution of the Registry. All copies requested in a printed hard copy format shall be assessed a per page fee to be determined by rules adopted by the Illinois Commerce Commission.

(d) The Illinois Commerce Commission shall update the Registry and make information in the Registry available on a quarterly basis in an electronic format that can be sorted by individual fields and, if deemed appropriate by the Illinois Commerce Commission, in one or more other formats.

(e) If the Federal Communications Commission or Federal Trade Commission establishes a single national database of telephone numbers of subscribers who object to receiving telephone solicitations under Title 47, Section 227(c)(3) of the United States Code, this State shall discontinue the Registry.

(f) Information in the Registry is confidential and shall be afforded reasonable privacy protection except as necessary for compliance with Sections 10 and 25 and this Section or in a proceeding or action under Section 35 or 40. The information is not a public record under the Freedom of Information Act.

(g) The Illinois Commerce Commission shall periodically obtain subscription listings of residential subscribers in this State who have arranged to be included in any national do-not-call list and add those names to the Registry.

(h) A person or entity that obtains the Registry shall not use the Registry for any purpose other than to comply with this Act. These unlawful purposes include, but are not limited to, causing a subscriber to participate in and be included in the Registry without the subscriber's knowledge or consent, selling or leasing the Registry to a person other than a telephone solicitor, selling or leasing by a telephone solicitor of the Registry, and a telephone solicitor, either directly or indirectly, persuading a subscriber with whom it has an established business relationship to place his or her telephone number in the Registry, if the solicitation has the effect of preventing competitors from contacting that solicitor's customers.

(i) No person or entity that sells, leases, exchanges, or rents telephone solicitation lists, except for directory assistance and telephone directories sold by telephone companies or their affiliates, shall include in those lists those telephone numbers that appear in the current Registry.

Section 25. Enrollment.

(a) The Illinois Commerce Commission shall provide notice to residential subscribers of the establishment of the Registry.

(b) The Illinois Commerce Commission shall establish any method deemed appropriate for a residential subscriber to notify the Illinois Commerce Commission that the residential subscriber wishes to have its telephone number included in the Registry.

(c) The Commission may, by rule, set an initial fee which shall not exceed $5 per residential customer for inclusion on the Restricted Call Registry. The Commission shall review the revenues and expenditures of the Restricted Call Registry on a biennial basis

and shall, by rule, reduce the fee accordingly if revenues exceed expenditures. The Commission may adopt rules and procedures governing the acceptance of payment by credit card and may enter into such agreements as necessary to accept payment by credit card.

(d) A residential subscriber's telephone number shall be deleted from the Registry upon the residential subscriber's written request.

(e) Enrollment in the Registry is effective from the start of the quarter following the date of enrollment until the residential subscriber disconnects or changes his or her telephone number or submits a written request to be deleted from the Registry, whichever occurs first. The residential subscriber is responsible for notifying the Illinois Commerce Commission of any changes in his or her telephone number.

Section 30. Public notification. The Illinois Commerce Commission shall work with local exchange telecommunications companies to disseminate to their customers information about the availability of and instructions for requesting educational literature from the Illinois Commerce Commission. The Illinois Commerce Commission may enter into agreements with those companies for the dissemination of the educational literature. Telecommunications companies shall disseminate the educational literature at least once per year in a message contained in customers' bills or a notice in the information section of all telephone directories distributed to customers and shall include on their website a link to the ICC's web page for the Registry. The Illinois Commerce Commission shall include, on its Internet web site, information to customers regarding their right to be included in the Registry and the various methods, including notice to the Illinois Commerce Commission, of being included in the Registry. The Illinois Commerce Commission shall have this literature developed for dissemination to the public no later than March 1, 2003.

Section 35. Violation; relief.

(a) The Illinois Commerce Commission may initiate administrative proceedings in accordance with rules adopted under this Act relating to a knowing and willful violation of Section 10.

(b) If it is determined after a hearing that a person has knowingly and willfully violated one or more provisions of this Section, the Illinois Commerce Commission may assess a fine not to exceed $1,000 for the first violation and not to exceed $2,500 for a second or subsequent violation. Each individual violation of Section 10 of this Act shall be a separate and distinct offense under this Section. In imposing a penalty under this Section, the Commission shall, at a minimum, consider the following factors:

(1) whether the offense was knowing or willful;

(2) whether the entity committing the offense has a prior history of non-compliance with this Act;

(3) the offender's relative ability to pay a penalty;

(4) whether the offender has or has not cooperated with the Commission in pursuing the investigation; and

(5) such other special, mitigating or aggravating circumstances as the Commission may find to exist.

(c) Any proceeding conducted under this Section is subject to the Illinois Administrative Procedure Act.

(d) Nothing in this Section may be construed to restrict any right that any person may have under any other law or at common law.

(e) No action or proceeding may be brought under this Section:

(1) more than one year after the person bringing the action knew or should have known of the occurrence of the alleged violation; or

(2) more than one year after the termination of any

proceeding or action arising out of the same violation or violations by the State of Illinois, whichever is later.

(f) The remedies, duties, prohibitions, and penalties in this Act are not exclusive and are in addition to all other causes of action, remedies, and penalties provided by law.

(g) There is created in the State Treasury a special fund to be known as the Restricted Call Registry Fund. All fees and fines collected in the administration and enforcement of this Act shall be deposited into the Fund. Moneys in the Fund shall, subject to appropriation, be used by the Illinois Commerce Commission for implementation, administration, and enforcement of this Act.

Section 40. Exemption.

(a) A person or entity may not be held liable for violating this Act if:

(1) the person or entity has obtained copies of the Registry and each updated Registry from the Illinois Commerce Commission and has established and implemented written policies and procedures related to the requirements of this Act;

(2) the person or entity has trained its personnel in the requirements of this Act;

(3) the person or entity maintains records demonstrating compliance with subdivisions (1) and (2) of this Section and the requirements of this Act; and

(4) any subsequent telephone solicitation is the result of unintentional error.

(b) A person or entity that has entered into a contract with another person or entity to make telephone solicitations on its behalf is not liable for a violation of this Act by the person or entity making telephone solicitations under the contract if the person or entity on whose behalf the telephone solicitations were made has provided written notification to the person or entity making telephone solicitations under the contract that it is necessary to comply with the provisions of this Act when making telephone solicitations.

Section 90. The State Finance Act is amended by adding Section 5.570 as follows:

(30 ILCS 105/5.570 new)

Sec. 5.570. The Restricted Call Registry Fund.

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

Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1830 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Restricted Call Registry Act.

Section 5. Definitions. As used in this Act:

(a) "Residential subscriber" means a person or spouse who has subscribed to either residential telephone service from a local exchange company or public mobile services, as defined by Section 13-214 of the Public Utilities Act, a guardian of the person or the person's spouse, or an individual who has power of attorney from or an authorized agent of the person or the person's spouse.

(b) "Established business relationship" means the existence of an oral or written transaction, agreement, contract, or other legal state of affairs involving a person or entity and an existing customer under which both parties have a course of conduct or

established pattern of activity for commercial or mercantile purposes and for the benefit or profit of both parties. A pattern of activity does not necessarily mean multiple previous contacts. The established business relationship must exist between the existing customer and the person or entity directly, and does not extend to any related business entity or other business organization of the person or entity or related to the person or entity or the person or entity's agent including but not limited to a parent corporation, subsidiary partnership, company or other corporation or affiliate.

(c) "Existing customer" means an individual who has either:

(1) entered into a transaction, agreement, contract, or other legal state of affairs between a person or entity and a residential subscriber under which the payment or exchange of consideration for any goods or services has taken place within the preceding 18 months or has been arranged to take place at a future time; or

(2) opened or maintained a debit account, credit card account, or other credit or discount program offered by or in conjunction with the person or entity and has not requested the person or entity to close such account or terminate such program.

(d) "Registry" means the Restricted Call Registry established under this Act.

(e) "Telephone solicitation" means any voice communication over a telephone line from a live operator, through the use of an autodialer or autodialer system, as defined in Section 5 of the Automatic Telephone Dialers Act, or by other means for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, or for the purposes of soliciting charitable contributions but does not include communications:

(1) to any residential subscriber with that subscriber's prior express invitation or permission when a voluntary 2-way communication between a person or entity and a residential subscriber has occurred with or without an exchange of consideration. A telephone solicitation is presumed not to be made at the express request of a subscriber if one of the following occurs, as applicable:

(A) The telephone solicitation is made 30 business days after the last date on which the subscriber contacted a business with the purpose of inquiring about the potential purchase of goods or services.

(B) The telephone solicitation is made 30 business days after the last date on which the subscriber consented to be contacted.

(C) The telephone solicitation is made 30 business days after a product or service becomes available where the subscriber has made a request to the business for that product or service that is not then available, and requests a call when the product or service becomes available;

(2) by or on behalf of any person or entity with whom a residential subscriber has an established business relationship which has not been terminated in writing by either party and which is related to the nature of the established business relationship;

(3) by or on behalf of any person or entity with whom a residential subscriber is an existing customer, unless the customer has stated to the person or entity or the person or entity's agent that he or she no longer wishes to receive the telemarketing sales calls of the person or entity, or unless the nature of the call is unrelated to the established business relationship with the existing customer;

(4) by or on behalf of an organization that is exempt from federal income taxation under Section 501(c) of the Internal Revenue Code, but only if the person making the telephone solicitation immediately discloses all of the following information upon making contact with the consumer:

(A) the caller's true first and last name; and

(B) the name, address, and telephone number of the organization;

(5) by or on behalf of an individual licensed under the Real Estate License Act of 2000 or as an insurance producer under the Illinois Insurance Code who either:

(A) is setting or attempting to set a face to face appointment for actions relating to that individual's real estate or insurance business; or

(B) is encouraging or attempting to encourage the purchase or rental of, or investment in, property, goods, or services, which cannot be completed, and for which payment or authorization of payment is not required, until after a written or electronic agreement is signed by the residential subscriber; or

(6) until July 1, 2005, by or on behalf of any entity over which the Federal Communications Commission or the Illinois Commerce Commission has regulatory authority to the extent that, subject to that authority, the entity is required to maintain a license, permit, or certificate to sell or provide telecommunications service, as defined in Section 13-203 of the Public Utilities Act, while the entity is engaged in telephone solicitation for inter-exchange telecommunications service, as defined in Section 13-205 of the Public Utilities Act, or local exchange telecommunications service, as defined in Section 13-204 of the Public Utilities Act.

Section 10. Prohibited calls. Beginning July 1, 2003, no person or entity may make or cause to be made any telephone solicitation calls to any residential subscriber more than 45 days after the residential subscriber's telephone number or numbers first appear on the Registry.

Section 15. Complaints. The Illinois Commerce Commission shall receive telephone solicitation complaints from residential subscribers to object to such calls. Complaints shall be taken by any means deemed appropriate by the Illinois Commerce Commission.

Section 20. Registry; establishment and maintenance.

(a) The Illinois Commerce Commission shall establish and provide for the operation of a Restricted Call Registry, which shall contain a list of the telephone numbers of residential subscribers who do not wish to receive telephone solicitation calls. The Illinois Commerce Commission may contract with a private vendor to establish and maintain the Registry if the contract requires the vendor to provide the Registry in a printed hard copy format, in an electronic format, and in any other format prescribed by the Illinois Commerce Commission. Any person or entity conducting telephone solicitation calls as defined by Section 5(e) of this Act within the State of Illinois shall purchase the Restricted Call Registry and updates exclusively from the Illinois Commerce Commission. Failure to do so prior to conducting telephone solicitation calls is a violation subject to the penalties provided for in Section 35 of this Act.

(b) No later than January 1, 2003, the Illinois Commerce Commission shall adopt rules consistent with this Act that the Illinois Commerce Commission deems necessary and appropriate to fully implement this Act. The rules shall include, at a minimum, methods by which any person or entity desiring to make telephone solicitation

calls may obtain access to the Registry to avoid calling the telephone numbers of residential subscribers included in the Registry.

(c) The fee for obtaining the Registry and updates shall be set forth in rules adopted by the Illinois Commerce Commission. The fee may not exceed $1,000 annually and may not exceed the costs incurred by the Commission in the preparation, maintenance, production, and distribution of the Registry. All copies requested in a printed hard copy format shall be assessed a per page fee to be determined by rules adopted by the Illinois Commerce Commission.

(d) The Illinois Commerce Commission shall update the Registry and make information in the Registry available on a quarterly basis in an electronic format that can be sorted by individual fields and, if deemed appropriate by the Illinois Commerce Commission, in one or more other formats.

(e) If the Federal Communications Commission or Federal Trade Commission establishes a single national database of telephone numbers of subscribers who object to receiving telephone solicitations, which restricts both inter-state and intra-state calls and at a minimum covers all telephone solicitations covered by this Act, this State shall discontinue the Registry.

(f) Information in the Registry is confidential and shall be afforded reasonable privacy protection except as necessary for compliance with Sections 10 and 25 and this Section or in a proceeding or action under Section 35 or 40. The information is not a public record under the Freedom of Information Act.

(g) The Illinois Commerce Commission shall periodically obtain subscription listings of residential subscribers in this State who have arranged to be included in any national do-not-call list and add those names to the Registry.

(h) A person or entity that obtains the Registry shall not use the Registry for any purpose other than to comply with this Act. These unlawful purposes include, but are not limited to, causing a subscriber to participate in and be included in the Registry without the subscriber's knowledge or consent, selling or leasing the Registry to a person other than a telephone solicitor, selling or leasing by a telephone solicitor of the Registry, and a telephone solicitor, either directly or indirectly, persuading a subscriber with whom it has an established business relationship to place his or her telephone number in the Registry, if the solicitation has the effect of preventing competitors from contacting that solicitor's customers.

(i) No person or entity that sells, leases, exchanges, or rents telephone solicitation lists, except for directory assistance and telephone directories sold by telephone companies or their affiliates, shall include in those lists those telephone numbers that appear in the current Registry.

Section 25. Enrollment.

(a) The Illinois Commerce Commission shall provide notice to residential subscribers of the establishment of the Registry.

(b) The Illinois Commerce Commission shall establish any method deemed appropriate for a residential subscriber to notify the Illinois Commerce Commission that the residential subscriber wishes to have its telephone number included in or remain on the Registry.

(c) The Commission may, by rule, set an initial fee which shall not exceed $5 per residential subscriber for inclusion on the Restricted Call Registry. The Commission shall review the revenues and expenditures of the Restricted Call Registry on a biennial basis and shall, by rule, reduce the fee accordingly if revenues exceed expenditures. The Commission may adopt rules and procedures governing

the acceptance of payment by credit card and may enter into such agreements as necessary to accept payment by credit card.

(d) A residential subscriber's telephone number shall be deleted from the Registry upon the residential subscriber's written request.

(e) Enrollment in the Registry is effective from the start of the quarter following the date of enrollment for a term of 5 years or until the residential subscriber disconnects or changes his or her telephone number, unless the subscriber complies with the notice provision contained in this section, whichever occurs first. The residential subscriber shall be permitted to extend their enrollment for additional 5 year periods and shall not be subject to any fee for this extension. The residential subscriber is responsible for notifying the Illinois Commerce Commission of any changes in his or her telephone number. The Illinois Commerce Commission shall use its best efforts to notify enrolled residential subscribers before the end of the 5-year enrollment term of the option to extend their enrollment. Residential subscribers who do not indicate their desire to extend their enrollment before the end of the 5-year term shall be given a one quarter grace period before being removed from the Registry.

Section 30. Public notification. The Illinois Commerce Commission shall work with local exchange telecommunications companies to disseminate to their customers information about the availability of and instructions for requesting educational literature from the Illinois Commerce Commission. The Illinois Commerce Commission may enter into agreements with those companies for the dissemination of the educational literature. Telecommunications companies shall disseminate the educational literature at least once per year in a message contained in customers' bills or a notice in the information section of all telephone directories distributed to customers and shall include on their website a link to the ICC's web page for the Registry. The Illinois Commerce Commission shall include, on its Internet web site, information to customers regarding their right to be included in the Registry and the various methods, including notice to the Illinois Commerce Commission, of being included in the Registry. The Illinois Commerce Commission shall have this literature developed for dissemination to the public no later than March 1, 2003.

Section 35. Violation; relief.

(a) The Illinois Commerce Commission may initiate administrative proceedings in accordance with rules adopted under this Act relating to a knowing and willful violation of Section 10.

(b) If it is determined after a hearing that a person has knowingly and willfully violated one or more provisions of this Section, the Illinois Commerce Commission may assess a fine not to exceed $1,000 for the first violation and not to exceed $2,500 for a second or subsequent violation. Each individual violation of Section 10 of this Act shall be a separate and distinct offense under this Section. In imposing a penalty under this Section, the Commission shall, at a minimum, consider the following factors:

(1) whether the offense was knowing or willful;

(2) whether the entity committing the offense has a prior history of non-compliance with this Act;

(3) the offender's relative ability to pay a penalty;

(4) whether the offender has or has not cooperated with the Commission in pursuing the investigation; and

(5) such other special, mitigating or aggravating circumstances as the Commission may find to exist.

(c) Any proceeding conducted under this Section is subject to the Illinois Administrative Procedure Act.

[Apr. 3, 2002]

(d) Nothing in this Section may be construed to restrict any right that any person may have under any other law or at common law.

(e) No action or proceeding may be brought under this Section:

(1) more than one year after the person bringing the action knew or should have known of the occurrence of the alleged violation; or

(2) more than one year after the termination of any proceeding or action arising out of the same violation or violations by the State of Illinois, whichever is later.

(f) The remedies, duties, prohibitions, and penalties in this Act are not exclusive and are in addition to all other causes of action, remedies, and penalties provided by law.

(g) There is created in the State Treasury a special fund to be known as the Restricted Call Registry Fund. All fees and fines collected in the administration and enforcement of this Act shall be deposited into the Fund. Moneys in the Fund shall, subject to appropriation, be used by the Illinois Commerce Commission for implementation, administration, and enforcement of this Act.

Section 40. Exemption.

(a) A person or entity may not be held liable for violating this Act if:

(1) the person or entity has obtained copies of the Registry and each updated Registry from the Illinois Commerce Commission and has established and implemented written policies and procedures related to the requirements of this Act;

(2) the person or entity has trained its personnel in the requirements of this Act;

(3) the person or entity maintains records demonstrating compliance with subdivisions (1) and (2) of this Section and the requirements of this Act; and

(4) any subsequent telephone solicitation is the result of unintentional error.

(b) A person or entity that has entered into a contract with another person or entity to make telephone solicitations on its behalf is not liable for a violation of this Act by the person or entity making telephone solicitations under the contract if the person or entity on whose behalf the telephone solicitations were made has provided written notification to the person or entity making telephone solicitations under the contract that it is necessary to comply with the provisions of this Act when making telephone solicitations.

Section 90. The State Finance Act is amended by adding Section 5.570 as follows:

(30 ILCS 105/5.570 new)

Sec. 5.570. The Restricted Call Registry Fund.

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

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

Floor Amendment No. 3 was held in the Committee on Judiciary.

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 Bomke, **Senate Bill No. 1859** having been printed, was taken up and read by title a second time.

Senator Bomke offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1859 by replacing everything after the enacting clause with the following:

"Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 8 as follows:

(5 ILCS 375/8) (from Ch. 127, par. 528)

Sec. 8. Eligibility.

(a) Each member eligible under the provisions of this Act and any rules and regulations promulgated and adopted hereunder by the Director shall become immediately eligible and covered for all benefits available under the programs. Members electing coverage for eligible dependents shall have the coverage effective immediately, provided that the election is properly filed in accordance with required filing dates and procedures specified by the Director.

(1) Every member originally eligible to elect dependent coverage, but not electing it during the original eligibility period, may subsequently obtain dependent coverage only in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period.

(2) Members described above being transferred from previous coverage towards which the State has been contributing shall be transferred regardless of preexisting conditions, waiting periods, or other requirements that might jeopardize claim payments to which they would otherwise have been entitled.

(3) Eligible and covered members that are eligible for coverage as dependents except for the fact of being members shall be transferred to, and covered under, dependent status regardless of preexisting conditions, waiting periods, or other requirements that might jeopardize claim payments to which they would otherwise have been entitled upon cessation of member status and the election of dependent coverage by a member eligible to elect that coverage.

(b) New employees shall be immediately insured for the basic group life insurance and covered by the program of health benefits on the first day of active State service. Optional coverages or benefits, if elected during the relevant eligibility period, will become effective on the date of employment. Optional coverages or benefits applied for after the eligibility period will be effective, subject to satisfactory evidence of insurability when applicable, or other necessary qualifications, pursuant to the requirements of the applicable benefit program, unless there is a change in status that would confer new eligibility for change of enrollment under rules established supplementing this Act, in which event application must be made within the new eligibility period.

(c) As to the group health benefits program contracted to begin or continue after June 30, 1973, each retired employee shall become immediately eligible and covered for all benefits available under that program. Retired employees may elect coverage for eligible dependents and shall have the coverage effective immediately, provided that the election is properly filed in accordance with required filing dates and procedures specified by the Director.

Where husband and wife are both eligible members, each shall be enrolled as a member and coverage on their eligible dependent children, if any, may be under the enrollment and election of either.

Regardless of other provisions herein regarding late enrollment or other qualifications, as appropriate, the Director may periodically authorize open enrollment periods for each of the benefit programs at which time each member may elect enrollment or change of enrollment without regard to age, sex, health, or other

qualification under the conditions as may be prescribed in rules and regulations supplementing this Act. Special open enrollment periods may be declared by the Director for certain members only when special circumstances occur that affect only those members.

(d) Beginning with fiscal year 2003 and for all subsequent years, eligible employees may elect not to participate in the program of health benefits as defined in this Act. The election must be made during the annual benefit choice period, subject to the conditions in this subsection.

(1) Employees must furnish proof of health benefit coverage, either comprehensive major medical coverage or comprehensive managed care plan, from a source other than the Department of Central Management Services in order to elect not to participate in the program.

(2) Employees may re-enroll in the Department of Central Management Services program of health benefits upon showing a qualifying change in status, as defined in the U.S. Internal Revenue Code, without evidence of insurability and with no limitations on coverage for pre-existing conditions, provided that there was not a break in coverage of more than 63 days.

(3) Employees may also re-enroll in the program of health benefits during any annual benefit choice period, without evidence of insurability.

(4) Employees who elect not to participate in the program of health benefits shall be furnished a written explanation of the requirements and limitations for the election not to participate in the program and for re-enrolling in the program. The explanation shall also be included in the annual benefit choice options booklets furnished to employees.

(Source: P.A. 91-390, eff. 7-30-99.)

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

On motion of Senator T. Walsh, **Senate Bill No. 1860** 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. 1862** 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. 1873** 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. 1874** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Parker, **Senate Bill No. 1907** having been printed, was taken up and read by title a second time.

Senator Parker offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1907 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 13B-40 as follows:

(625 ILCS 5/13B-40)

Sec. 13B-40. Grievance procedure. Any person aggrieved by a decision regarding the failure of an emissions test or the denial of a waiver may file a petition with the Agency within 30 days after the decision was made, and the Agency shall thereupon investigate the matter. Within 45 days after the ~~its~~ receipt of the petition, the Agency shall submit to the petitioner and any affected inspector or station its written determination of the correctness or incorrectness of the decision complained of. The written determination shall include a statement of the facts relied upon and the legal and technical issues decided by the Agency in making its determination, and may also include an order directing the inspector (i) to issue an emission inspection certificate for the vehicle effective on such date as the Agency may specify, (ii) to reinspect the vehicle, (iii) to apply the standards that the Agency has determined to be applicable, or (iv) to take any other action that the Agency deems to be appropriate. In conducting the investigation, the Agency may require the petitioner to present the vehicle for inspection by the Agency or its designated agent. The written determination of the Agency shall be subject to review in circuit court in accordance with the provisions of the Administrative Review Law, except that no challenge to the validity of a rule adopted by the Board under subsection (a) of Section 13B-20 shall be heard by the circuit court if the challenge could have been raised in a timely petition for review under Section 13B-20.

(Source: P.A. 88-533.)".

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 Luechtefeld, **Senate Bill No. 1924** having been printed, was taken up and read by title a second time.

Senator Luechtefeld offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1924 on page 1, by replacing lines 5 through 31 with "changing Section 12-215 as follows:"; and on page 2, by deleting lines 1 through 14.

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 Burzynski, **Senate Bill No. 1930** having been printed, was taken up and read by title a second time.

Senator Burzynski offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1930 by replacing everything after the enacting clause with the following:

"Section 5. The Local Governmental and Governmental Employees Tort Immunity Act is amended by changing 9-107 as follows:

(745 ILCS 10/9-107) (from Ch. 85, par. 9-107)

Sec. 9-107. Policy; tax levy.

(a) The General Assembly finds that the purpose of this Section is to provide an extraordinary tax for funding expenses relating to tort liability, insurance, and risk management programs. Thus, the tax has been excluded from various limitations otherwise applicable to tax levies. Notwithstanding the extraordinary nature of the tax authorized by this Section, however, it has become apparent that some units of local government are using the tax revenue to fund expenses more properly paid from general operating funds. These uses of the revenue are inconsistent with the limited purpose of the tax authorization.

Therefore, the General Assembly declares, as a matter of policy, that (i) the use of the tax revenue authorized by this Section for purposes not expressly authorized under this Act is improper and (ii) the provisions of this Section shall be strictly construed consistent with this declaration and the Act's express purposes.

(b) A local public entity may annually levy or have levied on its behalf taxes upon all taxable property within its territory at a rate that will produce a sum that will be sufficient to: (i) pay the cost of insurance, individual or joint self-insurance (including reserves thereon), including all operating and administrative costs and expenses directly associated therewith, claims services and risk management directly attributable to loss prevention and loss reduction, legal services directly attributable to the insurance, self-insurance, or joint self-insurance program, and educational, inspectional, and supervisory services directly relating to loss prevention and loss reduction, participation in a reciprocal insurer as provided in Sections 72, 76, and 81 of the Illinois Insurance Code, or participation in a reciprocal insurer, all as provided in settlements or judgments under Section 9-102, including all costs and reserves directly attributable to being a member of an insurance pool, under Section 9-103; (ii) pay the costs of and principal and interest on bonds issued under Section 9-105; (iii) pay judgments and settlements under Section 9-104; and (iv) discharge obligations under Section 34-18.1 of The School Code, as now or hereafter amended, and to pay the cost of risk management programs. Provided it complies with any other applicable statutory requirements, the local public entity may self-insure and establish reserves for expected losses for any property damage or for any liability or loss for which the local public entity is authorized to levy or have levied on its behalf taxes for the purchase of insurance or the payment of judgments or settlements under this Section. The decision of the board to establish a reserve shall be based on reasonable actuarial or insurance underwriting evidence and subject to the limits and reporting provisions in Section 9-103.

If a school district was a member of a joint-self-health-insurance cooperative that had more liability in outstanding claims than revenue to pay those claims, the school board of that district may by resolution make a one-time transfer from the Tort Immunity Fund to the Education Fund of an amount not to exceed the amount of the liability claim that the school district owes to the joint-self-health-insurance cooperative.

Funds raised pursuant to this Section shall only be used for the purposes specified in this Act, including protection against and reduction of any liability or loss described hereinabove and under

Federal or State common or statutory law, the Workers' Compensation Act, the Workers' Occupational Diseases Act and the Unemployment Insurance Act. Funds raised pursuant to this Section may be invested in any manner in which other funds of local public entities may be invested under Section 2 of the Public Funds Investment Act. Interest on such funds shall be used only for purposes for which the funds can be used or, if surplus, must be used for abatement of property taxes levied by the local taxing entity.

A local public entity may enter into intergovernmental contracts with a term of not to exceed 12 years for the provision of joint self-insurance which contracts may include an obligation to pay a proportional share of a general obligation or revenue bond or other debt instrument issued by a local public entity which is a party to the intergovernmental contract and is authorized by the terms of the contract to issue the bond or other debt instrument. Funds due under such contracts shall not be considered debt under any constitutional or statutory limitation and the local public entity may levy or have levied on its behalf taxes to pay for its proportional share under the contract. Funds raised pursuant to intergovernmental contracts for the provision of joint self-insurance may only be used for the payment of any cost, liability or loss against which a local public entity may protect itself or self-insure pursuant to Section 9-103 or for the payment of which such entity may levy a tax pursuant to this Section, including tort judgments or settlements, costs associated with the issuance, retirement or refinancing of the bonds or other debt instruments, the repayment of the principal or interest of the bonds or other debt instruments, the costs of the administration of the joint self-insurance fund, consultant, and risk care management programs or the costs of insurance. Any surplus returned to the local public entity under the terms of the intergovernmental contract shall be used only for purposes set forth in subsection (a) of Section 9-103 and Section 9-107 or for abatement of property taxes levied by the local taxing entity.

Any tax levied under this Section shall be levied and collected in like manner with the general taxes of the entity and shall be exclusive of and in addition to the amount of tax that entity is now or may hereafter be authorized to levy for general purposes under any statute which may limit the amount of tax which that entity may levy for general purposes. The county clerk of the county in which any part of the territory of the local taxing entity is located, in reducing tax levies under the provisions of any Act concerning the levy and extension of taxes, shall not consider any tax provided for by this Section as a part of the general tax levy for the purposes of the entity nor include such tax within any limitation of the percent of the assessed valuation upon which taxes are required to be extended for such entity.

With respect to taxes levied under this Section, either before, on, or after the effective date of this amendatory Act of 1994:

(1) Those taxes are excepted from and shall not be included within the rate limitation imposed by law on taxes levied for general corporate purposes by the local public entity authorized to levy a tax under this Section.

(2) Those taxes that a local public entity has levied in reliance on this Section and that are excepted under paragraph (1) from the rate limitation imposed by law on taxes levied for general corporate purposes by the local public entity are not invalid because of any provision of the law authorizing the local public entity's tax levy for general corporate purposes that may be construed or may have been construed to restrict or limit those taxes levied, and those taxes are hereby validated. This

validation of taxes levied applies to all cases pending on or after the effective date of this amendatory Act of 1994.

(3) Paragraphs (1) and (2) do not apply to a hospital organized under Article 170 or 175 of the Township Code, under the Town Hospital Act, or under the Township Non-Sectarian Hospital Act and do not give any authority to levy taxes on behalf of such a hospital in excess of the rate limitation imposed by law on taxes levied for general corporate purposes. A hospital organized under Article 170 or 175 of the Township Code, under the Town Hospital Act, or under the Township Non-Sectarian Hospital Act is not prohibited from levying taxes in support of tort liability bonds if the taxes do not cause the hospital's aggregate tax rate from exceeding the rate limitation imposed by law on taxes levied for general corporate purposes.

Revenues derived from such tax shall be paid to the treasurer of the local taxing entity as collected and used for the purposes of this Section and of Section 9-102, 9-103, 9-104 or 9-105, as the case may be. If payments on account of such taxes are insufficient during any year to meet such purposes, the entity may issue tax anticipation warrants against the current tax levy in the manner provided by statute.

(Source: P.A. 91-628, eff. 1-1-00.)

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. 1934** having been printed, was taken up and read by title a second time.

Senator Roskam offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1934 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Sections 9-104 and 9-107 and by adding Section 9-107.5 as follows:

(735 ILCS 5/9-104) (from Ch. 110, par. 9-104)

Sec. 9-104. Demand - Notice - Return. The demand required by Section 9-102 of this Act may be made by delivering a copy thereof to the tenant, or by leaving such a copy with some person of the age of 13 years or upwards, residing on, or being in charge of, the premises; or in case no one is in the actual possession of the premises, then by posting the same on the premises; or if those in possession are unknown occupants who are not parties to any written lease, rental agreement, or right to possession agreement for the premises, then by delivering a copy of the notice, directed to "unknown occupants", to the occupant or by leaving a copy of the notice with some person of the age of 13 years or upwards occupying the premises, or by posting a copy of the notice on the premises directed to "unknown occupants". When such demand is made by an officer authorized to serve process, his or her return is prima facie evidence of the facts therein stated, and if such demand is made by any person not an officer, the return may be sworn to by the person serving the same, and is then prima facie evidence of the facts therein stated. The demand for possession may be in the following

form: To ....

I hereby demand immediate possession of the following described premises: (describing the same.)

The demand shall be signed by the person claiming such possession, his or her agent, or attorney.

(Source: P.A. 83-1362.)

(735 ILCS 5/9-107) (from Ch. 110, par. 9-107)

Sec. 9-107. Constructive service. If the plaintiff, his or her agent, or attorney files a forcible detainer action, with or without joinder of a claim for rent in the complaint, and is unable to obtain personal service on the defendant or unknown occupant and a summons duly issued in such action is returned without service stating that service can not be obtained, then the plaintiff, his or her agent or attorney may file an affidavit stating that the defendant or unknown occupant is not a resident of this State, or has departed from this State, or on due inquiry cannot be found, or is concealed within this State so that process cannot be served upon him or her, and also stating the place of residence of the defendant or unknown occupant, if known, or if not known, that upon diligent inquiry the affiant has not been able to ascertain the defendant's or unknown occupant's place of residence, then in all such forcible detainer cases whether or not a claim for rent is joined with the complaint for possession, the defendant or unknown occupant may be notified by posting and mailing of notices; or by publication and mailing, as provided for in Section 2-206 of this Act. However, in cases where the defendant or unknown occupant is notified by posting and mailing of notices or by publication and mailing, and the defendant or unknown occupant does not appear generally, the court may rule only on the portion of the complaint which seeks judgment for possession, and the court shall not enter judgment as to any rent claim joined in the complaint or enter personal judgment for any amount owed by a unit owner for his or her proportionate share of the common expenses, however, an in rem judgment may be entered against the unit for the amount of common expenses due, any other expenses lawfully agreed upon or the amount of any unpaid fine, together with reasonable attorney fees, if any, and costs. The claim for rent may remain pending until such time as the defendant or unknown occupant appears generally or is served with summons, but the order for possession shall be final, enforceable and appealable if the court makes an express written finding that there is no just reason for delaying enforcement or appeal, as provided by Supreme Court rule of this State.

Such notice shall be in the name of the clerk of the court, be directed to the defendant or unknown occupant, shall state the nature of the cause against the defendant or unknown occupant and at whose instance issued and the time and place for trial, and shall also state that unless the defendant or unknown occupant appears at the time and place fixed for trial, judgment will be entered by default, and shall specify the character of the judgment that will be entered in such cause. The sheriff shall post 3 copies of the notice in 3 public places in the neighborhood of the court where the cause is to be tried, at least 10 days prior to the day set for the appearance, and, if the place of residence of the defendant or unknown occupant is stated in any affidavit on file, shall at the same time mail one copy of the notice addressed to such defendant or unknown occupant at such place of residence shown in such affidavit. On or before the day set for the appearance, the sheriff shall file the notice with an endorsement thereon stating the time when and places where the sheriff posted and to whom and at what address he or she mailed copies as required by this Section. For want of sufficient notice any cause may be continued from time to time until the court has

jurisdiction of the defendant or unknown occupant.
(Source: P.A. 83-1528.)

(735 ILCS 5/9-107.5 new)

Sec. 9-107.5. Notice to unknown occupants.

(a) Service of process upon an unknown occupant may be had by delivering a copy of the summons and complaint naming "unknown occupants" to the tenant or any unknown occupant or person of the age of 13 or upwards occupying the premises.

(b) If unknown occupants are not named in the initial summons and complaint and a judgment for possession in favor of the plaintiff is entered, but the order does not include unknown occupants and the sheriff determines when executing the judgment for possession that persons not included in the order are in possession of the premises, then the sheriff shall leave with a person of the age of 13 years or upwards occupying the premises, a copy of the order, or if no one is present in the premises to accept the order or refuses to accept the order, then by posting a copy of the order on the premises. In addition to leaving a copy of the order or posting of the order, the sheriff shall also leave or post a notice addressed to "unknown occupants" that states unless any unknown occupants file a written petition with the clerk that sets forth the unknown occupant's legal claim for possession within 5 days of the date the notice is posted or left with any unknown occupant, the unknown occupants shall be evicted from the premises. If any unknown occupants file such a petition, a hearing on the merits of the unknown occupant's petition shall be held by the court within 7 days of the filing of the petition with the clerk. The unknown occupants shall have the burden of proof in establishing a legal right to continued possession.

(c) The plaintiff may obtain a judgment for possession only and not for rent as to any unknown occupants.

(d) Nothing in this Section may be construed so as to vest any rights to persons who are criminal trespassers, nor may this Section be construed in any way that interferes with the ability of law enforcement officials removing persons or property from the premises when there is a criminal trespass.

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. 1948** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Roskam, **Senate Bill No. 1949** having been printed, was taken up and read by title a second time.

Senator Roskam offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1949 by replacing everything after the enacting clause with the following:

"Section 5. The Probate Act of 1975 is amended by changing Section 13-5 as follows:

(755 ILCS 5/13-5) (from Ch. 110 1/2, par. 13-5)

Sec. 13-5. Powers and duties of public guardian.) The court may

appoint the public guardian as the guardian of any disabled adult who is in need of a public guardian and whose estate exceeds $25,000. When a disabled adult who has a smaller estate is in need of guardianship services, the court shall appoint the State guardian pursuant to Section 30 of the Guardianship and Advocacy Act. If the public guardian is appointed guardian of a disabled adult and the estate of the disabled adult is thereafter reduced to less than $25,000, the court may, upon the petition of the public guardian and the approval by the court of a final accounting of the disabled adult's estate, discharge the public guardian and transfer the guardianship to the State guardian. The public guardian shall serve not less than 14 days' notice to the State guardian of the hearing date regarding the transfer. When appointed by the court, the public guardian has the same powers and duties as other guardians appointed under this Act, with the following additions and modifications:

(a) The public guardian shall monitor the ward and his care and progress on a continuous basis. Monitoring shall at minimum consist of monthly contact with the ward, and the receipt of periodic reports from all individuals and agencies, public or private, providing care or related services to the ward.

(b) Placement of a ward outside of the ward's home may be made only after the public guardian or his representative has visited the facility in which placement is proposed.

(c) The public guardian shall prepare an inventory of the ward's belongings and assets and shall maintain insurance on all of the ward's real and personal property. No personal property shall be removed from the ward's possession except for storage pending final placement or for liquidation in accordance with this Act.

(d) The public guardian shall make no substantial distribution of the ward's estate without a court order.

(e) The public guardian may liquidate assets of the ward to pay for the costs of the ward's care and for storage of the ward's personal property only after notice of such pending action is given to all potential heirs at law, unless notice is waived by the court; provided, however, that a person who has been so notified may elect to pay for care or storage or to pay fair market value of the asset or assets sought to be sold in lieu of liquidation.

(f) Real property of the ward may be sold at fair market value after an appraisal of the property has been made by a licensed appraiser; provided, however, that the ward's residence may be sold only if the court finds that the ward is not likely to be able to return home at a future date.

(g) The public guardian shall, at such intervals as the court may direct, submit to the court an affidavit setting forth in detail the services he has provided for the benefit of the ward. The court shall set reasonable and appropriate fees for such services. The public guardian may petition the court for the payment of reasonable and appropriate fees on not less than a quarterly basis, or sooner as approved by the court.

(h) Upon the death of the ward, the public guardian shall turn over to the court-appointed administrator all of the ward's assets and an account of his receipt and administration of the ward's property. A guardian ad litem shall be appointed for an accounting when the estate exceeds the amount set in Section 25-1 of this Act for administration of small estates.

(i) (1) On petition of any person who appears to have an interest in the estate, the court by temporary order may restrain the public guardian from performing specified acts of administration, disbursement or distribution, or from exercise of any powers or discharge of any duties of his office, or make any

other order to secure proper performance of his duty, if it appears to the court that the public guardian might otherwise take some action contrary to the best interests of the ward. Persons with whom the public guardian may transact business may be made parties.

(2) The matter shall be set for hearing within 10 days unless the parties otherwise agree or unless for good cause shown the court determines that additional time is required. Notice as the court directs shall be given to the public guardian and his attorney of record, if any, and to any other parties named defendant in the petition.

(j) On petition of the public guardian, the court in its discretion may for good cause shown transfer guardianship to the State guardian.

(k) No later than January 31 of each year, the public guardian shall file an annual report with the clerk of the Circuit Court, indicating, with respect to the period covered by the report, the number of cases which he has handled, the date on which each case was assigned, the date of termination of each case which has been closed during the period, the disposition of each terminated case, and the total amount of fees collected during the period from each ward.

(l) When the public guardian is appointed temporary guardian of a disabled adult pursuant to an emergency petition under circumstances where the court finds that the immediate establishment of a temporary guardianship is necessary to protect the disabled adult's health, welfare, or estate, the public guardian shall be entitled to reasonable and appropriate fees, as determined by the court, for the period of the temporary guardianship, including fees directly associated with establishing the temporary guardianship.

(Source: P.A. 87-287.)

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 Rauschenberger, **Senate Bill No. 1978** having been printed, was taken up and read by title a second time.

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

Senator Rauschenberger offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1978 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 adding Section 5-5.04 as follows:

(305 ILCS 5/5-5.04 new)

Sec. 5-5.04. Medicaid Hospital and Physician Payment Task Force.

(a) The General Assembly finds:

(1) Through the Medicaid program, the Illinois Department of Public Aid insures approximately 1,500,000 people, or about one out of every 8 Illinois residents.

(2) The Illinois Department of Public Aid pays for 2 out of every 5 births in this State.

(3) The average Illinois hospital receives 12% of its patient revenue from Medicaid, with some hospitals far more dependent on the Medicaid program.

(4) Hospitals are required by State and federal law to examine and stabilize or appropriately transfer all persons who come to the emergency room, regardless of their ability to pay.

(5) A number of Illinois residents do not have health insurance and do not qualify for Medicaid, causing hospitals to provide care for which they are not paid.

(6) Illinois hospitals are significant contributors to the Illinois economy and employ over 200,000 people.

(7) A Medicaid program that pays reasonably for services promotes and enhances a strong health care system, thereby improving access to quality health care for all the people of Illinois.

(b) There is established within the Illinois Department of Public Aid a Medicaid Hospital and Physician Payment Task Force (the "Task Force"). The Task Force shall have the following members:

(1) The Director of Public Aid, ex officio, or his or her designee.

(2) The Director of Public Health, ex officio, or his or her designee.

(3) Four members of the General Assembly, appointed one each by 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 members appointed by the President of the Senate and the Speaker of the House of Representatives shall serve as co-chairs of the Task Force.

(4) Nine members appointed by the Director of Public Aid as follows: 3 members recommended by the Illinois Hospital Association; one member recommended by the Illinois Rural Health Association; one member recommended by the Illinois State Chamber of Commerce; one member recommended by the Cook County Bureau of Health Services; 2 members recommended by the Illinois State Medical Society; and one member recommended by an advocacy organization representing Medicaid recipients.

(c) The Illinois Department of Public Aid shall provide technical and staff support to the Task Force.

(d) The Task Force shall conduct a comprehensive study of the Medicaid program to ascertain the adequacy of rates for inpatient and outpatient hospital care to ensure the continued availability of hospital care in this State and to ascertain the adequacy of rates for physician services.

(e) The Task Force shall report its findings and recommendations to the Governor and the General Assembly on or before January 1, 2003. The Task Force's report shall include, but need not be limited to, an evaluation of the adequacy of Medicaid hospital and physician payment rates by examining the following:

(1) Payment-to-cost comparisons for Medicaid inpatient and outpatient hospital services.

(2) The impact of Medicaid hospital payments on hospital patient care margins.

(3) Comparison of Illinois Medicaid hospital and physician payments to Medicaid hospital and physician payments in other states.

(4) The impact of Medicaid hospital and physician payment rates on access to health care for Illinois residents.

(5) The impact of Medicaid hospital and physician payment rates on the quality of health care available to Illinois

residents.

(6) The impact of Medicaid hospital and physician payment rates on the cost of health care for Illinois residents.

(7) Recommendations for changes in the Medicaid payment system for hospitals and physicians.

(f) The Task Force shall retain independent experts, with experience in health care finance and economics, to assist it in conducting its study and preparing its report.

(g) This Section is repealed on January 1, 2004.

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 Petka, **Senate Bill No. 2023** having been printed, was taken up and read by title a second time.

Senator Petka offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2023 as follows:
on page 2, line 18, by changing "6 months" to "2 years".

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

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

On motion of Senator Dillard, **Senate Bill No. 2024** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2024 as follows:
on page 5, by replacing lines 14 through 16 with the following:
"11-6, 11-9.1, 11-11, ~~11-15.1, 11-17.1,~~ 11-18.1, or ~~11-19.1, 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15,~~ 12-16, ~~or 12-33~~ of the Criminal Code of 1961, or"; and
by replacing lines 24 through 34 on page 5 and lines 1 through 27 on page 6 with the following:

(3) (Blank), or ~~Any violation of paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 when the sentencing court, upon a motion by the State's Attorney or Attorney General, makes a finding that the child luring involved an intent to commit sexual penetration or sexual conduct as defined in Section 12-12 of the Criminal Code of 1961, or~~

(4) Any ~~violation or~~ inchoate violation of Section 9-3.1, 11-9.3, ~~12-3.3, 12-4.2, 12-4.3,~~ 12-7.3, or 12-7.4, ~~18-5, 19-3, 20-1.1, or 20.5-5~~ of the Criminal Code of 1961.

(g-5) (Blank). ~~The Department of State Police is not required to provide equipment to collect or to accept or process blood specimens from individuals convicted of any offense listed in paragraph (1.1) or (4) of subsection (g), until acquisition of the resources necessary to process such blood specimens, or in the case~~

~~of paragraph (1.1) of subsection (g) until July 1, 2003, whichever is earlier.~~

~~Upon acquisition of necessary resources, including an appropriation for the purpose of implementing this amendatory Act of the 91st General Assembly, but in the case of paragraph (1.1) of subsection (g) no later than July 1, 2003, the Department of State Police shall notify the Department of Corrections, the Administrative Office of the Illinois Courts, and any other entity deemed appropriate by the Department of State Police, to begin blood specimen collection from individuals convicted of offenses enumerated in paragraphs (1.1) and (4) of subsection (g) that the Department is prepared to provide collection equipment and receive and process blood specimens from individuals convicted of offenses enumerated in paragraph (1.1) of subsection (g).~~

~~Until the Department of State Police provides notification, designated collection agencies are not required to collect blood specimen from individuals convicted of offenses enumerated in paragraphs (1.1) and (4) of subsection (g).~~".

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2024 as follows:
on page 5, line 6, by inserting after "agencies." the following:
"The genetic marker grouping analysis information obtained pursuant to this Act shall be used only for the investigation of crime.".

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

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

On motion of Senator Petka, **Senate Bill No. 2029** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Petka, **Senate Bill No. 2030** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2030 as follows:
by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Sections 12-2, 12-4, and 31-1 as follows:

(720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

Sec. 12-2. Aggravated assault.

(a) A person commits an aggravated assault, when, in committing an assault, he:

(1) Uses a deadly weapon or any device manufactured and designed to be substantially similar in appearance to a firearm, other than by discharging a firearm in the direction of another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer or a fireman or in the direction of a vehicle occupied by another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer or a fireman while the officer or fireman is engaged in

the execution of any of his official duties, or to prevent the officer or fireman from performing his official duties, or in retaliation for the officer or fireman performing his official duties;

(2) Is hooded, robed or masked in such manner as to conceal his identity or any device manufactured and designed to be substantially similar in appearance to a firearm;

(3) Knows the individual assaulted to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;

(4) Knows the individual assaulted to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;

(5) Knows the individual assaulted to be a caseworker, investigator, or other person employed by the State Department of Public Aid, a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient or any other person being interviewed or investigated in the employees' discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;

(6) Knows the individual assaulted to be a peace officer, or a community policing volunteer, or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer, community policing volunteer, or fireman from performing his official duties, or in retaliation for the officer, community policing volunteer, or fireman performing his official duties, and the assault is committed other than by the discharge of a firearm in the direction of the officer or fireman or in the direction of a vehicle occupied by the officer or fireman;

(7) Knows the individual assaulted to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid personnel employed by a municipality or other governmental unit engaged in the execution of any of his official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his official duties, or in retaliation for the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his official duties;

(8) Knows the individual assaulted to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding,

departure, or transfer location;

(9) Or the individual assaulted is on or about a public way, public property, or public place of accommodation or amusement;

(10) Knows the individual assaulted to be an employee of the State of Illinois, a municipal corporation therein or a political subdivision thereof, engaged in the performance of his authorized duties as such employee;

(11) Knowingly and without legal justification, commits an assault on a physically handicapped person;

(12) Knowingly and without legal justification, commits an assault on a person 60 years of age or older;

(13) Discharges a firearm;

(14) Knows the individual assaulted to be a correctional officer, while the officer is engaged in the execution of any of his or her official duties, or to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties; or

(15) Knows the individual assaulted to be a correctional employee <u>or an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons</u>, while the employee is engaged in the execution of any of his or her official duties, or to prevent the employee from performing his or her official duties, or in retaliation for the employee performing his or her official duties, and the assault is committed other than by the discharge of a firearm in the direction of the employee or in the direction of a vehicle occupied by the employee.

(a-5) A person commits an aggravated assault when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes near or in the immediate vicinity of any person.

(b) Sentence.

Aggravated assault as defined in paragraphs (1) through (5) and (7) through (12) of subsection (a) of this Section is a Class A misdemeanor. Aggravated assault as defined in paragraphs (13), (14), and (15) of subsection (a) of this Section and as defined in subsection (a-5) of this Section is a Class 4 felony. Aggravated assault as defined in paragraph (6) of subsection (a) of this Section is a Class A misdemeanor if a firearm is not used in the commission of the assault. Aggravated assault as defined in paragraph (6) of subsection (a) of this Section is a Class 4 felony if a firearm is used in the commission of the assault.

(Source: P.A. 90-406, eff. 8-15-97; 90-651, eff. 1-1-99; 91-672, eff. 1-1-00.)

(720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

Sec. 12-4. Aggravated Battery.

(a) A person who, in committing a battery, intentionally or knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated battery.

(b) In committing a battery, a person commits aggravated battery if he or she:

(1) Uses a deadly weapon other than by the discharge of a firearm;

(2) Is hooded, robed or masked, in such manner as to conceal his identity;

(3) Knows the individual harmed to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or

is in any part of a building used for school purposes;

(4) Knows the individual harmed to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;

(5) Knows the individual harmed to be a caseworker, investigator, or other person employed by the State Department of Public Aid, a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient, or any other person being interviewed or investigated in the employee's discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;

(6) Knows the individual harmed to be a peace officer, a community policing volunteer, a correctional institution employee, an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, or a fireman while such officer, volunteer, employee or fireman is engaged in the execution of any official duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee or fireman from performing official duties, or in retaliation for the officer, volunteer, employee or fireman performing official duties, and the battery is committed other than by the discharge of a firearm;

(7) Knows the individual harmed to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital emergency room personnel engaged in the performance of any of his or her official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital emergency room personnel from performing official duties, or in retaliation for performing official duties;

(8) Is, or the person battered is, on or about a public way, public property or public place of accommodation or amusement;

(9) Knows the individual harmed to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

(10) Knowingly and without legal justification and by any means causes bodily harm to an individual of 60 years of age or older;

(11) Knows the individual harmed is pregnant;

(12) Knows the individual harmed to be a judge whom the person intended to harm as a result of the judge's performance of his or her official duties as a judge;

(13) Knows the individual harmed to be an employee of the

Illinois Department of Children and Family Services engaged in the performance of his authorized duties as such employee;

(14) Knows the individual harmed to be a person who is physically handicapped;

(15) Knowingly and without legal justification and by any means causes bodily harm to a merchant who detains the person for an alleged commission of retail theft under Section 16A-5 of this Code. In this item (15), "merchant" has the meaning ascribed to it in Section 16A-2.4 of this Code; or

(16) Is, or the person battered is, in any building or other structure used to provide shelter or other services to victims or to the dependent children of victims of domestic violence pursuant to the Illinois Domestic Violence Act of 1986 or the Domestic Violence Shelters Act, or the person battered is within 500 feet of such a building or other structure while going to or from such a building or other structure. "Domestic violence" has the meaning ascribed to it in Section 103 of the Illinois Domestic Violence Act of 1986. "Building or other structure used to provide shelter" has the meaning ascribed to "shelter" in Section 1 of the Domestic Violence Shelters Act.

For the purpose of paragraph (14) of subsection (b) of this Section, a physically handicapped person is a person who suffers from a permanent and disabling physical characteristic, resulting from disease, injury, functional disorder or congenital condition.

(c) A person who administers to an individual or causes him to take, without his consent or by threat or deception, and for other than medical purposes, any intoxicating, poisonous, stupefying, narcotic, anesthetic, or controlled substance commits aggravated battery.

(d) A person who knowingly gives to another person any food that contains any substance or object that is intended to cause physical injury if eaten, commits aggravated battery.

(d-3) A person commits aggravated battery when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes upon or against the person of another.

(d-5) An inmate of a penal institution <u>or a sexually dangerous person or a sexually violent person in the custody of the Department of Human Services</u> who causes or attempts to cause a correctional employee of the penal institution <u>or an employee of the Department of Human Services</u> to come into contact with blood, seminal fluid, urine, or feces, by throwing, tossing, or expelling that fluid or material commits aggravated battery. For purposes of this subsection (d-5), "correctional employee" means a person who is employed by a penal institution.

(e) Sentence.

Aggravated battery is a Class 3 felony<u>, except a violation of subsection (a) is a Class 2 felony when the person knows the individual harmed to be a peace officer engaged in the execution of any of his or her official duties, or the battery is to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties</u>.

(Source: P.A. 91-357, eff. 7-29-99; 91-488, eff. 1-1-00; 91-619, eff. 1-1-00; 91-672, eff. 1-1-00; 92-16, eff. 6-28-01; 92-516, eff. 1-1-02.)

(720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

Sec. 31-1. Resisting or obstructing a peace officer or correctional institution employee.

(a) A person who knowingly resists or obstructs the performance

by one known to the person to be a peace officer or correctional institution employee of any authorized act within his official capacity commits a Class A misdemeanor.

(a-5) In addition to any other sentence that may be imposed, a court shall order any person convicted of resisting or obstructing a peace officer to be sentenced to a minimum of 48 consecutive hours of imprisonment or ordered to perform community service for not less than 100 hours as may be determined by the court. The imprisonment or community service under this subsection (a-5) shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence of imprisonment or community service.

(b) For purposes of this Section, "correctional institution employee" means any person employed to supervise and control inmates incarcerated in a penitentiary, State farm, reformatory, prison, jail, house of correction, police detention area, half-way house, or other institution or place for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, or a violation of mandatory supervised release, or awaiting a bail setting hearing or preliminary hearing, or who are sexually dangerous persons or who are sexually violent persons.

(Source: P.A. 87-1198.)

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

Senator Petka offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2030, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 10, by replacing lines 9 through 13 with the following:

"be determined by the court. The person shall not be eligible for probation in order to reduce the sentence of imprisonment or community service.

(a-7) A person convicted for a violation of this Section whose violation was the proximate cause of an injury to a peace officer is guilty of a Class 4 felony.".

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 Viverito, **Senate Bill No. 2074** having been printed, was taken up and read by title a second time.

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

Senator Viverito offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2074 as follows:

on page 1, line 19, by changing "and cost" to ", costs, fees, and penalties"; and

on page 1, lines 20 and 21 by replacing "and costs" with ", costs, fees, and penalties"; and

on page 1, by replacing line 22 with the following:

"fines, costs, fees, and penalties that remain unpaid after 90 days. Notice to those parties affected may be made by signage posting or

publication. The clerk"; and
on page 1, line 25, by inserting after the period the following:
"The additional delinquency amounts collected under this Section shall be used to defray additional administrative costs incurred by the clerk of the court in collecting unpaid fines, costs, fees, and penalties.".

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 Bomke, **Senate Bill No. 2113** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, **Senate Bill No. 2130** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2130 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Curator of the Executive Mansion Act.".

Senator Philip offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2130, AS AMENDED, by replacing the title with the following:

"AN ACT concerning historic preservation."; and
by replacing everything after the enacting clause with the following:

"Section 5. The Illinois State Agency Historic Resources Preservation Act is amended by changing Section 5 as follows:

(20 ILCS 3420/5) (from Ch. 127, par. 133c25)

Sec. 5. Responsibilities of the Historic Preservation Agency, Division of Preservation Services.

(a) The Director shall include in the Agency's annual report an outline of State agency actions on which comment was requested or issued under this Act.

(b) The Director shall maintain a current list of all historic resources owned, operated, or leased by the State and appropriate maps indicating the location of all such resources. These maps shall be in a form available to the public and State agencies, except that the location of archaeological resources shall be excluded.

(c) The Director shall make rules and issue appropriate guidelines to implement this Act. These shall include, but not be limited to, regulations for holding on-site inspections, public information meetings and procedures for consultation, mediation, and resolutions by the Committee pursuant to subsections (e) and (f) of Section 4.

(d) The Director shall (1) assist, to the fullest extent possible, the State agencies in their identification of properties for inclusion in an inventory of historic resources, including provision of criteria for evaluation; (2) provide information concerning professional methods and techniques for preserving,

improving, restoring, and maintaining historic resources when requested by State agencies; and (3) help facilitate State agency compliance with this Act.

(e) The Director shall monitor the implementation of actions of each State agency which have an effect, either adverse or beneficial, on an historic resource.

(f) The Agency shall manage and control the preservation, conservation, inventory, and analysis of fine and decorative arts, furnishings, and artifacts of the Illinois Executive Mansion in Springfield, the Governor's offices in the Capitol in Springfield and the James R. Thompson Center in Chicago, and the Hayes House in DuQuoin. The Agency shall manage the preservation and conservation of the buildings and grounds of the Illinois Executive Mansion in Springfield. The Governor, with the advice and consent of the Senate, shall appoint a Curator of the Executive Mansion to assist the Agency in carrying out the duties under this item (f). The person appointed Curator must have experience in historic preservation or as a curator. The Curator shall serve a term of 5 years. A vacancy in the office of Curator shall be filled, in the same manner as the original appointment, for the remainder of the term. A person appointed Curator when the Senate is not in session shall serve as temporary Curator until his or her appointment is acted upon by the Senate. A person may serve as Curator more than once. The Governor shall determine the compensation of the Curator, which shall not be diminished during the term of appointment.

(Source: P.A. 86-707.)

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 numbered 1 and 2, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator L. Walsh, **Senate Bill No. 2132** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2132 on page 2, by replacing lines 1 and 2 with "vehicle.".

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2132, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 15-109.1 as follows:

(625 ILCS 5/15-109.1) (from Ch. 95 1/2, par. 15-109.1)

Sec. 15-109.1. Covers or tarpaulins required for certain loads.

(a) No person shall operate or cause to be operated, on a highway, any second division vehicle loaded with dirt, aggregate, garbage, refuse, or other similar material, when any portion of the load is falling, sifting, blowing, dropping or in any way escaping from the vehicle.

(b) No person shall operate or cause to be operated, on a

highway, any second division vehicle having a gross vehicle weight rating of 8,000 pounds or more loaded with dirt, aggregate, garbage, refuse, or other similar material in or on any part of the vehicle other than in the cargo area. In addition, no person shall operate on any highway, such vehicle unless the tailgate on the vehicle is in good repair and operating condition and closes securely so as to prevent any load, residue, or other material from escaping.

(c) This Section does ~~shall~~ not apply to the operation of highway maintenance vehicles engaged in removing snow and ice from the roadway, nor to implements of husbandry or other farm vehicles while transporting agricultural products to or from the original place of production.

(d) For the purpose of this Section "aggregate" shall include all ores, minerals, sand, gravel, shale, coal, clay, limestone or any other ore or mineral which may be mined.

(e) Notwithstanding any other penalty, whenever a police officer determines that the operator of a vehicle is in violation of this Section, as evidenced by the issuance of a citation for a violation of Section 15-109.1 of this Code, or where a police officer determines that a dangerous condition exists whereby any portion of the load may fall, sift, blow, drop, or in any way escape or fall from the vehicle, the police officer shall require the operator to stop the vehicle in a suitable place and keep such vehicle stationary until the load has either been reduced, secured, or covered with a cover or tarpaulin of sufficient size to prevent any further violation of this Section.

(f) Any violation of the provisions of this Section shall be a petty offense punishable by a fine not to exceed $250.
(Source: P.A. 91-858, eff. 1-1-01.)".

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

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

On motion of Senator T. Walsh, **Senate Bill No. 2147** having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was held in the Committee on Insurance and Pensions.

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

On motion of Senator Rauschenberger, **Senate Bill No. 2149** 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 2149 by replacing everything after the enacting clause with the following:

"Section 5. The Downstate Forest Preserve District Act is amended by changing Sections 6, 6d and 6e as follows:

(70 ILCS 805/6) (from Ch. 96 1/2, par. 6309)

Sec. 6. Acquisition of property. Any such District shall have power to acquire lands and grounds for the aforesaid purposes by lease, or in fee simple by gift, grant, legacy, purchase or condemnation, or to acquire easements in land, and to construct, lay out, improve and maintain wells, power plants, comfort stations, shelter houses, paths, driveways, public roads, roadways and other

improvements and facilities in and through such forest preserves as they shall deem necessary or desirable for the use of such forest preserves by the public and may acquire, develop, improve and maintain waterways in conjunction with the district. No district with a population less than 400,000 ~~600,000~~ shall have the power to purchase, condemn, lease or acquire an easement in property within a municipality without the concurrence of the governing body of the municipality, except where such district is acquiring land for a linear park or trail not to exceed 100 yards in width or is acquiring land contiguous to an existing park or forest preserve, and no municipality shall annex any land for the purpose of defeating a District acquisition once the District has given notice of intent to acquire a specified parcel of land. No district with a population of less than 400,000 ~~500,000~~ shall (i) have the power to condemn property for a linear park or trail within a municipality without the concurrence of the governing body of the municipality or (ii) have the power to condemn property for a linear park or trail in an unincorporated area without the concurrence of the governing body of the township within which the property is located or (iii) once having commenced a proceeding to acquire land by condemnation, dismiss or abandon that proceeding without the consent of the property owners. No district shall establish a trail surface within 50 feet of an occupied dwelling which was in existence prior to the approval of the acquisition by the district without obtaining permission of the owners of the premises or the concurrence of the governing body of the municipality or township within which the property is located. All acquisitions of land by a district with a population less than 400,000 ~~600,000~~ within 1 1/2 miles of a municipality shall be preceded by a conference with the mayor or president of the municipality or his designated agent. If a forest preserve district is in negotiations for acquisition of land with owners of land adjacent to a municipality, the annexation of that land shall be deferred for 6 months. The district shall have no power to acquire an interest in real estate situated outside the district by the exercise of the right of eminent domain, by purchase or by lease, but shall have the power to acquire any such property, or an easement in any such property, which is contiguous to the district by gift, legacy, grant, or lease by the State of Illinois, subject to approval of the county board of the county, and of any forest preserve district or conservation district, within which the property is located. The district shall have the same control of and power over land, an interest in which it has so acquired, as over forest preserves within the district. If any of the powers to acquire lands and hold or improve the same given to Forest Preserve Districts, by Sections 5 and 6 of this Act should be held invalid, such invalidity shall not invalidate the remainder of this Act or any of the other powers herein given and conferred upon the Forest Preserve Districts. Such Forest Preserve Districts shall also have power to lease not to exceed 40 acres of the lands and grounds acquired by it, for a term of not more than 99 years to veterans' organizations as grounds for convalescing sick and disabled veterans, and as a place upon which to construct rehabilitation quarters, or to a county as grounds for a county nursing home or convalescent home. Any such Forest Preserve District shall also have power to grant licenses, easements and rights-of-way for the construction, operation and maintenance upon, under or across any property of such District of facilities for water, sewage, telephone, telegraph, electric, gas or other public service, subject to such terms and conditions as may be determined by such District.

Any such District may purchase, but not condemn, a parcel of land

and sell a portion thereof for not less than fair market value pursuant to resolution of the Board. Such resolution shall be passed by the affirmative vote of at least 2/3 of all members of the board within 30 days after acquisition by the district of such parcel.

Whenever the board of any forest preserve district determines that the public interest will be subserved by vacating any street, roadway, or driveway, or part thereof, located within a forest preserve, it may vacate that street, roadway, or driveway, or part thereof, by an ordinance passed by the affirmative vote of at least 3/4 of all the members of the board. This vote shall be taken by ayes and nays and entered in the records of the board.

The determination of the board that the nature and extent of the public use or public interest to be subserved is such as to warrant the vacation of any street, roadway, or driveway, or part thereof, is conclusive, and the passage of such an ordinance is sufficient evidence of that determination, whether so recited in the ordinance or not. The relief to the public from further burden and responsibility of maintaining any street, roadway or driveway, or part thereof, constitutes a public use or public interest authorizing the vacation.

Nothing contained in this Section shall be construed to authorize the board of any forest preserve district to vacate any street, roadway, or driveway, or part thereof, that is part of any State or county highway.

When property is damaged by the vacation or closing of any street, roadway, or driveway, or part thereof, damage shall be ascertained and paid as provided by law.

Except in cases where the deed, or other instrument dedicating a street, roadway, or driveway, or part thereof, has expressly provided for a specific devolution of the title thereto upon the abandonment or vacation thereof, and except where such street, roadway or driveway, or part thereof, is held by the district by lease, or where the district holds an easement in the land included within the street, roadway or driveway, whenever any street, roadway, or driveway, or part thereof is vacated under or by virtue of any ordinance of any forest preserve district, the title to the land in fee simple included within the street, roadway, or driveway, or part thereof, so vacated vests in the forest preserve district.

The board of any forest preserve district is authorized to sell at fair market price, gravel, sand, earth and any other material obtained from the lands and waters owned by the district.

For the purposes of this Section, "acquiring land" includes acquiring a fee simple, lease or easement in land.

(Source: P.A. 91-384, eff. 7-30-99.)

(70 ILCS 805/6d) (from Ch. 96 1/2, par. 6311.2)

Sec. 6d. Trading parcels of land. The board of a forest preserve district within a county which has a population of no more than 500,000 ~~360,000~~ may trade any one or more parcels of land owned by the district for one or more parcels of land owned by one or more individuals or any public or private entity whenever the board determines the trade to be advantageous to the district. The board shall approve such trade by unanimous vote of the members of the board. No trade shall be approved by the board unless all parcels of land involved in the trade have been appraised by an MAI appraiser or a State certified real estate appraiser within one year before the date the trade is to take effect.

(Source: P.A. 87-709; 88-503.)

(70 ILCS 805/6e)

Sec. 6e. Counties under 500,000 ~~400,000~~; sales of land. The board of a forest preserve district located in a county that has a

population of no more than 500,000 ~~400,000~~ may sell any one or more parcels of land owned by the district that are less than one acre in size whenever the board determines the sale to be advantageous to the district. The board shall approve the sale by a two-thirds vote of the members of the board then holding office. A sale may not be approved by the board unless all parcels of land involved in the sale have been appraised by an MAI appraiser or a State-certified real estate appraiser within one year before the date the sale is to take effect. The net proceeds of the sale of any parcel of land under this Section shall be set aside for the district's future land acquisitions and may not be utilized for any other purpose.".
(Source: P.A. 89-89, eff. 6-30-95; 89-654, eff. 8-14-96.)

Senator Rauschenberger offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2149, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Downstate Forest Preserve District Act is amended by changing Sections 6d and 6e as follows:

(70 ILCS 805/6d) (from Ch. 96 1/2, par. 6311.2)

Sec. 6d. Trading parcels of land. The board of a forest preserve district within a county which has a population of no more than 550,000 ~~360,000~~ may trade any one or more parcels of land owned by the district for one or more parcels of land owned by one or more individuals or any public or private entity whenever the board determines the trade to be advantageous to the district. The board shall approve such trade by unanimous vote of the members of the board. No trade shall be approved by the board unless all parcels of land involved in the trade have been appraised by an MAI appraiser or a State certified real estate appraiser within one year before the date the trade is to take effect.
(Source: P.A. 87-709; 88-503.)

(70 ILCS 805/6e)

Sec. 6e. Counties under 550,000 ~~400,000~~; sales of land. The board of a forest preserve district located in a county that has a population of no more than 550,000 ~~400,000~~ may sell any one or more parcels of land owned by the district that are less than one acre in size whenever the board determines the sale to be advantageous to the district. The board shall approve the sale by a two-thirds vote of the members of the board then holding office. A sale may not be approved by the board unless all parcels of land involved in the sale have been appraised by an MAI appraiser or a State-certified real estate appraiser within one year before the date the sale is to take effect. The net proceeds of the sale of any parcel of land under this Section shall be set aside for the district's future land acquisitions and may not be utilized for any other purpose.".
(Source: P.A. 89-89, eff. 6-30-95; 89-654, eff. 8-14-96.)

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

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

On motion of Senator Burzynski, **Senate Bill No. 2155** having been printed, was taken up and read by title a second time.

Senator Burzynski offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2155 as follows:
on page 1, line 12, by replacing "as but not limited to" with "as, but not limited to,"; and
on page 1, line 16, by replacing "side by side" with "side-by-side"; and
on page 1, line 20, after "for", by inserting "off-highway motorcycles"; and
on page 2, line 1, by replacing "2002," with "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 Klemm, **Senate Bill No. 2159** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Karpiel, **Senate Bill No. 2185** 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. 2191** 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 2191 on page 12, by replacing lines 11 through 13 with the following:

"Section 45. The Environmental Protection Act is amended by changing Section 22.23 as follows:

(415 ILCS 5/22.23) (from Ch. 111 1/2, par. 1022.23)

Sec. 22.23. Batteries.

(a) Beginning September 1, 1990, any person selling lead-acid batteries at retail or offering lead-acid batteries for retail sale in this State shall:

(1) accept for recycling used lead-acid batteries from customers, at the point of transfer, in a quantity equal to the number of new batteries purchased; and

(2) post in a conspicuous place a written notice at least 8.5 by 11 inches in size that includes the universal recycling symbol and the following statements: "DO NOT put motor vehicle batteries in the trash."; "Recycle your used batteries."; and "State law requires us to accept motor vehicle batteries for recycling, in exchange for new batteries purchased.".

(b) Any person selling lead-acid batteries at retail in this State may either charge a recycling fee on each new lead-acid battery sold for which the customer does not return a used battery to the retailer, or provide a recycling credit to each customer who returns a used battery for recycling at the time of purchasing a new one.

(c) Beginning September 1, 1990, no lead-acid battery retailer may dispose of a used lead-acid battery except by delivering it (1) to a battery wholesaler or its agent, (2) to a battery manufacturer, (3) to a collection or recycling facility, or (4) to a secondary lead smelter permitted by either a state or federal environmental agency.

(d) Any person selling lead-acid batteries at wholesale or offering lead-acid batteries for sale at wholesale shall accept for

recycling used lead-acid batteries from customers, at the point of transfer, in a quantity equal to the number of new batteries purchased. Such used batteries shall be disposed of as provided in subsection (c).

(e) A person who accepts used lead-acid batteries for recycling pursuant to subsection (a) or (d) shall not allow such batteries to accumulate for periods of more than 90 days.

(f) Beginning September 1, 1990, no person may knowingly cause or allow:

(1) the placing of a lead-acid battery into any container intended for collection and disposal at a municipal waste sanitary landfill; or

(2) the disposal of any lead-acid battery in any municipal waste sanitary landfill or incinerator.

(g) (Blank). ~~The Department of Commerce and Community Affairs shall identify and assist in developing alternative processing and recycling options for used batteries.~~

(h) For the purpose of this Section:

"Lead-acid battery" means a battery containing lead and sulfuric acid that has a nominal voltage of at least 6 volts and is intended for use in motor vehicles.

"Motor vehicle" includes automobiles, vans, trucks, tractors, motorcycles and motorboats.

(i) (Blank). ~~The Department shall study the problems associated with household batteries that are processed or disposed of as part of mixed solid waste, and shall develop and implement a pilot project to collect and recycle used household batteries. The Department shall report its findings to the Governor and the General Assembly, together with any recommendations for legislation, by November 1, 1991.~~

(j) Knowing violation of this Section shall be a petty offense punishable by a fine of $100.

(Source: P.A. 89-445, eff. 2-7-96.)".

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

On motion of Senator T. Walsh, **Senate Bill No. 2192** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Klemm, **Senate Bill No. 2194** having been printed, was taken up and read by title a second time.

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

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

On motion of Senator Peterson, **Senate Bill No. 2210** having been printed, was taken up and read by title a second time.

Senator Peterson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2210 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by changing Section 2505-275 as follows:

(20 ILCS 2505/2505-275) (was 20 ILCS 2505/39e)

Sec. 2505-275. Tax overpayments. In the case of overpayment of any tax liability arising from an Act administered by the Department, the Department may credit the amount of the overpayment and any interest thereon against any final tax liability arising under that or any other Act administered by the Department. The Department may enter into agreements with the Secretary of the Treasury of the United States (or his or her delegate) to offset all or part of an overpayment of such a tax liability against any liability arising from a tax imposed under Title 26 of the United States Code. The Department may collect a fee from the Secretary of the Treasury of the United States (or his or her delegate) to cover the full cost of offsets taken, to the extent allowed by federal law, or, if not allowed by federal law, from the taxpayer by offset of the overpayment.

(Source: P.A. 91-239, eff. 1-1-00; 92-492, eff. 1-1-02.)

Section 10. The Illinois Income Tax Act is amended by changing Sections 601, 911.2, 1102, 1103, and 1105 and by adding Section 911.3 as follows:

(35 ILCS 5/601) (from Ch. 120, par. 6-601)

Sec. 601. Payment on Due Date of Return.

(a) In general. Every taxpayer required to file a return under this Act shall, without assessment, notice or demand, pay any tax due thereon to the Department, at the place fixed for filing, on or before the date fixed for filing such return (determined without regard to any extension of time for filing the return) pursuant to regulations prescribed by the Department. If, however, the due date for payment of a taxpayer's federal income tax liability for a tax year (as provided in the Internal Revenue Code or by Treasury regulation, or as extended by the Internal Revenue Service) is later than the date fixed for filing the taxpayer's Illinois income tax return for that tax year, the Department may, by rule, prescribe a due date for payment that is not later than the due date for payment of the taxpayer's federal income tax liability. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to prescribe a later due date for payment shall be deemed an emergency and necessary for the public interest, safety, and welfare.

(b) Amount payable. In making payment as provided in this section there shall remain payable only the balance of such tax remaining due after giving effect to the following:

(1) Withheld tax. Any amount withheld during any calendar year pursuant to Article 7 from compensation paid to a taxpayer shall be deemed to have been paid on account of any tax imposed by subsections 201(a) and (b) of this Act on such taxpayer for his taxable year beginning in such calendar year. If more than one taxable year begins in a calendar year, such amount shall be deemed to have been paid on account of such tax for the last taxable year so beginning.

(2) Estimated and tentative tax payments. Any amount of estimated tax paid by a taxpayer pursuant to Article 8 for a taxable year shall be deemed to have been paid on account of the tax imposed by this Act for such taxable year.

(3) Foreign tax. The aggregate amount of tax which is imposed upon or measured by income and which is paid by a resident for a taxable year to another state or states on income which is also subject to the tax imposed by subsections 201(a) and (b) of this Act shall be credited against the tax imposed by subsections 201(a) and (b) otherwise due under this Act for such taxable year. The aggregate credit provided under this paragraph shall not exceed that amount which bears the same ratio to the tax imposed by subsections 201(a) and (b) otherwise due under this Act as the amount of the taxpayer's

base income subject to tax both by such other state or states and by this State bears to his total base income subject to tax by this State for the taxable year. For purposes of this subsection, no compensation received by a resident which qualifies as compensation paid in this State as determined under Section 304(a)(2)(B) shall be considered income subject to tax by another state or states. The credit provided by this paragraph shall not be allowed if any creditable tax was deducted in determining base income for the taxable year. Any person claiming such credit shall attach a statement in support thereof and shall notify the Director of any refund or reductions in the amount of tax claimed as a credit hereunder all in such manner and at such time as the Department shall by regulations prescribe.

(4) Accumulation and capital gain distributions. If the net income of a taxpayer includes amounts included in his base income by reason of Section 668 or 669 of the Internal Revenue Code (relating to accumulation and capital gain distributions by a trust, respectively), the tax imposed on such taxpayer by this Act shall be credited with his pro rata portion of the taxes imposed by this Act on such trust for preceding taxable years which would not have been payable for such preceding years if the trust had in fact made distributions to its beneficiaries at the times and in the amounts specified in Sections 666 and 669 of the Internal Revenue Code. The credit provided by this paragraph shall not reduce the tax otherwise due from the taxpayer to an amount less than that which would be due if the amounts included by reason of Sections 668 and 669 of the Internal Revenue Code were excluded from his base income.

(c) Cross reference. For application against tax due of overpayments of tax for a prior year, see Section 909.

(Source: P.A. 85-731.)

(35 ILCS 5/911.2)

Sec. 911.2. Refunds withheld; tax claims of other states.

(a) Definitions. In this Section the following terms have the meanings indicated.

"Claimant state" means any state or the District of Columbia that requests the withholding of a refund pursuant to this Section and that extends a like comity for the collection of taxes owed to this State.

"Income tax" means any amount of income tax imposed on taxpayers under the laws of the State of Illinois or the claimant state, including additions to tax for penalties and interest.

"Refund" means a refund of overpaid income taxes imposed by the State of Illinois or the claimant state.

"Tax officer" means a unit or official of the claimant state, or the duly authorized agent of that unit or official, charged with the imposition, assessment, or collection of state income taxes.

"Taxpayer" means any individual person identified by a claimant state under this Section as owing taxes to that claimant state, and in the case of a refund arising from the filing of a joint return, the taxpayer's spouse.

(b) In general. Except as provided in subsection (c) of this Section, a tax officer may:

(1) certify to the Director the existence of a taxpayer's delinquent income tax liability; and

(2) request the Director to withhold any refund to which the taxpayer is entitled.

(c) Comity. A tax officer may not certify or request the Director to withhold a refund unless the laws of the claimant state:

(1) allow the Director to certify an income tax liability;

(2) allow the Director to request the tax officer to

withhold the taxpayer's tax refund; and

(3) provide for the payment of the refund to the State of Illinois.

(d) Certification. A certification by a tax officer to the Director shall include:

(1) the full name and address of the taxpayer and any other names known to be used by the taxpayer;

(2) the social security number or federal tax identification number of the taxpayer;

(3) the amount of the income tax liability; and

(4) a statement that all administrative and judicial remedies and appeals have been exhausted or have lapsed and that the assessment of tax, interest, and penalty has become final.

(e) Notification. As to any taxpayer due a refund, the Director shall:

(1) notify the taxpayer that a claimant state has provided certification of the existence of an income tax liability;

(2) inform the taxpayer of the tax liability certified, including a detailed statement for each taxable year showing tax, interest, and penalty;

(3) inform the taxpayer that failure to file a protest in accordance with subsection (f) of this Section shall constitute a waiver of any demand against this State for the amount certified;

(3.5) inform the taxpayer that the refund has been withheld and that the tax liability has been paid to the claimant state as provided in subsection (i) of this Section ~~and will result in payment to the claimant state as provided in subsection (i) of this Section~~;

(4) provide the taxpayer with notice of an opportunity to request a hearing to challenge the certification; and

(5) inform the taxpayer that the hearing may be requested (i) pursuant to Section 910 of this Act, or (ii) with the tax officer, in accordance with the laws of the claimant state.

(f) Protest of withholding. A taxpayer may protest the withholding of a refund pursuant to Section 910 of this Act (except that the protest shall be filed within 30 days after the date of the Director's notice of certification pursuant to subsection (e) of this Section). ~~If a taxpayer files a timely protest, the Director shall:~~

~~(1) suspend the proposed withholding and impound the claimed amount of the refund;~~

~~(2) pay to the taxpayer the unclaimed amount of the refund, if any;~~

~~(3) send a copy of the protest to the claimant state for determination of the protest on its merits in accordance with the laws of that state; and~~

~~(4) pay over to the taxpayer the impounded amount if the claimant state shall fail, within 45 days after the date of the protest, to re-certify to the Director (i) that the claimant state has reviewed the issues raised by taxpayer, (ii) that all administrative and judicial remedies provided under the laws of that state have been exhausted, and (iii) the amount of the income tax liability finally determined to be due.~~

(g) Certification as prima facie evidence. If the taxpayer requests a hearing pursuant to Section 910 of this Act, the certification of the tax officer shall be prima facie evidence of the correctness of the taxpayer's delinquent income tax liability to the certifying state.

(h) Rights of spouses to refunds from joint returns. If a certification is based upon the tax debt of only one taxpayer and if the refund is based upon a joint personal income tax return, the

nondebtor spouse shall have the right to:

(1) notification, as provided in subsection (e) of this Section;

(2) protest, as to the withholding of such spouse's share of the refund, as provided in subsection (f) of this Section; and

(3) payment of his or her share of the refund, provided the amount of the overpayment refunded to the spouse shall not exceed the amount of the joint overpayment.

(i) Withholding and payment of refund. ~~Subject to the taxpayer's rights of notice and protest,~~ Upon receipt of a request for withholding in accordance with subsection (b) of this Section, the Director shall:

(1) withhold any refund that is certified by the tax officer;

(2) pay to the claimant state the entire refund or the amount certified, whichever is less;

(3) pay any refund in excess of the amount certified to the taxpayer; and

(4) if a refund is less than the amount certified, withhold amounts from subsequent refunds due the taxpayer, if the laws of the claimant state provide that the claimant state shall withhold subsequent refunds of taxpayers certified to that state by the Director.

(j) Determination that withholding cannot be made. After receiving a certification from a tax officer, the Director shall notify the claimant state if the Director determines that a withholding cannot be made.

(k) Director's authority. The Director shall have the authority to enter into agreements with the tax officers of claimant state relating to:

(1) procedures and methods to be employed by a claimant state with respect to the operation of this Section;

(2) safeguards against the disclosure or inappropriate use of any information obtained or maintained pursuant to this Section that identifies, directly or indirectly, a particular taxpayer;

(3) a minimum tax debt, amounts below which, in light of administrative expenses and efficiency, shall, in the Director's discretion, not be subject to the withholding procedures set forth in this Section.

(l) Remedy not exclusive. The collection procedures prescribed by this Section are in addition to, and not in substitution for, any other remedy available by law.

(Source: P.A. 92-492, eff. 1-1-02.)

(35 ILCS 5/911.3 new)

Sec. 911.3 Refunds withheld; order of honoring requests. The Department shall honor refund withholding requests in the following order:

(1) a refund withholding request to collect an unpaid State tax;

(2) a refund withholding request to collect certified past due child support amounts under Section 2505-650 of the Department of Revenue Law of the Civil Administrative Code of Illinois;

(3) a refund withholding request to collect any debt owed to the State;

(4) a refund withholding request made by the Secretary of the Treasury of the United States, or his or her delegate, to collect any tax liability arising from Title 26 of the United States Code; and

(5) a refund withholding request pursuant to Section 911.2 of this Act.

(35 ILCS 5/1102) (from Ch. 120, par. 11-1102)

Sec. 1102. Jeopardy Assessments.

(a) Jeopardy assessment and lien.

(1) Assessment. If the Department finds that a taxpayer is about to depart from the State, or to conceal himself or his property, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect any amount of tax or penalties imposed under this Act unless court proceedings are brought without delay, or if the Department finds that the collection of such amount will be jeopardized by delay, the Department shall give the taxpayer notice of such findings and shall make demand for immediate return and payment of such amount, whereupon such amount shall be deemed assessed and shall become immediately due and payable.

(2) Filing of lien. If the taxpayer, within 5 days after such notice (or within such extension of time as the Department may grant), does not comply with such notice or show to the Department that the findings in such notice are erroneous, the Department may file a notice of jeopardy assessment lien in the office of the recorder of the county in which any property of the taxpayer may be located and shall notify the taxpayer of such filing. Such jeopardy assessment lien shall have the same scope and effect as a statutory lien under this Act. The taxpayer is liable for the filing fee incurred by the Department for filing the lien and the filing fee incurred by the Department to file the release of that lien. The filing fees shall be paid to the Department in addition to payment of the tax, penalty, and interest included in the amount of the lien.

(b) Termination of taxable year. In the case of a tax for a current taxable year, the Director shall declare the taxable period of the taxpayer immediately terminated and his notice and demand for a return and immediate payment of the tax shall relate to the period declared terminated, including therein income accrued and deductions incurred up to the date of termination if not otherwise properly includible or deductible in respect of such taxable year.

(c) Protest. If the taxpayer believes that he does not owe some or all of the amount for which the jeopardy assessment lien against him has been filed, or that no jeopardy to the revenue in fact exists, he may protest within 20 days after being notified by the Department of the filing of such jeopardy assessment lien and request a hearing, whereupon the Department shall hold a hearing in conformity with the provisions of section 908 and, pursuant thereto, shall notify the taxpayer of its decision as to whether or not such jeopardy assessment lien will be released.

(Source: P.A. 83-358.)

(35 ILCS 5/1103) (from Ch. 120, par. 11-1103)

Sec. 1103. Filing and Priority of Liens. (a) Filing with Recorder. Nothing in this Article shall be construed to give the Department a preference over the rights of any bona fide purchaser, holder of a security interest, mechanics lienor, mortgagee, or judgment lien creditor arising prior to the filing of a regular notice of lien or a notice of jeopardy assessment lien in the office of the recorder in the county in which the property subject to the lien is located. For purposes of this section, the term "bona fide," shall not include any mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as trustee for unsecured creditors of the taxpayer mentioned in the notice of lien who executed such chattel or

real property mortgage or the document evidencing such credit transaction. Such lien shall be inferior to the lien of general taxes, special assessments and special taxes heretofore or hereafter levied by any political subdivision of this State.

(b) Filing with Registrar. In case title to land to be affected by the notice of lien or notice of jeopardy assessment lien is registered under the provisions of "An Act concerning land titles," approved May 1, 1897, as amended, such notice shall be filed in the office of the Registrar of Titles of the county within which the property subject to the lien is situated and shall be entered upon the register of titles as a memorial of charge upon each folium of the register of titles affected by such notice, and the Department shall not have a preference over the rights of any bona fide purchaser, mortgagee, judgment creditor or other lien holder arising prior to the registration of such notice.

(c) Index. The recorder of each county shall procure a file labeled "State Tax Lien Notices" and an index book labeled "State Tax Lien Index." When notice of any lien or jeopardy assessment lien is presented to him for filing, he shall file it in numerical order in the file and shall enter it alphabetically in the index. The entry shall show the name and last known address of the person named in the notice, the serial number of the notice, the date and hour of filing, whether it is a regular lien or a jeopardy assessment lien, and the amount of tax and penalty due and unpaid, plus the amount of interest due at the time when the notice of lien or jeopardy assessment is filed.

(d) No recorder or registrar of titles of any county shall require that the Department pay any costs or fees in connection with recordation of any notice or other document filed by the Department under this Act at the time such notice or other document is presented for recordation. The recorder or registrar of each county, in order to receive payment for fees or costs incurred by the Department, shall present the Department with monthly statements indicating the amount of fees and costs incurred by the Department and for which no payment has been received. This amendatory Act of 1987 applies to all liens heretofore or hereafter filed.

(e) The taxpayer is liable for the filing fee incurred by the Department for filing the lien and the filing fee incurred by the Department to file the release of that lien. The filing fees shall be paid to the Department in addition to payment of the tax, penalty, and interest included in the amount of the lien.

(Source: P.A. 86-905.)

(35 ILCS 5/1105) (from Ch. 120, par. 11-1105)

Sec. 1105. Release of Liens.

(a) In general. Upon payment by the taxpayer to the Department in cash or by guaranteed remittance of an amount representing the filing fees and charges for the lien and the filing fees and charges for the release of that lien, the Department shall release all or any portion of the property subject to any lien provided for in this Act and file that complete or partial release of lien with the recorder of the county where that lien was filed if it determines that the release will not endanger or jeopardize the collection of the amount secured thereby.

(b) Judicial determination. If on judicial review the final judgment of the court is that the taxpayer does not owe some or all of the amount secured by the lien against him, or that no jeopardy to the revenue exists, the Department shall release its lien to the extent of such finding of nonliability, or to the extent of such finding of no jeopardy to the revenue. The taxpayer shall, however, be liable for the filing fee paid by the Department to file the lien

and the filing fee required to file a release of the lien. The filing fees shall be paid to the Department.

(c) Payment. The Department shall also release its jeopardy assessment lien against the taxpayer whenever the tax and penalty covered by such lien, plus any interest which may be due and an amount representing the filing fee to file the lien and the filing fee required to file a release of that lien, are paid by the taxpayer to the Department in cash or by guaranteed remittance.

(d) Certificate of release. The Department shall issue a certificate of complete or partial release of the lien upon payment by the taxpayer to the Department in cash or by guaranteed remittance of an amount representing the filing fee paid by the Department to file the lien and the filing fee required to file the release of that lien:

(1) To the extent that the fair market value of any property subject to the lien exceeds the amount of the lien plus the amount of all prior liens upon such property;

(2) To the extent that such lien shall become unenforceable;

(3) To the extent that the amount of such lien is paid by the person whose property is subject to such lien, together with any interest and penalty which may become due under this Act between the date when the notice of lien is filed and the date when the amount of such lien is paid;

(4) To the extent that there is furnished to the Department on a form to be approved and with a surety or sureties satisfactory to the Department a bond that is conditioned upon the payment of the amount of such lien, together with any interest which may become due under this Act after the notice of lien is filed, but before the amount thereof is fully paid;

(5) To the extent and under the circumstances specified in this section. A certificate of complete or partial release of any lien shall be held conclusive that the lien upon the property covered by the certificate is extinguished to the extent indicated by such certificate.

Such release of lien shall be issued to the person, or his agent, against whom the lien was obtained and shall contain in legible letters a statement as follows:

FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL
BE FILED WITH THE RECORDER OR THE REGISTRAR
OF TITLES, IN WHOSE OFFICE, THE LIEN WAS FILED.

(e) Filing. When a certificate of complete or partial release of lien issued by the Department is presented for filing in the office of the recorder or Registrar of Titles where a notice of lien or notice of jeopardy assessment lien was filed:

(1) The recorder, in the case of nonregistered property, shall permanently attach the certificate of release to the notice of lien or notice of jeopardy assessment lien and shall enter the certificate of release and the date in the "State Tax Lien Index" on the line where the notice of lien or notice of jeopardy assessment lien is entered; and

(2) In the case of registered property, the Registrar of Titles shall file and enter upon each folium of the register of titles affected thereby a memorial of the certificate of release which memorial when so entered shall act as a release pro tanto of any memorial of such notice of lien or notice of jeopardy assessment lien previously filed and registered.

(Source: P.A. 85-731.)

Section 15. The Retailers' Occupation Tax Act is amended by changing Sections 5a, 5b, and 5c as follows:

(35 ILCS 120/5a) (from Ch. 120, par. 444a)

Sec. 5a. The Department shall have a lien for the tax herein imposed or any portion thereof, or for any penalty provided for in this Act, or for any amount of interest which may be due as provided for in Section 5 of this Act, upon all the real and personal property of any person to whom a final assessment or revised final assessment has been issued as provided in this Act, or whenever a return is filed without payment of the tax or penalty shown therein to be due, including all such property of such persons acquired after receipt of such assessment or filing of such return. The taxpayer is liable for the filing fee incurred by the Department for filing the lien and the filing fee incurred by the Department to file the release of that lien. The filing fees shall be paid to the Department in addition to payment of the tax, penalty, and interest included in the amount of the lien.

However, where the lien arises because of the issuance of a final assessment or revised final assessment by the Department, such lien shall not attach and the notice hereinafter referred to in this Section shall not be filed until all proceedings in court for review of such final assessment or revised final assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted.

Upon the granting of a rehearing or departmental review pursuant to Section 4 or Section 5 of this Act after a lien has attached, such lien shall remain in full force except to the extent to which the final assessment may be reduced by a revised final assessment following such rehearing or review.

The lien created by the issuance of a final assessment shall terminate unless a notice of lien is filed, as provided in Section 5b hereof, within 3 years from the date all proceedings in court for the review of such final assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted, or (in the case of a revised final assessment issued pursuant to a rehearing or departmental review) within 3 years from the date all proceedings in court for the review of such revised final assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted; and where the lien results from the filing of a return without payment of the tax or penalty shown therein to be due, the lien shall terminate unless a notice of lien is filed, as provided in Section 5b hereof, within 3 years from the date when such return is filed with the Department: Provided that the time limitation period on the Department's right to file a notice of lien shall not run during any period of time in which the order of any court has the effect of enjoining or restraining the Department from filing such notice of lien.

If the Department finds that a taxpayer is about to depart from the State, or to conceal himself or his property, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect such tax unless such proceedings are brought without delay, or if the Department finds that the collection of the amount due from any taxpayer will be jeopardized by delay, the Department shall give the taxpayer notice of such findings and shall make demand for immediate return and payment of such tax, whereupon such tax shall become immediately due and payable. If the taxpayer, within 5 days after such notice (or within such extension of time as the Department may grant), does not comply with such notice or show to the Department that the findings in such notice are erroneous, the Department may file a notice of jeopardy assessment lien in the office of the recorder of the county in which any property of the taxpayer may be located and shall notify the taxpayer of such filing. Such jeopardy assessment lien shall have the same scope and effect as

the statutory lien hereinbefore provided for in this Section.

If the taxpayer believes that he does not owe some or all of the tax for which the jeopardy assessment lien against him has been filed, or that no jeopardy to the revenue in fact exists, he may protest within 20 days after being notified by the Department of the filing of such jeopardy assessment lien and request a hearing, whereupon the Department shall hold a hearing in conformity with the provisions of this Act and, pursuant thereto, shall notify the taxpayer of its findings as to whether or not such jeopardy assessment lien will be released. If not, and if the taxpayer is aggrieved by this decision, he may file an action for judicial review of such final determination of the Department in accordance with Section 12 of this Act and the Administrative Review Law.

If, pursuant to such hearing (or after an independent determination of the facts by the Department without a hearing), the Department determines that some or all of the tax covered by the jeopardy assessment lien is not owed by the taxpayer, or that no jeopardy to the revenue exists, or if on judicial review the final judgment of the court is that the taxpayer does not owe some or all of the tax covered by the jeopardy assessment lien against him, or that no jeopardy to the revenue exists, the Department shall release its jeopardy assessment lien to the extent of such finding of nonliability for the tax, or to the extent of such finding of no jeopardy to the revenue.

The Department shall also release its jeopardy assessment lien against the taxpayer whenever the tax and penalty covered by such lien, plus any interest which may be due, are paid <u>and the taxpayer has paid the Department in cash or by guaranteed remittance an amount representing the filing fee for the lien and the filing fee for the release of that lien. The Department shall file that release of lien with the recorder of the county where that lien was filed</u>.

Nothing in this Section shall be construed to give the Department a preference over the rights of any bona fide purchaser, holder of a security interest, mechanics lienholder, mortgagee, or judgment lien creditor arising prior to the filing of a regular notice of lien or a notice of jeopardy assessment lien in the office of the recorder in the county in which the property subject to the lien is located: Provided, however, that the word "bona fide", as used in this Section shall not include any mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as trustee for unsecured creditors of the taxpayer mentioned in the notice of lien who executed such chattel or real property mortgage or the document evidencing such credit transaction. Such lien shall be inferior to the lien of general taxes, special assessments and special taxes heretofore or hereafter levied by any political subdivision of this State.

In case title to land to be affected by the notice of lien or notice of jeopardy assessment lien is registered under the provisions of "An Act concerning land titles", approved May 1, 1897, as amended, such notice shall be filed in the office of the Registrar of Titles of the county within which the property subject to the lien is situated and shall be entered upon the register of titles as a memorial or charge upon each folium of the register of titles affected by such notice, and the Department shall not have a preference over the rights of any bona fide purchaser, mortgagee, judgment creditor or other lien holder arising prior to the registration of such notice: Provided, however, that the word "bona fide" shall not include any mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as trustee for unsecured creditors of

the taxpayer mentioned in the notice of lien who executed such chattel or real property mortgage or the document evidencing such credit transaction.

Such regular lien or jeopardy assessment lien shall not be effective against any purchaser with respect to any item in a retailer's stock in trade purchased from the retailer in the usual course of such retailer's business.

(Source: P.A. 86-905.)

(35 ILCS 120/5b) (from Ch. 120, par. 444b)

Sec. 5b. The recorder of each county shall procure a file labeled "State Tax Lien Notices" and an index book labeled "State Tax Lien Index". When notice of any lien or jeopardy assessment lien is presented to him for filing, he shall file it in numerical order in the file and shall enter it alphabetically in the index. The entry shall show the name and last known business address of the person named in the notice, the serial number of the notice, the date and hour of filing, whether it is a regular lien or a jeopardy assessment lien, and the amount of tax and penalty due and unpaid, plus the amount of interest due under Section 5 of this Act at the time when the notice of lien or jeopardy assessment lien is filed.

No recorder or registrar of titles of any county shall require that the Department pay any costs or fees in connection with recordation of any notice or other document filed by the Department under this Act at the time such notice or other document is presented for recordation. The recorder or registrar of each county, in order to receive payment for fees or costs incurred by the Department, shall present the Department with monthly statements indicating the amount of fees and costs incurred by the Department and for which no payment has been received.

A notice of lien may be filed after the issuance of a revised final assessment pursuant to a rehearing or departmental review under Section 4 or Section 5 of this Act.

When the lien obtained pursuant to this Act has been satisfied and the taxpayer has paid the Department in cash or by guaranteed remittance an amount representing the filing fee for the lien and the filing fee for the release of that lien, the Department shall issue a release of lien and file that release of lien with the recorder of the county where that lien was filed. The ~~to the person, or his agent, against whom the lien was obtained and such~~ release of lien shall contain in legible letters a statement as follows:

FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL
BE FILED WITH THE RECORDER OR THE REGISTRAR
OF TITLES, IN WHOSE OFFICE, THE LIEN WAS FILED.

When a certificate of complete or partial release of lien issued by the Department is presented for filing in the office of the recorder or Registrar of Titles where a notice of lien or notice of jeopardy assessment lien was filed, the recorder, in the case of nonregistered property, shall permanently attach the certificate of release to the notice of lien or notice of jeopardy assessment lien and shall enter the certificate of release and the date in the "State Tax Lien Index" on the line where the notice of lien or notice of jeopardy assessment lien is entered.

In the case of registered property, the Registrar of Titles shall file and enter upon each folium of the register of titles affected thereby a memorial of the certificate of release which memorial when so entered shall act as a release pro tanto of any memorial of such notice of lien or notice of jeopardy assessment lien previously filed and registered.

(Source: P.A. 84-221.)

(35 ILCS 120/5c) (from Ch. 120, par. 444c)

Sec. 5c. Upon payment by the taxpayer to the Department in cash or by guaranteed remittance of an amount representing the filing fee for the lien and the filing fee for the release of that lien, the Department shall issue a certificate of complete or partial release of the lien and file that complete or partial release of lien with the recorder of the county where the lien was filed:

(a) To the extent that the fair market value of any property subject to the lien exceeds the amount of the lien plus the amount of all prior liens upon such property;

(b) To the extent that such lien shall become unenforceable;

(c) To the extent that the amount of such lien is paid by the retailer whose property is subject to such lien, together with any interest which may become due under Section 5 of this Act between the date when the notice of lien is filed and the date when the amount of such lien is paid;

(d) To the extent that there is furnished to the Department on a form to be approved and with a surety or sureties satisfactory to the Department a bond that is conditioned upon the payment of the amount of such lien, together with any interest which may become due under Section 5 of this Act after the notice of lien is filed, but before the amount thereof is fully paid;

(e) To the extent and under the circumstances specified in Section 5a of this Act in the case of jeopardy assessment liens;

(f) To the extent to which an assessment is reduced pursuant to a rehearing or departmental review under Section 4 or Section 5 of this Act.

A certificate of complete or partial release of any lien shall be held conclusive that the lien upon the property covered by the certificate is extinguished to the extent indicated by such certificate.

(Source: Laws 1965, p. 531.)

Section 99. Effective date. This Act takes effect upon becoming law, except that the changes to Sections 1102, 1103, and 1105 of the Illinois Income Tax Act and Sections 5a, 5b, and 5c of the Retailer's Occupation Tax Act take effect on January 1, 2003.".

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 Mahar, **Senate Bill No. 2221** 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 2221 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Sections 4-202, 4-203, and 5-202 as follows:

(220 ILCS 5/4-202) (from Ch. 111 2/3, par. 4-202)

Sec. 4-202. Action for injunction. Whenever the Commission shall be of the opinion that any public utility is failing or omitting or about to fail or omit, to do anything required of it by law, or by any order, decision, rule, regulation, direction, or requirement of the Commission, issued or made under authority of this Act, or is doing anything or about to do anything or permitting anything or about to permit anything to be done, contrary to or in violation of

law or any order, decision, rule, regulation, direction, or requirement of the Commission, issued or made under authority of this Act, the Commission shall file an action or proceeding in the circuit court in and for the county in which the case or some part thereof arose, or in which the person or corporation complained of, if any, has its principal place of business, or in which the person complained of, if any, resides, in the name of the People of the State of Illinois, for the purpose of having the violation or threatened violation stopped and prevented, either by mandamus or injunction.

The Commission may express its opinion in a resolution based upon whatever facts and evidence have come to its attention and may issue the resolution ex parte and without holding any administrative hearing before bringing suit. Except in cases involving an imminent threat to the public health or public safety, no such resolution shall be adopted until 48 hours after the public utility has been given notice of (i) the substance of the alleged violation, including a citation to the law or order, decision, rule, regulation, or direction of the Commission alleged to have been violated and (ii) the time and date of the meeting at which such resolution will first be before the Commission for consideration.

The Commission shall file the action or proceeding by complaint in the circuit court, alleging the violation or threatened violation complained of, and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the court to specify a time, not exceeding 20 days after the service of the copy of the complaint, within which the public utility complained of must answer the complaint, and in the meantime said public utility may be restrained. In case of default in answer, or after answer, the court shall immediately inquire into the facts and circumstances of the case. Such corporation or persons as the court may deem necessary or proper to be joined as parties, in order to make its judgment, or order effective, may be joined as parties. The final judgment in any action or proceeding shall either dismiss the action or proceeding or grant relief by mandamus or injunction or be made permanent as prayed for in the complaint, or in such modified or other form as will afford appropriate relief. An appeal may be taken from such final judgment as in other civil cases.

(Source: P.A. 84-617.)

(220 ILCS 5/4-203) (from Ch. 111 2/3, par. 4-203)

Sec. 4-203. Action to recover penalties.

(a) All civil penalties established under this Act shall be assessed and collected by the Commission. Except for the penalties provided under Section 2-202, civil penalties may be assessed only after notice and opportunity to be heard. Any such civil penalty may be compromised by the Commission. In determining the amount of the penalty, or the amount agreed to in compromise, the Commission shall consider the appropriateness of the penalty to the size of the business of the public utility, corporation other than a public utility, or person acting as a public utility charged, the gravity of the violation, and the good faith of the public utility, corporation other than a public utility, or person acting as a public utility charged in attempting to achieve compliance after notification of a violation. Nothing in this Section, however, increases or decreases any minimum or maximum penalty prescribed elsewhere in this Act.

(b) If timely judicial review of a Commission order that imposes a civil penalty is taken by the public utility, corporation other than a public utility, or person acting as a public utility on which the civil penalty has been imposed, the reviewing court shall enter a judgment on all amounts upon affirmance of the Commission order. If

timely judicial review is not taken and the civil penalty remains unpaid for 60 days after service of the order, the Commission in its discretion may either begin revocation proceedings or bring suit to recover the penalties. Unless stayed by a reviewing court, interest shall accrue from 60 days after the date of service of the Commission order.

(c) Actions to recover delinquent civil penalties under this Act shall be brought in the name of the People of the State of Illinois in the circuit court in and for the county in which the cause, or some part thereof, arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides. The action shall be commenced and prosecuted to final judgment by the Commission. In any such action, all interest incurred up to the time of final court judgment may be sued for and recovered in that action. In all such actions, the procedure and rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. All fines and penalties recovered by the State in any such action shall be paid into the State treasury to the credit of the General Revenue Fund. Any such action may be compromised or discontinued on application of the Commission upon such terms as the court shall approve and order.

(d) Civil penalties related to the late filing of reports, taxes, or other filings shall be paid into the State Treasury to the credit of the Public Utility Fund. Except as otherwise provided in this Act, all other fines and civil penalties shall be paid into the State Treasury to the credit of the General Revenue Fund. ~~Except as otherwise provided in this Act, actions to recover penalties under this Act shall be brought in the name of the People of the State of Illinois in the circuit court in and for the county in which the cause, or some part thereof, arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides. The action shall be commenced and prosecuted to final judgment by the Commission. In any such action, all penalties incurred up to the time of commencing the same may be sued for and recovered. In all such actions, the procedure and rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. All fines and penalties recovered by the State in any such action shall be paid into the State treasury to the credit of the general fund. Any such action may be compromised or discontinued on application of the Commission upon such terms as the court shall approve and order.~~
(Source: P.A. 84-617.)

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

Sec. 5-202. Violations; penalty. Any public utility, ~~or~~ any corporation other than a public utility, or any person acting as a public utility, that ~~which~~ violates or fails to comply with any provisions of this Act, ~~or~~ that ~~which~~ fails to obey, observe, ~~or~~ comply with any order, decision, rule, regulation, direction, or requirement, ~~or~~ any part or provision thereof, of the Commission, made or issued under authority of this Act, in a case in which a penalty is not otherwise provided for in this Act, shall be subject to a civil penalty imposed in the manner provided in Section 4-203. A small public utility, as defined in subsection (b) of Section 4-502 of this Act, is subject to a civil penalty of not less than $500 nor more than $2,000 for each and every offense. All other public utilities, corporations other than a public utility, and persons acting as a public utility are subject to a civil penalty of up to $30,000 for each and every offense.

Every violation of the provisions of this Act or of any order, decision, rule, regulation, direction, or requirement of the

Commission, or any part or portion thereof, by any corporation or person, is a separate and distinct offense, and in case of a continuing violation, each day's continuance thereof shall be a separate and distinct offense; provided, however, that the cumulative penalty for any continuing violation shall not exceed $500,000.

In construing and enforcing the provisions of this Act relating to penalties, the act, omission, or failure of any officer, agent, or employee of any public utility, corporation other than a public utility, or person acting as a public utility, that is acting within the scope of his official duties or employment, shall in every case be deemed to be the act, omission, or failure of such public utility, corporation other than a public utility, or person acting as a public utility.

If the party who has violated or failed to comply with this Act or an order, decision, rule, regulation, direction, or requirement of the Commission, or any part or provision thereof, fails to seek review pursuant to Sections 10-113 and 10-201 of this Act within 30 days after of service of the order, the party shall, upon expiration of the 30 days, be subject to the civil penalty provision of this Section.

~~No penalties shall accrue under this provision until 15 days after the mailing of a notice to such party or parties that they are in violation of or have failed to comply with the Act or order, decision, rule, regulation, direction, or requirement of the Commission or any part or provision thereof.~~

(Source: P.A. 87-164.)

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

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

On motion of Senator Sieben, **Senate Bill No. 2227** 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 2227 by replacing everything after the enacting clause with the following:

"Section 5. The County Economic Development Project Area Property Tax Allocation Act is amended by changing Sections 4 and 5 as follows:

(55 ILCS 85/4) (from Ch. 34, par. 7004)

Sec. 4. Establishment of economic development project area; ordinance; joint review board; notice; hearing; changes in economic development plan; annual reporting requirements. Economic development project areas shall be established as follows:

(a) The corporate authorities of Whiteside a County, ~~with more than 200,000 and less than 300,000 inhabitants and which is adjacent to the Mississippi River,~~ may by ordinance propose the establishment of an economic development project area and fix a time and place for a public hearing, and shall submit a certified copy of the ordinance as adopted to the Department.

(b) Any county which adopts an ordinance which fixes a date, time and place for a public hearing shall convene a joint review board as hereinafter provided. Not less than 45 days prior to the date fixed for the public hearing, the county shall give notice by mailing to the chief executive officer of each affected taxing

district having taxable property included in the proposed economic development project area that such chief executive officer or his designee is invited to participate in a joint review board. The designee shall serve at the discretion of the chief executive officer of the taxing district for a term not to exceed 2 years. Such notice shall advise each chief executive officer of the date, time and place of the first meeting of such joint review board, which shall occur not less than 30 days prior to the date of the public hearing. Such notice by mail shall be given by depositing such notice in the United States Postal Service by certified mail.

At or prior to the first meeting of such joint review board the county shall furnish to any member of such joint review board copies of the proposed economic development plan and any related documents which such member shall reasonably request. A majority of the members of such joint review board present at any meeting shall constitute a quorum. Additional meetings may be called by any member of a joint review board upon the giving of notice not less than 72 hours prior to the date of any additional meeting to all members of the joint review board. The joint review board shall review such information and material as its members reasonably deem relevant to the county's proposals to approve economic development plans and economic development projects and to designate economic development project areas. The county shall provide such information and material promptly upon the request of the joint review board and may also provide administrative support and facilities as the joint review board may reasonably require.

Within 30 days of its first meeting, a joint review board shall provide the county with a written report of its review of any proposal to approve an economic development plan and economic development project and to designate an economic development project area. Such written report shall include such information and advisory, nonbinding recommendations as a majority of the members of the joint review board shall deem relevant. Written reports of joint review boards may include information and advisory, nonbinding recommendations provided by a minority of the members thereof. Any joint review board which does not provide such written report within such 30-day period shall be deemed to have recommended that the county proceed with a proposal to approve an economic development plan and economic development project and to designate an economic development project area.

(c) Notice of the public hearing shall be given by publication and mailing.

(1) Notice by publication shall be given by publication at least twice, the first publication to be not more than 30 nor less than 10 days prior to the hearing in a newspaper of general circulation within the taxing districts having property in the proposed economic development project area. Notice by mailing shall be given by depositing such notice together with a copy of the proposed economic development plan in the United States Postal Service by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the proposed economic development project area. The notice shall be mailed not less than 10 days prior to the dates set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding 3 years as the owners of the property.

(2) The notices issued pursuant to this Section shall include the following:

(A) The time and place of public hearing;

(B) The boundaries of the proposed economic development project area by legal description and by street location where possible;

(C) A notification that all interested persons will be given an opportunity to be heard at the public hearing;

(D) An invitation for any person to submit alternative proposals or bids for any proposed conveyance, lease, mortgage or other disposition of land within the proposed economic development project area;

(E) A description of the economic development plan or economic development project if a plan or project is a subject matter of the hearing; and

(F) Such other matters as the county may deem appropriate.

(3) Not less than 45 days prior to the date set for hearing, the county shall give notice by mail as provided in this subsection (c) to all taxing districts of which taxable property is included in the economic development project area, and to the Department. In addition to the other requirements under this subsection (c), the notice shall include an invitation to the Department and each taxing district to submit comments to the county concerning the subject matter of the hearing prior to the date of the hearing.

(d) At the public hearing any interested person, the Department or any affected taxing district may file written objections with the county clerk and may be heard orally with respect to any issues embodied in the notice. The county shall hear and determine all alternate proposals or bids for any proposed conveyance, lease, mortgage or other disposition of land and all protests and objections at the hearing, and the hearing may be adjourned to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the adjourned hearing. Public hearings with regard to an economic development plan, economic development project area, or economic development project may be held simultaneously.

(e) At the public hearing, or at any time prior to the adoption by the county of an ordinance approving an economic development plan, the county may make changes in the economic development plan. Changes which (1) alter the exterior boundaries of the proposed economic development project area, (2) substantially affect the general land uses established in the proposed economic development plan, (3) substantially change the nature of the proposed economic development plan, (4) change the general description of any proposed developer, user or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved within the economic development project area shall be made only after review by joint review board, notice and hearing pursuant to the procedures set forth in this Section. Changes which do not (1) alter the exterior boundaries of a proposed economic development project area, (2) substantially affect the general land uses established in the proposed plan, (3) substantially change the nature of the proposed economic development plan, (4) change the general description of any proposed developer, user or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved within the economic development project area may be made

without further notice or hearing, provided that the county shall give notice of its changes by mail to the Department and to each affected taxing district and by publication in a newspaper or newspapers of general circulation with the affected taxing districts. Such notice by mail and by publication shall each occur not later than 10 days following the adoption by ordinance of such changes.

(f) At any time within 90 days of the final adjournment of the public hearing, a county may, by ordinance, approve the economic development plan, establish the economic development project area, and authorize property tax allocation financing for such economic development project area. Any ordinance adopted which approves the economic development plan shall contain findings that the economic development project is reasonably expected to create or retain not less than 500 ~~1,000~~ full-time equivalent jobs, that private investment in an amount not less than $25,000,000 ~~$50,000,000~~ is reasonably expected to occur in the economic development project area, that the economic development project will encourage the increase of commerce and industry within the State, thereby reducing the evils attendant upon unemployment and increasing opportunities for personal income, and that the economic development project will increase or maintain the property, sales and income tax bases of the county and of the State. Any ordinance adopted which establishes an economic development project area shall contain the boundaries of such area by legal description and, where possible, by street location. Any ordinance adopted which authorizes property tax allocation financing shall provide that the ad valorem taxes, if any, arising from the levies upon taxable real property in such economic development project area by taxing districts and tax rates determined in the manner provided in subsection (b) of Section 6 of this Act each year after the effective date of the ordinance until economic development project costs and all county obligations financing economic development project costs incurred under this Act have been paid shall be divided as follows:

(1) That portion of taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the economic development project area shall be allocated to, and when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of property tax allocation financing.

(2) That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the economic development project area over and above the initial equalized assessed value of each property in the economic development project area shall be allocated to and when collected shall be paid to the county treasurer who shall deposit those taxes into a special fund called the special tax allocation fund of the county for the purpose of paying economic development project costs and obligations incurred in the payment thereof.

(g) After a county has by ordinance approved an economic development plan and established an economic development project area, the plan may be amended and the boundaries of the area may be altered only as herein provided. Amendments which (1) alter the exterior boundaries of an economic development project area, (2) substantially affect the general land uses established pursuant to the economic development plan, (3) substantially change the nature of the economic development plan, (4) change the general description of

any proposed developer, user, or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved shall be made only after review by a joint review board, notice and hearing pursuant to the procedures set forth in this Section. Amendments which do not (1) alter the exterior boundaries of an economic development project area, (2) substantially affect the general land uses established in the economic development plan, (3) substantially change the nature of the economic development plan, (4) change the description of any proposed developer, user, or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved within the economic development project area may be made without further hearing or notice, provided that the county shall give notice of any amendment by mail to the Department and to each taxing district and by publication in a newspaper or newspapers of general circulation within the affected taxing districts. Such notices by mail and by publication shall each occur not later than 10 days following the adoption by ordinance of such amendments.

(h) After the adoption of an ordinance adopting property tax allocation financing for an economic development project area, the county shall annually report to each taxing district having taxable property within such economic development project area (i) any increase or decrease in the equalized assessed value of the real property located within such economic development project area above or below the initial equalized assessed value of such real property, (ii) that portion, if any, of the ad valorem taxes arising from the levies upon taxable real property in such economic development project area by the taxing districts which is attributable to the increase in the current equalized assessed valuation of each lot, block, tract or parcel of real property in the economic development project area over and above the initial equalized value of each property and which has been allocated to the county in the current year, and (iii) such other information as the county may deem relevant.

(i) The county shall give notice by mail as provided in this Section and shall reconvene the joint review board not less than annually for each of the 2 years following its adoption of an ordinance adopting property tax allocation financing for an economic development project area and not less than once in each 3-year period thereafter. The county shall provide such information, and may provide administrative support and facilities as the joint review board may reasonably require for each of such meetings.

(Source: P.A. 86-1388.)

(55 ILCS 85/5) (from Ch. 34, par. 7005)

Sec. 5. Submission to Department; certification by Department.

(a) The county shall submit certified copies of any ordinances adopted approving a proposed economic development plan, establishing an economic development project area, and authorizing tax increment allocation financing to the Department, together with (1) a map of the economic development project area, (2) a copy of the economic development plan as approved, (3) an analysis, and any supporting documents and statistics, demonstrating that the economic development project is reasonably expected to create or retain not less than <u>500</u> ~~1,000~~ full-time equivalent jobs and that private investment in the amount of not less than <u>$25,000,000</u> ~~$50,000,000~~ is reasonably expected to occur in the economic development project area, (4) an

estimate of the economic impact of the economic development plan and the use of property tax allocation financing upon the revenues of the county and the affected taxing districts, (5) a record of all public hearings held in connection with the establishment of the economic development project area, and (6) such other information as the Department by regulation may require.

(b) Upon receipt of an application from a county the Department shall review the application to determine whether the economic development project area qualifies as an economic development project area under this Act. At its discretion, the Department may accept or reject the application or may request such additional information as it deems necessary or advisable to aid its review. If any such area is found to be qualified to be an economic development project area, the Department shall approve and certify such economic development project area and shall provide written notice of its approval and certification to the county and to the county clerk. In determining whether an economic development project area shall be approved and certified, the Department shall consider (1) whether, without public intervention, the State would suffer substantial economic dislocation, such as relocation of a commercial business or industrial or manufacturing facility to another state, territory or country, or would not otherwise benefit from private investment offering substantial employment opportunities and economic growth, and (2) the impact on the revenues of the county and the affected taxing districts of the use of tax increment allocation financing in connection with the economic development project.

(c) On or before July 1, 2006 ~~1994~~, the Department shall submit to the General Assembly a report detailing the number of economic development project areas it has approved and certified, the number and type of jobs created or retained therein, the aggregate amount of private investment therein, the impact in the revenues of counties and affected taxing districts of the use of property tax allocation financing therein, and such additional information as the Department may determine to be relevant. On July 1, 2008 ~~1996~~ the authority granted hereunder to counties to establish economic development project areas and to adopt property tax allocation financing in connection therewith and to the Department to approve and certify economic development project areas shall expire unless the General Assembly shall have authorized counties and the Department to continue to exercise the powers granted to them under this Act.

(Source: P.A. 87-18; 88-688, eff. 1-24-95.)

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

Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2227, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 6, line 25, after the period, by inserting the following:

"The ordinance shall also state that the economic development project area shall not include parcels to be used for purposes of residential development.".

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.

[Apr. 3, 2002]

On motion of Senator Klemm, **Senate Bill No. 2232** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2232 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Wildlife Population Control 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 T. Walsh, **Senate Bill No. 2243** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, **Senate Bill No. 2252** 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. 2254** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, **Senate Bill No. 2256** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, **Senate Bill No. 2257** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, **Senate Bill No. 2258** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Karpiel, **Senate Bill No. 2268** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2268 by replacing everything after the enacting clause with the following:

"Section 5. The Public Officer Prohibited Activities Act is amended by changing Section 1 as follows:

(50 ILCS 105/1) (from Ch. 102, par. 1)

Sec. 1. County board. No member of a county board, during the term of office for which he or she is elected, may be appointed to, accept, or hold any office other than (i) chairman of the county board or member of the regional planning commission by appointment or election of the board of which he or she is a member or (ii) alderman of a city or member of the board of trustees of a village or incorporated town if the city, village, or incorporated town has fewer than 1,000 inhabitants and is located in a county having fewer than 50,000 inhabitants, unless he or she first resigns from the office of county board member or unless the holding of another office

is authorized by law. Any such prohibited appointment or election is void. This Section shall not preclude a member of the county board or the county board chairman from being selected or from serving as a member of a County Extension Board as provided in Section 7 of the County Cooperative Extension Law, as a member of an Emergency Telephone System Board as provided in Section 15.4 of the Emergency Telephone System Act, as a member of the Metropolitan Airport Authority Board of Commissioners as provided in Section 3.1 of the Airport Authorities Act, or as appointed members of the board of review as provided in Section 6-30 of the Property Tax Code. Nothing in this Act shall be construed to prohibit an elected county official from holding elected office in another unit of local government so long as there is no contractual relationship between the county and the other unit of local government. This amendatory Act of 1995 is declarative of existing law and is not a new enactment.
(Source: P.A. 91-732, eff. 1-1-01; 92-111, eff. 1-1-02.)

Section 10. The Counties Code is amended by changing Section 5-104.5 as follows:

(55 ILCS 5/5-1014.5)

Sec. 5-1014.5. County board chairman; veto; procedure. In counties with a population between 700,000 and 3,000,000, (i) each county appropriation ordinance that is passed that includes appropriations for the county or multiple-county health department and (ii) each appropriation ordinance that is passed by a Metropolitan Airport Authority located within the county shall be presented immediately to the county board chairman. If the county board chairman approves the ordinance, he or she shall sign it and it shall become law. The county board chairman may reduce or veto any item of appropriations for the county or multiple-county health department or for a Metropolitan Airport Authority in the ordinance and shall return the item vetoed or reduced with his or her objections to the county board. A copy of the veto shall also be delivered to the body for which the appropriation is intended. Portions of an ordinance not reduced or vetoed shall become law. Any ordinance not so returned by the county board chairman within 30 calendar days after it is presented to him or her shall become law. If, within 30 calendar days after the veto has been delivered to the county board and the body for which the appropriation is intended, the county board restores an item that has been reduced or overrides the veto of an item by a record vote of three-fifths of the members elected, the item shall become law. If a reduced item is not so restored, it shall become law in the reduced amount. However, if the county board chairman is a commissioner of the Metropolitan Airport Authority, then the county board chairman shall not have the power to veto or reduce any line item in the Metropolitan Airport Authority's appropriation ordinance.
(Source: P.A. 89-402, eff. 8-20-95.)

Section 15. The Airport Authorities Act is amended by changing Sections 3.1, 5, and 13 as follows:

(70 ILCS 5/3.1) (from Ch. 15 1/2, par. 68.3a)

Sec. 3.1. Boards of commissioners; Appointment. The Boards of Commissioners of Authorities shall be appointed as follows:

(1) In case there are one or more municipalities having a population of 5,000 or more within the Authority, the commissioners shall be appointed as follows:

(a) Where there is only one such municipality, 3 commissioners shall be appointed from such municipality, and 2 commissioners shall be appointed at large.

(b) Where there are 2 or more such municipalities, one commissioner shall be appointed from each such municipality, one

commissioner shall be appointed from the areas within the authority located outside of such municipalities, and 2 commissioners shall be appointed at large; except that when the physical facilities of the airport of the Authority are located wholly within a single county with a population between 600,000 and 3,000,000 there shall be one commissioner appointed from each municipality within the corporate limits of the Authority having 5,000 or more population and 5 commissioners appointed at large. If the Authority is located wholly within the corporate limits of such municipalities, 2 commissioners shall be appointed from the one of such municipalities having the largest population, and one commissioner shall be appointed from each of the other such municipalities, and 2 commissioners shall be appointed at large.

(c) Commissioners representing the area within an Authority located outside of any municipality having 5,000 or more population and commissioners appointed at large when the authority is wholly contained within a single county shall be appointed by the presiding officer of the county board with the advice and consent of the county board, and when the physical facilities of the airport of the Authority are located wholly within a single county with a population between 600,000 and 3,000,000 the commissioners appointed at large shall be appointed by the chairman of the county board of such county, and any commissioner representing the area within any such municipality shall be appointed by its mayor or the presiding officer of its governing body. If however the district is located in more than one county other than a county with a population between 600,000 and 3,000,000, the members of the General Assembly whose legislative districts encompass any portion of the Authority shall appoint the commissioners representing the area within an Authority located outside of any municipality having 5,000 or more population and commissioners at large but any commissioner representing the area within any such municipality shall be appointed by its mayor or the presiding officer of its governing body.

(d) A commissioner representing the area within any such municipality shall reside within its corporate limits. A commissioner representing the area within an authority and located outside of any such municipality shall reside within such area. A commissioner appointed at large may reside either within or without any such municipality but must reside within the territory of the authority. Should any commissioner cease to reside within that part of the territory he represents, or should the territory in which he resides cease to be a part of the authority, then his office shall be deemed vacated, and shall be filled by appointment for the remainder of the term as hereinafter provided.

(2) In case there are no municipalities having a population of 5,000 or more within such authority located wholly within a single county, such order shall so find, and in such case the Board shall consist of 5 commissioners who shall be appointed at large by the presiding officer of the county board with the advice and consent of the county board. If however the district is located in more than one county, the members of the General Assembly whose legislative districts encompass any portion of the Authority shall appoint the commissioners at large.

(3) Should a municipality which is wholly within an authority attain, or should such a municipality be established, having a population of 5,000 or more after the entry of said order by the circuit court, the presiding officer of such municipality may

petition the circuit court for an order finding and determining the population of such municipality and, if it is found and determined upon the hearing of said petition that the population of such municipality is 5,000 or more, the board of commissioners of such authority as previously established shall be increased by one commissioner who shall reside within the corporate limits of such municipality and shall be appointed by its presiding officer. The initial commissioner so appointed shall serve for a term of 1, 2, 3, 4 or 5 years, as may be determined by lot, and his successors shall be similarly appointed and shall serve for terms of 5 years. All provisions of this section applicable to commissioners representing municipal areas shall apply to any such commissioner. Each such commissioner shall reside within the authority and shall continue to reside therein.

(4) Notwithstanding any other provision of this Section, the Board of Commissioners of a Metropolitan Airport Authority shall consist of 9 commissioners.

Seven commissioners shall be residents of the county with a population between 600,000 and 3,000,000 within which the Metropolitan Airport Authority was established. These commissioners shall be appointed by the county board chairman of the county with a population between 600,000 and 3,000,000 within which the Metropolitan Airport Authority was established, with the advice and consent of the county board of that county. <u>Notwithstanding any other provision of this Act, the county board chairman may appoint himself or herself as a commissioner to serve without compensation.</u>

Two commissioners shall be residents of the territory of the Authority located outside the county with a population between 600,000 and 3,000,000. These commissioners shall be appointed jointly by the mayors of the municipalities having a population over 5,000 that are located outside the county with a population between 600,000 and 3,000,000, with the advice and consent of the governing bodies of those municipalities.

The transition from the pre-existing composition of the Metropolitan Airport Authority Board of Commissioners to the composition specified in this amendatory Act of 1991 shall be accomplished as follows:

(A) The appointee who was required to be a resident of the area outside of the county with a population between 600,000 and 3,000,000 may serve until his or her term expires. The replacement shall be one of the 2 appointees who shall be residents of the territory of the Authority located outside the county with a population between 600,000 and 3,000,000.

(B) The other 8 commissioners may serve until their terms expire. Upon the occurrence of the second vacancy among these 8 commissioners after the effective date of this amendatory Act of 1991, the replacement shall be the second of the 2 appointees who shall be residents of the territory of the Authority located outside of the county with a population between 600,000 and 3,000,000. Upon the expiration of the terms of the other 7 commissioners, the replacements shall be residents of the county with a population between 600,000 and 3,000,000.

(C) All commissioners appointed after the effective date of this amendatory Act of 1991, and their successors, shall be appointed in the manner set forth in this amendatory Act of 1991.

(Source: P.A. 87-699.)

(70 ILCS 5/5) (from Ch. 15 1/2, par. 68.5)

Sec. 5. Qualifications of commissioners and removal from office. No person shall be appointed to the Board of Commissioners of any Airport Authority who has any financial interest in the establishment or continued existence thereof or who is a member of the governing body or an officer or employee of a municipality, a county, or any other unit of local government, or an elected official of State or federal government, except when the authority is wholly located within a single county with a population of less than 40,000, an individual employed by a local school district may serve as a commissioner, and except as otherwise authorized by this Act.

Should it appear to the Department of Transportation that any member of the Board of Commissioners of an airport authority may be disqualified, or guilty of misconduct or malfeasance in office or unwilling or unable to act, it shall notify the Board of Commissioners of that fact in writing and it shall then be the duty of the Board of Commissioners to require such board member to show cause why he should not be removed from office. Any such person shall be given a hearing by the Board of Commissioners and, after such hearing, if the Board of Commissioners finds such a charge should be sustained, it shall remove the person so charged from office, and a vacancy shall thereupon exist for the unexpired term of such office. (Source: P.A. 88-109; 89-174, eff. 7-19-95.)

(70 ILCS 5/13) (from Ch. 15 1/2, par. 68.13)

Sec. 13. Annual appropriations and tax levy. Every Authority created under this Act is hereby empowered to levy and collect a general tax on all of the taxable property within the corporate limits of such Authority for the purpose of paying the cost of operating and maintaining any public airport or public airport facility of the Authority, and any other corporate expenses of the Authority. However, a tax levy imposed by a Metropolitan Airport Authority does not apply to any township, municipality, or unincorporated territory that has been statutorily removed from the jurisdiction of the Authority, has opted out of the Authority, or is currently being taxed by another airport authority. The aggregate amount of such tax for one year, exclusive of the amount levied for bonded indebtedness or interest thereon, shall not exceed the rate of .075% upon the aggregate valuation of all taxable property within the Authority, as equalized or assessed by the Department of Revenue. If there is in effect in the Authority a maximum tax rate established pursuant to Section 2.1a or 13.1, the aggregate amount of such tax for one year, exclusive of the amount levied for bonded indebtedness or interest thereon, shall not exceed the maximum tax rate so established, and in no event shall such maximum tax rate exceed the rate of .075% as hereinbefore set forth.

The Board of Commissioners of any Airport Authority shall establish the beginning and ending of its fiscal year and annually within the first quarter of the fiscal year shall adopt an appropriation ordinance appropriating such sums of money as are deemed necessary to pay the costs of operating and maintaining any public airport or airports located within the corporate limits of the Authority and under the jurisdiction thereof and other expenses of the Authority and specifying the purpose of each appropriation made.

An appropriation ordinance adopted by an Authority created under this Act in a county with a population between 700,000 and 3,000,000 shall be immediately presented to the county board chairman. The chairman of the county board has the power to veto or reduce any line item in the ordinance as provided in Section 5-1014.5 of the Counties Code. However, if the county board chairman is a commissioner of the Authority, then the county board chairman shall not have the power to veto or reduce any line item in the Authority's appropriation

ordinance.

After the adoption of the appropriation ordinance and on or before the second Tuesday in August of each year, the board of commissioners shall ascertain the total amount of the appropriations legally made which are to be provided for from the tax levy for that year. Then, by an ordinance specifying in detail the purposes for which such appropriations have been made and the amounts appropriated for such purposes, the board of commissioners shall levy not to exceed the total amount so ascertained upon all the property subject to taxation within the authority as the same is assessed and equalized for state and county purposes for the current year.

The limits of the tax rate and the authority to levy as set forth in this Section do not include the rate of or authority to levy taxes required for lease payments to any Public Building Commission. The tax rate necessary and the authority to levy taxes for such lease payments are in addition to such limits and are without limitation as to rate or amount.

(Source: P.A. 88-101; 89-402, eff. 8-20-95.)".

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

On motion of Senator Petka, **Senate Bill No. 2269** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Petka, **Senate Bill No. 2271** having been printed, was taken up and read by title a second time.

Senator Petka offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2271 as follows:

by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 16G-15 as follows:

(720 ILCS 5/16G-15)

Sec. 16G-15. Financial identity theft.

(a) A person commits the offense of financial identity theft when he or she knowingly uses any personal identifying information or personal identification document of another person to fraudulently obtain credit, money, goods, services, or other property ~~in the name of the other person~~.

(b) Knowledge shall be determined by an evaluation of all circumstances surrounding the use of the other person's identifying information or document.

(c) When a charge of financial identity theft of credit, money, goods, services, or other property exceeding a specified value is brought the value of the credit, money, goods, services, or other property is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(d) Sentence.

(1) Financial identity theft of credit, money, goods, services, or other property not exceeding $300 in value is a Class A misdemeanor. A person who has been previously convicted of financial identity theft of less than $300 who is convicted of a second or subsequent offense of financial identity theft of less than $300 is guilty of a Class 4 felony. A person who has been convicted of financial identity theft of less than $300 who

has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, home repair fraud, aggravated home repair fraud, or financial exploitation of an elderly or disabled person is guilty of a Class 4 felony. When a person has any such prior conviction, the information or indictment charging that person shall state the prior conviction so as to give notice of the State's intention to treat the charge as a felony. The fact of the prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during the trial.

(2) Financial identity theft of credit, money, goods, services, or other property exceeding $300 and not exceeding $2,000 in value is a Class 4 felony.

(3) Financial identity theft of credit, money, goods, services, or other property exceeding $2,000 and not exceeding $10,000 in value is a Class 3 felony.

(4) Financial identity theft of credit, money, goods, services, or other property exceeding $10,000 and not exceeding $100,000 in value is a Class 2 felony.

(5) Financial identity theft of credit, money, goods, services, or other property exceeding $100,000 in value is a Class 1 felony.

(Source: P.A. 91-517, eff. 8-13-99.)

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

On motion of Senator Philip, **Senate Bill No. 2272** 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. 2293** 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 2293 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by changing Section 30-25 as follows:

(30 ILCS 500/30-25)

Sec. 30-25. Retention of a percentage of contract price. ~~Whenever~~ Any contract entered into by the Capital Development Board a ~~construction--agency~~ for the repair, remodeling, renovation, or construction of a building or structure, for the construction or maintenance of a highway, as those terms are defined in Article 2 of the Illinois Highway Code, or for the reclamation of abandoned lands as those terms are defined in Article I of the Abandoned Mined Lands and Water Reclamation Act may provide ~~provides~~ for the retention of a percentage not to exceed 5% of the contract price until final completion and acceptance of the work., Upon the request of the contractor and with the approval of the Capital Development Board ~~construction--agency~~ the amount so retained may be deposited under a

trust agreement with an Illinois bank or financial institution of the contractor's choice and subject to the approval of the Capital Development Board ~~construction-agency~~. The contractor shall receive any interest on the deposited amount. Upon application by the contractor, the trust agreement must contain, at a minimum, the following provisions:

(1) the amount to be deposited subject to the trust;

(2) the terms and conditions of payment in case of default by the contractor;

(3) the termination of the trust agreement upon completion of the contract; and

(4) the contractor shall be responsible for obtaining the written consent of the bank trustee and for any costs or service fees.

The trust agreement may, at the discretion of the Capital Development Board ~~construction--agency~~ and upon request of the contractor, become effective at the time of the first partial payment in accordance with existing statutes and rules.
(Source: P.A. 90-572, eff. date - See Sec. 99-5.)".

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 Klemm, **Senate Bill No. 2294** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2294 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Section 7-103 and adding Section 7-103.97 as follows:

(735 ILCS 5/7-103) (from Ch. 110, par. 7-103)

Sec. 7-103. "Quick-take".

(a) This Section applies only to proceedings under this Article that are authorized in the Sections following this Section and preceding Section 7-104.

(a-5) A unit of local government that proposes to acquire property in a proceeding to which this Section applies must comply with all of the following procedures:

(1) The unit of local government must notify each owner of an interest in the property, by certified mail, of the unit of local government's intention to request approval of legislation by the General Assembly authorizing the unit of local government to acquire the property in a proceeding to which this Section applies.

(2) The unit of local government must cause notice of its intention to request authorization to acquire the property in such a proceeding to be published in a newspaper of general circulation in the territory sought to be acquired by the unit of local government.

(3) Following the notices required under paragraphs (1) and (2), the unit of local government must hold at least one public hearing, at the place where the unit of local government normally holds its business meetings, on the question of the unit of local government's acquisition of the property in a proceeding to which

this Section applies.

(4) Following the public hearing or hearings held under paragraph (3), the unit of local government must adopt, by recorded vote, a resolution to request approval of legislation by the General Assembly authorizing the unit of local government to acquire the property in a proceeding to which this Section applies. The resolution must include a statement of the time period within which the unit of local government requests authority to exercise "quick-take" powers under this Section, which may not exceed one year.

(5) Following the public hearing or hearings held under paragraph (3), and not less than 30 days following the notice to the property owner or owners required under paragraph (1), the chief elected official of the unit of local government must submit to the Chairmen and Minority Spokespersons of the appropriate Senate and House Committees a sworn, notarized affidavit that states all of the following:

(A) The legal description of the property.

(B) The street address of the property.

(C) The name of each State Senator and State Representative who represents the territory under the unit of local government's jurisdiction.

(D) The date or dates on which the unit of local government contacted each such State Senator and State Representative concerning the unit of local government's intention to request approval of legislation by the General Assembly authorizing the unit of local government to acquire the property in a proceeding to which this Section applies.

(E) The current name, address, and telephone number of each owner of an interest in the property.

(F) A summary of all negotiations between the unit of local government and the owner or owners of the property concerning the sale of the property to the unit of local government.

(G) A statement of the date and location of each public hearing held under paragraph (3).

(H) A statement of the public purpose for which the unit of local government seeks to acquire the property.

The affidavit must also contain the chief elected official's certification that (i) the property is located within the territory under the unit of local government's jurisdiction and (ii) the unit of local government seeks to acquire the property for a public purpose.

(6) Together with the affidavit submitted under paragraph (5), the chief elected official of the unit of local government must submit the following items to the Chairmen and Minority Spokespersons of the appropriate Senate and House Committees:

(A) A map of the area in which the property to be acquired is located, showing the location of the property.

(B) Photographs of the property.

(C) An appraisal of the property by a real estate appraiser who is certified or licensed under the Real Estate Appraiser Licensing Act.

(D) A copy of the resolution adopted by the unit of local government under paragraph (4).

(E) Documentation of the public purpose for which the unit of local government seeks to acquire the property.

(F) A copy of each notice sent to an owner of an interest in the property under paragraph (1) of this subsection (a-5).

(7) Every affidavit submitted by a unit of local government under this subsection (a-5), together with all documents and other items submitted with the affidavit, must be made available to any person upon request for inspection and copying.

Nothing in this subsection (a-5) applies to quick-take authority granted before the effective date of this amendatory Act of the 92nd General Assembly.

(b) In a proceeding subject to this Section, the plaintiff, at any time after the complaint has been filed and before judgment is entered in the proceeding, may file a written motion requesting that, immediately or at some specified later date, the plaintiff either be vested with the fee simple title (or such lesser estate, interest or easement, as may be required) to the real property, or specified portion thereof, which is the subject of the proceeding, and be authorized to take possession of and use such property; or only be authorized to take possession of and to use such property, if such possession and use, without the vesting of title, are sufficient to permit the plaintiff to proceed with the project until the final ascertainment of compensation; however, no land or interests therein now or hereafter owned, leased, controlled or operated and used by, or necessary for the actual operation of, any common carrier engaged in interstate commerce, or any other public utility subject to the jurisdiction of the Illinois Commerce Commission, shall be taken or appropriated hereunder by the State of Illinois, the Illinois Toll Highway Authority, the sanitary district, the St. Louis Metropolitan Area Airport Authority or the Board of Trustees of the University of Illinois without first securing the approval of such Commission.

Except as hereinafter stated, the motion for taking shall state: (1) an accurate description of the property to which the motion relates and the estate or interest sought to be acquired therein; (2) the formally adopted schedule or plan of operation for the execution of the plaintiff's project; (3) the situation of the property to which the motion relates, with respect to the schedule or plan; (4) the necessity for taking such property in the manner requested in the motion; and (5) if the property (except property described in Section 3 of the Sports Stadium Act, or property described as Site B in Section 2 of the Metropolitan Pier and Exposition Authority Act) to be taken is owned, leased, controlled or operated and used by, or necessary for the actual operation of, any interstate common carrier or other public utility subject to the jurisdiction of the Illinois Commerce Commission, a statement to the effect that the approval of such proposed taking has been secured from such Commission, and attaching to such motion a certified copy of the order of such Commission granting such approval. If the schedule or plan of operation is not set forth fully in the motion, a copy of such schedule or plan shall be attached to the motion.

(Source: P.A. 91-357, eff. 7-29-99; 91-367, eff. 7-30-99; 92-16, eff. 6-28-01.)

(735 ILCS 5/7-103.97 new)

Sec. 7-103.97. Quick-take; Village of Baylis. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 92nd General Assembly by the Village of Baylis for the acquisition of the following described property for the purpose of constructing a sewer project:

A part of the North One-Half of the Northwest Quarter of the Southeast Quarter of Section Seven (7), Township Four (4) South, Range Four (4) West of the New Salem Township, Pike County, Illinois specifically described as follows:

COMMENCING: At a point of beginning 540.35 feet South 00 degrees

33 minutes 30 seconds West of center of Section Seven (7), Township Four (4) South, Range Four (4) West of the New Salem Township, Pike County, Illinois, Thence 1,481.74 feet North 64 degrees 56 minutes 58 seconds East Thence 800.0 feet North 90 degrees 00 minutes 00 seconds West Thence 172.61 feet North 00 degrees 33 minutes 30 seconds East to the point of beginning, said area to contain 15.00 acres.

PROPOSED ACCESS RIGHT OF WAY: Fifty (50) feet wide by Three hundred eighty six and 77 hundreds feet, said area containing 0.44 Acres more or less.

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

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

On motion of Senator Rauschenberger, **Senate Bill No. 2295** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, **Senate Bill No. 2300** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, **Senate Bill No. 2311** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, **Senate Bill No. 2312** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2312 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by changing Section 2505-425 as follows:

(20 ILCS 2505/2505-425)

Sec. 2505-425. Public list of delinquent State taxes.

(a) The Director shall ~~may--annually~~ disclose a list of all taxpayers, including but not limited to individuals, trusts, partnerships, corporations, and other taxable entities, that are delinquent in the payment of tax liabilities collected by the Department. The list shall include only those taxpayers with total final liabilities for all taxes collected by the Department (including penalties and interest) in an amount greater than $1,000 (or a greater amount as established by the Department by rule) for a period of 6 months (or a longer period as established by the Department by rule) from the time that the taxes were assessed or became final, as provided in the statute imposing the tax. The list shall contain the name, address, types of taxes, month and year in which each tax liability was assessed or became final, the amount of each tax outstanding of each delinquent taxpayer.~~,-and,~~ In the case of a corporate taxpayer currently in active status with the Department or the Illinois Secretary of State, the list shall include the name of the current president of record of the corporation. In the case of a partnership, the list shall include the names of the

partners. In the case of a sole proprietorship, the list shall include the name of the sole proprietor.

(b) At least 90 days before the disclosure of the name of any delinquent taxpayer prescribed in subsection (a), the Director shall mail a written notice to each delinquent taxpayer by certified mail addressed to the delinquent taxpayer at his or her last or usual place of business or abode detailing the amount and nature of the delinquency and the intended disclosure of the delinquency. Except as provided in subsection (c), if the delinquent tax has not been paid 60 days after the notice was delivered or the Department has been notified that delivery was refused or unclaimed, ~~and the taxpayer has not, since the mailing of the notice, either entered into a written agreement with the Department for payment of the delinquency or corrected a default in an existing agreement to the satisfaction of the Director,~~ the Director ~~may~~ shall disclose the tax in the list of delinquent taxpayers.

(c) Notwithstanding the provisions of subsection (b), unpaid taxes shall not be deemed to be ~~delinquent and~~ subject to disclosure if the delinquent taxpayer has not previously had a tax delinquency as described in this Section and (i) ~~(i) a written agreement for payment exists without default between the taxpayer and the Department or (ii)~~ the tax liability is the subject of an administrative hearing, administrative review, or judicial review~~.~~; or (ii) the taxpayer enters into a written agreement with the Department for payment of the delinquency within 12 months after entering into the written agreement.

If a delinquent taxpayer whose name is not disclosed in accordance with item (ii) of this subdivision (c) is delinquent in paying a tax liability 12 months after entering into the written agreement for payment or at any time thereafter, that taxpayer shall be included in the list.

(d) The list shall be available for public inspection at the Department or by other means of publication, including the Internet.

(e) The Department shall prescribe reasonable rules for the administration and implementation of this Section.

(f) Any disclosure made by the Director in a good faith effort to comply with this Section shall not be considered a violation of any statute prohibiting disclosure of taxpayer information.

(Source: P.A. 91-239, eff. 1-1-00; 92-197, eff. 8-1-01.

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

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

On motion of Senator Philip, **Senate Bill No. 2313** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, **Senate Bill No. 2314** having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 5:40 o'clock p.m., Senator Donahue presiding.

On motion of Senator Dudycz, **Senate Bill No. 1571** 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. 1838** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1838 by replacing line 29 on page 7 through line 1 on page 8 with the following:

"sergeant, lieutenant, or captain~~, or major, or as a Special Agent, Special Agent Sergeant, Special Agent Master Sergeant, Special Agent Lieutenant, Special Agent Captain or Special Agent Major~~. The Director may use other additional designations for State Police officers to reflect special duties or training. Any individual having been promoted to the rank of major prior to the effective date of this amendatory Act of the 92nd General Assembly shall retain the rank of major until retirement, separation from service, or otherwise provided by a personnel action governed by the Department of State Police Merit Board.".

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 5:41 o'clock p.m., Senator Dudycz presiding.

On motion of Senator Philip, **Senate Bill No. 2301** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2301 by replacing the title with the following:

"AN ACT to create the Banking Development District Act."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Banking Development District Act.

Section 5. Banking development district programs. There is hereby created a banking development district program, the purpose of which is to encourage the establishment of branches in geographic locations where there is a demonstrated need for banking services. The State Treasurer shall, in consultation with the Office of Banks and Real Estate, promulgate rules, after public hearing and comment, that set forth the criteria for the establishment of banking development districts. The criteria shall include, but not be limited to, the following:

(1) the location, number, and proximity of sites where banking services are available within the district;

(2) the identification of consumer needs for banking services within the district;

(3) the economic viability and local credit needs of the community within the district;

(4) the existing commercial development within the district;

(5) the impact additional banking services would have on potential economic development in the district; and

(6) any other criteria that the State Treasurer deems appropriate.

Section 10. Definitions. For the purposes of this Act, the term "local government" means a county if in an unincorporated area or a

municipality if in an incorporated area.

The terms "alteration", "construction", "installation", and "improvement" do not include ordinary maintenance and repairs.

For the purpose of this Act, the term "bank" means a state bank, national bank, savings bank, federal savings bank, savings and loan association, federal savings and loan association, or trust company.

Section 15. Application. A local government, in conjunction with a bank, may submit an application to the State Treasurer for the designation of a banking development district. The State Treasurer shall issue a determination on the application within 60 days after receiving the application. If an application is approved, the State Treasurer shall transmit notification of the approval to the applicants, the Commissioner of the Office of Banks and Real Estate, the Governor, the State Comptroller, the Director of Commerce and Community Affairs, the President of the Senate, and the Speaker of the House of Representatives.

Section 20. Existing facilities. Notwithstanding any other provision of law, an application may be submitted by a local government in conjunction with a bank that has already opened a branch within the area of the proposed district. In considering the criteria authorized under Section 5, the Treasurer must also take into account the importance and benefits of preserving the banking services offered by the existing branch.

Section 25. Banking development districts.

(a) The general taxes and special assessments of the local government on real property that is altered, constructed, or improved for use as a branch of a bank in an area designated as a banking development district by the Treasurer, in accordance with this Act, shall be abated for a period of 10 years as provided in this Section, if the governing board of the local government imposing the taxes or special assessments, after a public hearing, adopts an ordinance or resolution providing for the abatement.

(b) Where the ordinance or resolution has been adopted, the general taxes and special assessments of the local government on real property that is used to establish a branch of a bank in a banking development district shall be abated for a period of one year in the amount of 50% of the "abatement base", determined under subsection (c) of this Section, and the abatement shall be decreased by 5% each year during the additional period. A copy of the ordinance or resolution shall be filed with the State Treasurer and the county clerk.

(c) The "abatement base" is the increase in general taxes and special assessments resulting from an increase in any assessed value attributable to the alteration, construction, installation, or improvement as determined in the initial year for which an application for the abatement is made. The following table sets forth the method of computing the abatement:

Year of abatement	Percentage of abatement
1	50
2	45
3	40
4	35
5	30
6	25
7	20
8	15
9	10
10	5

(d) No abatement may be granted under this Section, unless:

(1) the alteration, construction, installation, or

improvement commenced on or after either the date the banking development district was designated by the State Treasurer or, if specified in the ordinance or resolution adopted under subsection (a) of this Section, the effective date of the resolution or ordinance; and

(2) the property is located in a banking development district designated by the State Treasurer.

(e) The abatement may be granted only upon a written application of the owner of the real property on a form prescribed by the Treasurer. The application must be filed with the governing board of the local government no later than one year after the date of completion of the alteration, construction, installation, or improvement.

(f) If the governing board of the local government is satisfied that the applicant is entitled to an abatement under this Section, the board must approve the application and the general taxes and special assessments on the real property shall be abated as provided in this Act.

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

Senator Philip offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2301, AS AMENDED, by replacing the title with the following:

"AN ACT concerning banking."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This act may be cited as the Banking Development District Act.

Section 5. Banking development district program. There is hereby created a banking development district program, the purpose of which is to encourage the establishment of banking branches in geographic locations where there is a demonstrated need for banking services. The State Treasurer shall, in consultation with the Office of Banks and Real Estate, adopt rules in accordance with the Administrative Procedure Act that set forth the criteria for the establishment of banking development districts. The criteria shall include, but not be limited to, the following:

(1) the location, number, and proximity of sites where banking services are available within the district;

(2) the identification of consumer needs for banking services within the district;

(3) the economic viability and local credit needs of the community within the district;

(4) the existing commercial development within the district;

(5) the impact additional banking services would have on potential economic development in the district; and

(6) any other criteria that the State Treasurer deems appropriate.

Section 10. Definitions. As used in this Act:

"Improvement" does not include ordinary maintenance and repairs.

"Bank" means a state bank, national bank, savings bank, federal savings bank, savings and loan association, federal savings and loan association, or trust company.

"Local government" means a county if the proposed banking branch is in an unincorporated area or a municipality if the proposed banking branch is in an incorporated area.

Section 15. Application. The governing board of a local government, in conjunction with a bank, may submit an application to the State Treasurer for the designation of a banking development district. The boundaries of the proposed banking development district shall include property on which the bank plans to make improvements to establish a banking branch. The application shall include the legal description of the property to be designated.

The State Treasurer shall issue a determination on the application within 60 days after receiving the application. If an application is approved, the State Treasurer shall transmit notification of the approval and a copy of all application materials to the applicants, the Commissioner of the Office of Banks and Real Estate, the Governor, the State Comptroller, the Director of Commerce and Community Affairs, the President of the Senate, the Speaker of the House of Representatives, and the clerk of the county in which the property is located.

Section 20. Existing facilities. Notwithstanding any other provision of law, an application may be submitted by a local government in conjunction with a bank that has already opened a branch within the area of the proposed district. In considering the criteria authorized under Section 5, the State Treasurer must also take into account the importance and benefits of preserving the banking services offered by the existing branch.

Section 25. Abatement under the Property Tax Code. Upon designation of the banking development district by the State Treasurer, the property of a bank located within a banking development district may be eligible for a tax abatement under Section 18-167 of the Property Tax Code.

Section 905. The Property Tax Code is amended by adding Section 18-167 as follows:

(35 ILCS 200/18-167 new)

Sec. 18-167. Abatement of taxes in a banking district.

(a) Definitions. For purposes of this Section, "bank" means that term as defined in the Banking Development District Act.

(b) Any taxing district, upon a majority vote of its governing authority, may, after the determination of the assessed valuation of its property, adopt an ordinance or resolution ordering the clerk of the county or counties in which the taxing district is located to abate a portion of the taxing district's taxes on property of a bank that is used as a banking branch in an area designated as a banking development district under the Banking Development District Act. Before ordering the abatement, the taxing district must hold a public hearing regarding the proposed abatement.

(1) The base amount of the abatement shall be the taxes arising from the new improvements or the renovation or rehabilitation of existing improvements since the designation of the banking development district, based on the equalized assessed value attributable to the new improvements or the renovation or rehabilitation of existing improvements for the first year they were assessed as completed as of January 1 of that tax year. Taxes attributable to increases in assessment due to ordinary maintenance and repair shall not be abated under this Section.

A copy of an abatement order adopted under this Section shall be delivered to the county clerk and to the board of review not later than July 1 of the assessment year to be first affected by the order. If it is delivered on or after that date, it will first affect the taxes extended on the assessment of the following year. The board of review shall, in the first year of the abatement, notify the bank to be affected and the taxing district granting the abatement of the list of parcels affected

by an abatement under this Section and the assessed value attributable to the new improvements or the renovation or rehabilitation of existing improvements for the first year they were assessed as completed as of January 1 of that tax year. The affected bank or taxing district may file a complaint regarding the list of parcels and computation within 15 days after the mailing of the notification, and shall be given an opportunity to be heard. The board of review shall, in the first year of the abatement, upon delivering the assessment books to the county clerk, also deliver a list of parcels affected by an abatement under this Section and the assessed value attributable to new improvements or to the renovation or rehabilitation of existing improvements for the first year they were assessed as completed as of January 1 of that tax year.

The county clerk shall abate the base amount as follows:

YEAR OF ABATEMENT	PERCENTAGE OF BASE AMOUNT ABATED
1	50%
2	45%
3	40%
4	35%
5	30%
6	25%
7	20%
8	15%
9	10%
10	5%

(ii) The governing authority of a taxing district may abate the property taxes on a banking branch that was already in existence when the banking development district was created under the Banking Development District Act. The county clerk shall abate the taxes in an amount that shall be determined by the governing authority of the taxing district. The abatement shall not exceed a period of 10 years in duration and 50% of the taxes attributable to the improvements in amount.

(c) If property approved for an abatement under this Section ceases to be used as a banking branch, that property is no longer eligible for abatement of taxes. If an abatement is discontinued under this Section, the taxing district shall notify the county clerk of the discontinuation in writing no later than July 1 of the assessment year to be first affected by the change. If an abatement of taxes is again allowed under this Section for the same property, the property shall be eligible for only that portion of the abatement not already used.

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 numbered 1 and 2, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

SENATE BILLS RECALLED

On motion of Senator Rauschenberger, **Senate Bill No. 1565** 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 1565, on page 2, line 11, after "the", by inserting "purchase and installation of any energy efficiency measure having a financial payback of no more than 7 years, including but not limited to the".

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 Rauschenberger, **Senate Bill No. 1569** 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 Rauschenberger offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 1569, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 3, line 25 by replacing "utilities" with "municipalities, utilities"; and
on page 3, line 29, by replacing "subsection." with "subsection; provided, however, proprietary or confidential information shall not be disclosed publicly.".

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

Senator Rauschenberger offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend Senate Bill 1569, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 3, line 10 by replacing "organizations" with "organizations and through aggregation of consumer purchases of electricity from renewable energy sources".

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 Philip, **Senate Bill No. 1583** was recalled from the order of third reading to the order of second reading.

Senator Philip offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1583, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 21, after "person", by inserting "on active duty"; and
on page 2, line 12, by changing "60" to "30"; and
on page 2, by replacing lines 16 through 18 with the following:

"(d) For purposes of this Section, the term "active duty" means: (i) when used in reference to the Illinois National Guard, a period

of active duty in excess of 30"; and
on page 2, by replacing lines 22 through 24 with the following:
"of this State; and (ii) when used in reference to federal military personnel, the same thing as "military service" as defined in".

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. 1637** 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 1637 by replacing everything after the enacting clause with the following:
"Section 5. The Telephone Solicitations Act is amended by changing Section 25 as follows:
(815 ILCS 413/25)
Sec. 25. Violations.
(a) It is a violation of this Act to make or cause to be made telephone calls to any emergency telephone number as defined in Section 5 of this Act. It is a violation of this Act to make or cause to be made telephone calls in a manner that does not comply with Section 15. It is a violation of this Act to make or cause to be made a telephone solicitation call to any cellular phone unless the solicitor knows that the person receiving the call will not have to pay any charges or fees for receiving the call.
(b) It is a violation of this Act to continue with a solicitation placed by a live operator without the consent of the called party.
(c) It is an unlawful act or practice and a violation of this Act for any person engaged in telephone solicitation to obtain or submit for payment a check, draft, or other form of negotiable paper drawn on a person's checking, savings, or other account or on a bond without the person's express written consent.
(d) Enforcement by customer. Any customer injured by a violation of this Act may bring an action for the recovery of damages. Judgment may be entered for 3 times the amount at which the actual damages are assessed, plus costs and reasonable attorney fees.
(e) Enforcement by Attorney General. Violation of any of the provisions of this Act is an unlawful practice under Section 2Z of the Consumer Fraud and Deceptive Business Practices Act. All remedies, penalties, and authority granted to the Attorney General by that Act shall be available to him for the enforcement of this Act. In any action brought by the Attorney General to enforce this Act, the court may order that persons who incurred actual damages be awarded the amount at which actual damages are assessed.
(Source: P.A. 91-182, eff. 1-1-00; 91-761, eff. 1-1-01.)
Section 99. Effective date. This Act takes effect on January 1, 2003.".

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.

READING A BILL OF THE SENATE A THIRD TIME

On motion of Senator Rauschenberger, **Senate Bill No. 1645**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

The following voted in the affirmative:

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

[Apr. 3, 2002]

Weaver
Welch
Woolard
Mr. President

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

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

SENATE BILLS RECALLED

On motion of Senator Cullerton, **Senate Bill No. 1666** 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 1666, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 15-10, 21-310, 21-315, 21-320, 21-325, 21-330, and 21-335 and by adding Section 21-251 as follows:

(35 ILCS 200/15-10)

Sec. 15-10. Exempt property; procedures for certification. All property granted an exemption by the Department pursuant to the requirements of Section 15-5 and described in the Sections following Section 15-30 and preceding Section 16-5, to the extent therein limited, is exempt from taxation. In order to maintain that exempt status, the titleholder or the owner of the beneficial interest of any property that is exempt must file with the chief county assessment officer, on or before January 31 of each year (May 31 in the case of property exempted by Section 15-170), an affidavit stating whether there has been any change in the ownership or use of the property or the status of the owner-resident, or that a disabled veteran who qualifies under Section 15-165 owned and used the property as of January 1 of that year. The nature of any change shall be stated in the affidavit. Failure to file an affidavit shall, in the discretion of the assessment officer, constitute cause to terminate the exemption of that property, notwithstanding any other provision of this Code. Owners of 5 or more such exempt parcels within a county may file a single annual affidavit in lieu of an affidavit for each parcel. The assessment officer, upon request, shall furnish an affidavit form to the owners, in which the owner may state whether there has been any change in the ownership or use of the property or status of the owner or resident as of January 1 of that year. The owner of 5 or more exempt parcels shall list all the properties giving the same information for each parcel as required of owners who file individual affidavits.

However, titleholders or owners of the beneficial interest in any property exempted under any of the following provisions are not required to submit an annual filing under this Section:

(1) Section 15-45 (burial grounds) in counties of less than 3,000,000 inhabitants and owned by a not-for-profit organization.

(2) Section 15-40.

(3) Section 15-50 (United States property).

~~(4) As is otherwise provided in Sections 15-170 and 15-175 (senior and general homestead exemptions).~~

If there is a change in use or ownership, however, notice must be filed pursuant to Section 15-20.

Annual application for homestead exemptions shall be filed as provided in Section 15-170 (senior citizens homestead exemption), Section 15-172 (senior citizens assessment freeze homestead exemption), and Section 15-175 (general homestead exemption), respectively.

(Source: P.A. 92-333, eff. 8-10-01.)

(35 ILCS 200/21-251 new)

Sec. 21-251. Registry of owners of certificates of purchase.

(a) The county clerk of each county shall create and maintain a registry system that permanently records the names, addresses, and telephone numbers of owners or assignees of certificates of purchase issued pursuant to any tax sale conducted under this Code. The registry may consist of a single record or a combination of records maintained in paper or electronic form and may include copies of records kept by the county treasurer for other purposes, all to be used as the county clerk deems appropriate to carry out the purposes of this Section. The information in the registry shall be made available to the public.

(b) The county clerk of each county is authorized to promulgate reasonable rules, procedures, and forms for purposes of creating and maintaining the registry and for access to the registry information by members of the public. In counties with 3,000,000 or more inhabitants, any owner of a certificate of purchase pursuant to assignment may elect whether to register that assignment as provided in this Section, but all owners of certificates of purchase shall be subject to the provisions of subsection (d) of this Section. In counties with less than 3,000,000 inhabitants, the county clerk shall provide by rule whether registration of assignments of certificates of purchase shall be elective or mandatory.

(c) The owner of a certificate of purchase pursuant to assignment, in order to register that assignment, shall submit to the county clerk the owner's name, address, and telephone number in accordance with any rules, procedures, and forms promulgated by the clerk. Any registered owner of a certificate of purchase may update the registration at any time without charge by submitting to the county clerk any lawful change of name, address, or telephone number.

(d) If notice is required to be given to the owner of the certificate of purchase in any proceeding, whether judicial or administrative, affecting a tax sale conducted under any provision of this Code, the notice may be directed to the most recent owner of the certificate of purchase appearing in the county clerk's registry under this Section. Any notice that has been directed as provided in this Section shall be conclusively presumed to be properly directed to the owner of the certificate of purchase for all purposes related to the proceeding in which the notice is given. No objection or assertion by any assignee of a certificate of purchase in any proceeding shall be heard on grounds that a notice to the tax purchaser was misdirected, unless that assignee's current and lawful name, address, and telephone number were submitted to the county clerk's registry at the time of the notice in question.

(e) The county clerk may assess an automation fee of no more than $10 to be paid by the owner of the certificate of purchase for each assignment of the certificate that is registered under this Section. The fee shall be collected in the same manner as other fees and costs and shall be held by the county clerk in a fund for purposes of automating his or her office. The fee provided for under this Section shall not be chargeable to the cost of redemption under Section 21-355 nor shall it be posted under Section 21-360 of this

Code.

(35 ILCS 200/21-310)

Sec. 21-310. Sales in error.

(a) When, upon application of the county collector, the owner of the certificate of purchase, or a municipality which owns or has owned the property ordered sold, it appears to the satisfaction of the court which ordered the property sold that any of the following subsections are applicable, the court shall declare the sale to be a sale in error:

(1) the property was not subject to taxation, or all or any part of the lien of taxes sold has become null and void pursuant to Section 21-95 or unenforceable pursuant to subsection (c) of Section 18-250 or subsection (b) of Section 22-40,

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

(3) there is a double assessment,

(4) the description is void for uncertainty,

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

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

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

(7) the property is owned by the United States, the State of Illinois, a municipality, or a taxing district.

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

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

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

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

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

(c) When the county collector discovers, within one year after the date of sale if taxes were sold at an annual tax sale or within 180 days after the date of sale if taxes were sold at a scavenger tax

sale, that a tax sale should not have occurred for one or more of the reasons set forth in subdivision (a)(1), (a)(2), (a)(6), or (a)(7) of this Section, the county collector shall notify the last known owner of the certificate of purchase by certified and regular mail, or other means reasonably calculated to provide actual notice, that the county collector intends to declare an administrative sale in error and of the reasons therefor, including documentation sufficient to establish the reason why the sale should not have occurred. The owner of the certificate of purchase may object in writing within 28 days after the date of the mailing by the county collector. If an objection is filed, the county collector shall not administratively declare a sale in error, but may apply to the circuit court for a sale in error as provided in subsection (a) of this Section. Thirty days following the receipt of notice by the last known owner of the certificate of purchase, or within a reasonable time thereafter, the county collector shall make a written declaration, based upon clear and convincing evidence, that the taxes were sold in error and shall deliver a copy thereof to the county clerk within 30 days after the date the declaration is made for entry in the tax judgment, sale, redemption, and forfeiture record pursuant to subsection (d) of this Section. The county collector shall promptly notify the last known owner of the certificate of purchase of the declaration by regular mail and shall promptly pay the amount of the tax sale, together with interest and costs as provided in Section 21-315, upon surrender of the original certificate of purchase.

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

(Source: P.A. 91-177, eff. 1-1-00; 91-357, eff. 7-29-99; 91-924, eff. 1-1-01; 92-224, eff. 1-1-02.)

(35 ILCS 200/21-315)

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

(a) If ~~The court which orders~~ a sale in error under Section 21-310, 22-35, or 22-50 is declared, the amount refunded shall also include ~~award a refund of~~ all costs paid by the owner of the certificate of purchase or his or her assignor which were posted to the tax judgment, sale, redemption and forfeiture record.

(b) In those cases which arise solely under grounds set forth in Section 21-310, the amount refunded ~~court~~ shall also include ~~award~~ interest on the refund of the amount paid for the certificate of purchase, except as otherwise provided in this Section. Interest shall be awarded and paid to the tax purchaser at the rate of 1% per month from the date of sale to the date of payment, or in an amount equivalent to the penalty interest which would be recovered on a redemption at the time of payment pursuant to the order for sale in error, whichever is less. Interest shall not be paid when the sale in error is made pursuant to paragraph (2) or (4) of subsection (b) of Section 21-310, Section 22-35, Section 22-50, any ground not enumerated in Section 21-310, or in any other case where the court determines that the tax purchaser had actual knowledge prior to the sale of the grounds on which the sale is declared to be erroneous.

(c) When the county collector files a petition for sale in error under Section 21-310 and mails a notice thereof by certified or registered mail to the last known owner of the certificate of

purchase ~~tax-purchaser~~, any interest otherwise payable under this Section shall cease to accrue as of the date the petition is filed, unless the tax purchaser agrees to an order for sale in error upon the presentation of the petition to the court. Notices under this subsection may be mailed to the last known ~~original~~ owner of the certificate of purchase~~,-or-to-the-latest-assignee,-if-known~~. When the owner of the certificate of purchase contests the collector's petition solely to determine whether the grounds for sale in error are such as to support a claim for interest, the court may direct that the principal amount of the refund be paid to the owner of the certificate of purchase forthwith. If the court thereafter determines that a claim for interest lies under this Section, it shall award such interest from the date of sale to the date the principal amount was paid.
(Source: P.A. 92-224, eff. 1-1-02.)

(35 ILCS 200/21-320)

Sec. 21-320. Refund of other taxes paid by holder of certificate of purchase. If a sale in error under Section 21-310, 22-35, or 22-50 is declared, the amount refunded shall also include ~~The--court--which orders-a-sale-in-error-shall-order-the-refund-of-all~~ other taxes paid or redeemed by the owner of the certificate of purchase or his or her assignor subsequent to the tax sale, together with interest on those other taxes under the same terms as interest is otherwise payable under Section 21-315. The interest under this subsection shall be calculated at the rate of 1% per month from the date the other taxes were paid and not from the date of sale. The collector shall take credit in settlement of his or her accounts for the refund of the other taxes as in other cases of sale in error under Section 21-310.
(Source: P.A. 92-224, eff. 1-1-02.)

(35 ILCS 200/21-325)

Sec. 21-325. ~~Orders--for~~ Payment of interest - Counties of 3,000,000 or more. In counties with 3,000,000 or more inhabitants, all payments ~~orders-for-payment~~ of interest or costs under Sections 21-315 and 21-320 and subsection (c) of Section 21-310 shall be paid as provided in Sections 21-330, 21-335 and 21-340. In all other counties, the county treasurer may determine in his or her discretion whether payment of interest and costs shall be made as provided in Sections 21-330, 21-335 and 21-340. In the other counties, where the treasurer determines not to make payment as provided in those subsections, the treasurer shall pay any interest or costs ~~awarded~~ under this Section pro rata from those accounts where the principal refund of the tax sale purchase price under Section 21-310 is taken.
(Source: P.A. 86-286; 86-415; 87-669; 88-455.)

(35 ILCS 200/21-330)

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

All sums of money received under this Section shall be paid by the collector to the county treasurer of the county in which the property is situated for deposit into a special fund. It shall be the duty of the county treasurer, as trustee of the fund, to invest the principal and income of the fund from time to time, if not

immediately required for payments under this Section, in investments as are authorized by Sections 3-10009 and 3-11002 of the Counties Code. The fund shall be held to pay ~~satisfy orders for payment of~~ interest and costs by ~~obtained against~~ the county treasurer as trustee of the fund. No payment shall be made from the fund except by order of the court declaring a sale in error under Section 21-310, 22-35, or 22-50 or by declaration of the county collector under subsection (c) of Section 21-310. Any moneys accumulated in the fund by the county treasurer in excess of $500,000 shall be paid each year prior to the commencement of the annual tax sale, first to satisfy any existing unpaid judgments entered pursuant to Section 21-295, and any funds remaining thereafter shall be paid to the general fund of the county.

(Source: P.A. 92-224, eff. 1-1-02.)

(35 ILCS 200/21-335)

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

(Source: P.A. 92-224, eff. 1-1-02.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Floor Amendment No. 4 was held in the Committee on Revenue.

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

On motion of Senator Burzynski, **Senate Bill No. 1688** was recalled from the order of third reading to the order of second reading.

Senator Burzynski offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1688, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.13 and adding Section 4.23 as follows:

(5 ILCS 80/4.13) (from Ch. 127, par. 1904.13)

Sec. 4.13. Acts repealed on December 31, 2002. The following Acts are repealed on December 31, 2002:

The Environmental Health Practitioner Licensing Act.
The Naprapathic Practice Act.
The Wholesale Drug Distribution Licensing Act.
~~The Dietetic and Nutrition Practice Act.~~
The Funeral Directors and Embalmers Licensing Code.
The Professional Counselor and Clinical Professional Counselor Licensing Act.
(Source: P.A. 88-45; 89-61, eff. 6-30-95; revised 8-22-01.)

(5 ILCS 80/4.23 new)

Sec. 4.23. Act repealed on January 1, 2013. The following Act is repealed on January 1, 2013:

The Dietetic and Nutrition Services Practice Act.

Section 10. The Dietetic and Nutrition Services Practice Act is amended by changing Sections 10, 15, 15.5, 20, 30, 40, 45, 65, 70, 75, 80, and 95 and adding Section 56 as follows:

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

(Section scheduled to be repealed on December 31, 2002)

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

"Board" means the Dietitian Nutritionist ~~Dietetic and Nutrition Services~~ Practice Board appointed by the Director.

"Department" means the Department of Professional Regulation.

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

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

~~"Licensed dietitian" means a person licensed under Section 45 of this Act to practice dietetics. Activities of a licensed dietitian do not include the medical differential diagnoses of the health status of an individual.~~

~~"Licensed nutrition counselor" means a person licensed under Section 50 of this Act to provide any aspect of nutrition services as defined in this Act. Activities of a licensed nutrition counselor do not include medical nutrition care as defined in this Act or the medical differential diagnoses of the health status of an individual.~~

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

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

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

(b) food and prescription drug interactions; and

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

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

"Nutrition assessment" means the evaluation of the nutrition needs of individuals or groups using appropriate data to determine

nutrient needs or status and make appropriate nutrition recommendations.

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

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

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

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

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

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

"Registered dietitian" means an individual registered with the Commission on Dietetic Registration, the accrediting body for the American Dietetic Association.

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

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

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

(Section scheduled to be repealed on December 31, 2002)

Sec. 15. License required.

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

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

(2) The person is licensed to practice nutrition under the law of another state, territory of the United States, or country and has applied in writing to the Department in form and substance satisfactory to the Department for a license as a dietitian nutritionist until (i) the expiration of 6 months after filing the written application, (ii) the withdrawal of the application, or (iii) the denial of the application by the Department.

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

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

(2) The person is a dietary technical support person, working in a hospital setting or a regulated Department of Public Health or Department on Aging facility or program, who has been trained and is supervised while engaged in the practice of dietetics by a licensed dietitian nutritionist in accordance with

this Act and whose services are retained by that facility or program on a full time or regular, ongoing consultant basis.

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

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

(Source: P.A. 89-474, eff. 6-18-96.)

(225 ILCS 30/15.5)

(Section scheduled to be repealed on December 31, 2002)

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

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

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

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

(Source: P.A. 89-474, eff. 6-18-96.)

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

(Section scheduled to be repealed on December 31, 2002)

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

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

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

(c) The practice of nutrition services by a person employed as a cooperative extension home economist, to the extent the activities are part of his or her employment.

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

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

(f) A person from providing oral nutrition information as an operator or employee of a health food store or business that sells health products, including dietary supplements, food, or food

materials, or disseminating written nutrition information in connection with the marketing and distribution of those products.

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

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

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

(j) Any person certified in this State and who is employed by a facility or program regulated by the State of Illinois from engaging in the practice for which he or she is certified and authorized by the Department.

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

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

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

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

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

(Section scheduled to be repealed on December 31, 2002)

Sec. 30. Practice Board. The Director shall appoint a Dietitian Nutritionist ~~Dietetic and Nutrition Services~~ Practice Board as follows: 7 ~~Seven~~ individuals who shall be appointed by and shall serve in an advisory capacity to the Director. Of these 7 individuals, 4 members must be licensed under this Act ~~and currently engaged in the practice of dietetics or nutrition services in the State of Illinois and must have been doing so for a minimum of 3 years, 2 of whom shall be licensed dietitians who are not also licensed as nutrition counselors under this Act and 2 of whom shall be licensed nutrition counselors who are not also licensed dietitians under this Act~~; one member must be a physician licensed to practice medicine in all of its branches; one member must be a licensed professional nurse; and one member must be a public member not

licensed under this Act.

Members shall serve 3 year terms and until their successors are appointed and qualified, except the terms of the initial appointments. ~~The initial appointments shall be served as follows: 2 members shall be appointed to serve for one year, 2 shall be appointed to serve for 2 years, and the remaining members shall be appointed to serve for 3 years and until their successors are appointed and qualified.~~ No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 8 years. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. Initial terms shall begin upon the effective date of this Act and Board members in office on that date shall be appointed to specific terms as indicated in this Section.

The membership of the Board shall reasonably represent all the geographic areas in this State. Any time there is a vacancy on the Board, any professional association composed of persons licensed under this Act may recommend licensees to fill the vacancy to the Board for the appointment of licensees, the organization representing the largest number of licensed physicians for the appointment of physicians to the Board, and the organization representing the largest number of licensed professional nurses for the appointment of a nurse to the Board.

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

The Director shall have the authority to remove any member of the Board from office for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.

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

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

(225 ILCS 30/40) (from Ch. 111, par. 8401-40)

(Section scheduled to be repealed on December 31, 2002)

Sec. 40. Examinations. The Department shall authorize examinations of applicants <u>for a license under this Act</u> ~~as dietitians or nutrition counselors~~ at the times and places that it may determine. The examination of applicants shall be of a character to give a fair test of the qualifications of the applicant to practice dietetics and nutrition services. The Department or its designated testing service shall provide initial screening to determine eligibility of applicants for examination.

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

If an applicant neglects, fails, or refuses to take an examination or fails to pass an examination for a license under this Act within 3 years after filing an application, the application shall be denied. However, the applicant may thereafter make a new application accompanied by the required fee and shall meet the requirements for licensure in force at the time of making the new application.

The Department may employ consultants for the purpose of

preparing and conducting examinations.
(Source: P.A. 87-784; 87-1000.)

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

(Section scheduled to be repealed on December 31, 2002)

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

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

(b) Has successfully completed the examination authorized by the Department which may be or may include an examination given by the Commission on Dietetic Registration.

The Department shall establish by rule a waiver of the examination requirement to applicants who, at the time of application, are acknowledged to be registered dietitians by the Commission on Dietetic Registration and who are in compliance with other qualifications as included in the Act.

(c) Has completed a dietetic internship or documented, supervised practice experience in dietetics and nutrition services of not less than 900 hours under the supervision of a registered dietitian or a licensed dietitian nutritionist, a State licensed healthcare practitioner, or an individual with a doctoral degree conferred by a U.S. regionally accredited college or university with a major course of study in human nutrition, nutrition education, food and nutrition, dietetics or food systems management. Supervised practice experience must be completed in the United States or its territories. Supervisors who obtained their doctoral degree outside the United States and its territories must have their degrees validated as equivalent to the doctoral degree conferred by a U.S. regionally accredited college or university.
(Source: P.A. 87-784; 87-1000.)

(225 ILCS 30/56 new)

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

Sec. 56. Transition. Beginning November 1, 2003, the Department shall cease to issue a license as a dietitian or a nutrition counselor. Any person holding a valid license as a dietitian or nutrition counselor prior to November 1, 2003 and having met the conditions for renewal of a license under Section 65 of this Act, shall be issued a license as a dietitian nutritionist under this Act and shall be subject to continued regulation by the Department under this Act. The Department may adopt rules to implement this Section.

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

(Section scheduled to be repealed on December 31, 2002)

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

As a condition for renewal of a license that expires on October 31, 2003, a licensed nutrition counselor shall be required to complete and submit to the Department proof of 30 hours of continuing education in dietetics or nutrition services during the 24 months preceding the expiration date of the license in accordance with rules established by the Department. A minimum of 24 hours of the required 30 hours of continuing education shall be in medical nutrition

therapy, which shall include diet therapy, medical dietetics, clinical nutrition, or the equivalent, as provided by continuing education sponsors approved by the Department. The Department may adopt rules to implement this Section.

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

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

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

Any person, however, whose license expired while (i) in Federal Service on active duty with the Armed Forces of the United States, or called into service or training with the State Militia, or (ii) in training or education under the supervision of the United States preliminary to induction into the military service may have his or her license restored without paying any lapsed renewal fees if within 2 years after honorable termination of the service, training, or education he or she furnishes the Department with satisfactory evidence to the effect that he or she has been so engaged and that the service, training or education has been terminated.
(Source: P.A. 87-784; 87-1000.)

(225 ILCS 30/70) (from Ch. 111, par. 8401-70)
(Section scheduled to be repealed on December 31, 2002)

Sec. 70. Inactive status; restoration. Any person who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of the desires to resume active status.

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

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

~~nutrition counselor.~~

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

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

(225 ILCS 30/75) (from Ch. 111, par. 8401-75)

(Section scheduled to be repealed on December 31, 2002)

Sec. 75. Endorsement. The Department may license as a dietitian nutritionist ~~or nutrition counselor~~, without examination, on payment of required fee, an applicant who is a dietitian, dietitian nutritionist, nutritionist, or nutrition counselor licensed under the laws of another state, territory, or country, if the requirements for licensure in the state, territory, or country in which the applicant was licensed were, at the date of his or her licensure, substantially equal to the requirements of this Act.

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

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

(Section scheduled to be repealed on December 31, 2002)

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

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

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

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

A licensee shall include in every advertisement for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act.

~~(a) Only a person who is issued a license as a dietitian under this Act may use the words "licensed dietitian" or the letters "L.D." in connection with his or her name. A person who meets the additional criteria for registration by the Commission on Dietetic Registration for the American Dietetic Association may assume or use the title or designation "Registered Dietitian" or "Registered Dietician", or use the letters "R.D." or any words, letters, abbreviations, or insignia indicating that the person is a registered dietitian.~~

~~(b) Only a person who is issued a license as a nutrition counselor under the terms of this Act may use the letters "L.N.C." or the words "licensed nutrition counselor" in connection with his or her name.~~

~~(c) A licensee shall include in every advertisement for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act.~~

(Source: P.A. 91-310, eff. 1-1-00.)

[Apr. 3, 2002]

(225 ILCS 30/95) (from Ch. 111, par. 8401-95)
(Section scheduled to be repealed on December 31, 2002)
Sec. 95. Grounds for discipline.
(1) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department may deem proper, including fines not to exceed $1000 for each violation, with regard to any license or certificate for any one or combination of the following causes:

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

(b) Violations of this Act or its rules.

(c) Conviction of any crime under the laws of the United States or any state or territory thereof that is (i) a felony; (ii) a misdemeanor, an essential element of which is dishonesty; or (iii) a crime that is directly related to the practice of the profession.

(d) Making any misrepresentation for the purpose of obtaining licensure or violating any provision of this Act.

(e) Professional incompetence or gross negligence.

(f) Malpractice.

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

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

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

(j) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety.

(k) Discipline by another state, territory, or country if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(l) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered.

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

(n) Conviction by any court of competent jurisdiction, either within or outside this State, of any violation of any law governing the practice of dietetics or nutrition counseling, if the Department determines, after investigation, that the person has not been sufficiently rehabilitated to warrant the public trust.

(o) A finding that licensure has been applied for or obtained by fraudulent means.

(p) Practicing or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.

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

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

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

(2) In enforcing this Section, the Board, upon a showing of a possible violation, may compel a licensee or applicant to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physician shall be specifically designated by the Board. The Board or the Department may order the examining physician to present testimony concerning the mental or physical examination of a licensee or applicant. No information may be excluded by reason of any common law or statutory privilege relating to communications between a licensee or applicant and the examining physician. An individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of an individual to submit to a mental or physical examination, when directed, is grounds for suspension of his or her license. The license must remain suspended until the time that the individual submits to the examination or the Board finds, after notice and a hearing, that the refusal to submit to the examination was with reasonable cause. If the Board finds that an individual is unable to practice because of the reasons set forth in this Section, the Board must require the individual to submit to care, counseling, or treatment by a physician approved by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice. In lieu of care, counseling, or treatment, the Board may recommend that the Department file a complaint to immediately suspend or revoke the license of the individual or otherwise discipline him or her. Any individual whose license was granted, continued, reinstated, or renewed subject to conditions, terms, or restrictions, as provided for in this Section, or any individual who was disciplined or placed on supervision pursuant to this Section must be referred to the Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Board.

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

The determination by a circuit court that a registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. This suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Director that the registrant be allowed to resume practice.
(Source: P.A. 87-784; 87-1000.)

(225 ILCS 30/50 rep.)

(225 ILCS 30/60 rep.)

Section 90. The Dietetic and Nutrition Services Practice Act is amended by repealing Sections 50 and 60.

Section 99. Effective date. This Section, Section 5, and Sections 56 and 65 of the Dietetic and Nutrition Practice Act take effect upon becoming law. All of the other provisions take effect October 31, 2003.".

The motion prevailed.

[Apr. 3, 2002]

And the amendment was adopted and ordered printed.

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

READING A BILL OF THE SENATE A THIRD TIME

On motion of Senator del Valle, **Senate Bill No. 1717**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith

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

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

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

SENATE BILLS RECALLED

On motion of Senator Obama, **Senate Bill No. 1782** was recalled from the order of third reading to the order of second reading.

Senator Obama offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1782, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Department of Human Services Act is amended by adding Section 10-7 as follows:

(20 ILCS 1305/10-7 new)

Sec. 10-7. Postpartum depression.

(a) The Department shall develop and distribute a brochure or other information about the signs, symptoms, screening or detection techniques, and care for postpartum depression, including but not limited to methods for patients and family members to better understand the nature and causes of postpartum depression in order to lower the likelihood that new mothers will continue to suffer from this illness. This brochure shall be developed in conjunction with the Illinois State Medical Society, the Illinois Society for Advanced Practice Nursing, and any other appropriate statewide organization of licensed professionals.

(b) The brochure required under subsection (a) of this Section shall be distributed, at a minimum, to physicians licensed to practice medicine in all its branches, certified nurse midwives, and other health care professionals who provide care to pregnant women in the hospital, office, or clinic.

(c) The Secretary may contract with a statewide organization of physicians licensed to practice medicine in all its branches for the purposes of this Section.".

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 Smith, **Senate Bill No. 1795** was recalled

from the order of third reading to the order of second reading.

Senator Smith offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1795 on page 2, by replacing lines 11 and 12 with the following:

"(3) When the school bus is parked.".

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.

READING A BILL OF THE SENATE A THIRD TIME

On motion of Senator T. Walsh, **Senate Bill No. 1849**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker

Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Sullivan
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

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

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

SENATE BILLS RECALLED

On motion of Senator Sieben, **Senate Bill No. 1880** 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. 2

AMENDMENT NO. 2. Amend Senate Bill 1880, on page 3, after line 14, by inserting the following:

"9.5. Propane delivery trucks;".

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. 1882** was recalled from the order of third reading to the order of second reading.

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1882 on page 2, by replacing lines 11 through 14 with the following:

"The bond required by this Section may be acquired from the company, agent or broker of the contractor's choice. Except in a political subdivision of this State with a population over 1,000,000, the form of the bond may be, at the contractor's choosing, a cash bond, letter of credit, or surety bond. The bond and sureties".

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 Karpiel, **Senate Bill No. 1909** was recalled from the order of third reading to the order of second reading.

Senator Karpiel offered the following amendment:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 1909, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-15 as follows:

(235 ILCS 5/6-15) (from Ch. 43, par. 130)

Sec. 6-15. No alcoholic liquors shall be sold or delivered in any building belonging to or under the control of the State or any political subdivision thereof except as provided in this Act. The corporate authorities of any city, village, incorporated town or township may provide by ordinance, however, that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the control of the municipality or township, or in any building located on land under the control of the municipality; provided that such township complies with all applicable local ordinances in any incorporated area of the township. Alcoholic liquors may be delivered to and sold at any airport belonging to or under the control of a municipality of more than 25,000 inhabitants, or in any building or on any golf course owned by a park district organized under the Park District Code, subject to the approval of the governing board of the district, or in any building or on any golf course owned by a forest preserve district organized under the Downstate Forest Preserve District Act, subject to the approval of the governing board of the district, or on the grounds within 500 feet of any building owned by a forest preserve district organized under the Downstate Forest Preserve District Act during times when food is dispensed for consumption within 500 feet of the building from which the food is dispensed, subject to the approval of the governing board of the district, or in a building owned by a Local Mass Transit District organized under the Local Mass Transit District Act, subject to the approval of the governing Board of the District, or in Bicentennial Park, or on the premises of the City of Mendota Lake Park located adjacent to Route 51 in Mendota, Illinois, or on the premises of Camden Park in Milan, Illinois, or in the community center owned by the City of Loves Park that is located at 1000 River Park Drive in Loves Park, Illinois, or, in connection with the operation of an established food serving facility during times when food is dispensed for consumption on the premises, and at the following aquarium and museums located in public parks: Art Institute of Chicago, Chicago Academy of Sciences, Chicago Historical Society, Field Museum of Natural History, Museum of Science and Industry, DuSable Museum of African American History, John G. Shedd Aquarium and Adler Planetarium, or at Lakeview Museum of Arts and Sciences in Peoria, or in connection with the operation of the facilities of the Chicago Zoological Society or the Chicago Horticultural Society on land owned by the Forest Preserve District of Cook County, or on any land used for a golf course or for recreational purposes owned by the Forest Preserve District of Cook County, subject to the control of the Forest Preserve District Board of Commissioners and applicable local law, provided that dram shop

liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage, and harm, or in any building located on land owned by the Chicago Park District if approved by the Park District Commissioners, or on any land used for a golf course or for recreational purposes and owned by the Illinois International Port District if approved by the District's governing board, or at any airport, golf course, faculty center, or facility in which conference and convention type activities take place belonging to or under control of any State university or public community college district, provided that with respect to a facility for conference and convention type activities alcoholic liquors shall be limited to the use of the convention or conference participants or participants in cultural, political or educational activities held in such facilities, and provided further that the faculty or staff of the State university or a public community college district, or members of an organization of students, alumni, faculty or staff of the State university or a public community college district are active participants in the conference or convention, or in Memorial Stadium on the campus of the University of Illinois at Urbana-Champaign during games in which the Chicago Bears professional football team is playing in that stadium during the renovation of Soldier Field, not more than one and a half hours before the start of the game and not after the end of the third quarter of the game, or by a catering establishment which has rented facilities from a board of trustees of a public community college district, or, if approved by the District board, on land owned by the Metropolitan Sanitary District of Greater Chicago and leased to others for a term of at least 20 years. Nothing in this Section precludes the sale or delivery of alcoholic liquor in the form of original packaged goods in premises located at 500 S. Racine in Chicago belonging to the University of Illinois and used primarily as a grocery store by a commercial tenant during the term of a lease that predates the University's acquisition of the premises; but the University shall have no power or authority to renew, transfer, or extend the lease with terms allowing the sale of alcoholic liquor; and the sale of alcoholic liquor shall be subject to all local laws and regulations. After the acquisition by Winnebago County of the property located at 404 Elm Street in Rockford, a commercial tenant who sold alcoholic liquor at retail on a portion of the property under a valid license at the time of the acquisition may continue to do so for so long as the tenant and the County may agree under existing or future leases, subject to all local laws and regulations regarding the sale of alcoholic liquor. Each facility shall provide dram shop liability in maximum insurance coverage limits so as to save harmless the State, municipality, State university, airport, golf course, faculty center, facility in which conference and convention type activities take place, park district, Forest Preserve District, public community college district, aquarium, museum, or sanitary district from all financial loss, damage or harm. Alcoholic liquors may be sold at retail in buildings of golf courses owned by municipalities in connection with the operation of an established food serving facility during times when food is dispensed for consumption upon the premises. Alcoholic liquors may be delivered to and sold at retail in any building owned by a fire protection district organized under the Fire Protection District Act, provided that such delivery and sale is approved by the board of trustees of the district, and provided further that such delivery and sale is limited to fundraising events and to a maximum of 6 events per year.

Alcoholic liquor may be delivered to and sold at retail in the Dorchester Senior Business Center owned by the Village of Dolton if

the alcoholic liquor is sold or dispensed only in connection with organized functions for which the planned attendance is 20 or more persons, and if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in maximum limits so as to hold harmless the Village of Dolton and the State from all financial loss, damage and harm.

Alcoholic liquors may be delivered to and sold at retail in any building used as an Illinois State Armory provided:

(i) the Adjutant General's written consent to the issuance of a license to sell alcoholic liquor in such building is filed with the Commission;

(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

(iii) the organized function is one for which the planned attendance is 25 or more persons; and

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to save harmless the facility and the State from all financial loss, damage or harm.

Alcoholic liquors may be delivered to and sold at retail in the Chicago Civic Center, provided that:

(i) the written consent of the Public Building Commission which administers the Chicago Civic Center is filed with the Commission;

(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

(iii) the organized function is one for which the planned attendance is 25 or more persons;

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to hold harmless the Civic Center, the City of Chicago and the State from all financial loss, damage or harm; and

(v) all applicable local ordinances are complied with.

Alcoholic liquors may be delivered or sold in any building belonging to or under the control of any city, village or incorporated town where more than 75% of the physical properties of the building is used for commercial or recreational purposes, and the building is located upon a pier extending into or over the waters of a navigable lake or stream or on the shore of a navigable lake or stream. Alcoholic liquor may be sold in buildings under the control of the Department of Natural Resources when written consent to the issuance of a license to sell alcoholic liquor in such buildings is filed with the Commission by the Department of Natural Resources. Notwithstanding any other provision of this Act, alcoholic liquor sold by a United States Army Corps of Engineers or Department of Natural Resources concessionaire who was operating on June 1, 1991 for on-premises consumption only is not subject to the provisions of Articles IV and IX. Beer and wine may be sold on the premises of the Joliet Park District Stadium owned by the Joliet Park District when written consent to the issuance of a license to sell beer and wine in such premises is filed with the local liquor commissioner by the Joliet Park District. Beer and wine may be sold in buildings on the grounds of State veterans' homes when written consent to the issuance of a license to sell beer and wine in such buildings is filed with the Commission by the Department of Veterans' Affairs, and the facility shall provide dram shop liability in maximum insurance coverage limits so as to save the facility harmless from all financial loss, damage or harm. Such liquors may be delivered to and sold at any property owned or held under lease by a Metropolitan Pier

and Exposition Authority or Metropolitan Exposition and Auditorium Authority.

Beer and wine may be sold and dispensed at professional sporting events and at professional concerts and other entertainment events conducted on premises owned by the Forest Preserve District of Kane County, subject to the control of the District Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage and harm.

Nothing in this Section shall preclude the sale or delivery of beer and wine at a State or county fair or the sale or delivery of beer or wine at a city fair in any otherwise lawful manner.

Alcoholic liquors may be sold at retail in buildings in State parks under the control of the Department of Natural Resources, provided:

a. the State park has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Department of Natural Resources, and

c. the alcoholic liquors are sold by the State park lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight. Notwithstanding any other provision of this Act, alcoholic liquor sold by the State park or restaurant concessionaire is not subject to the provisions of Articles IV and IX.

Alcoholic liquors may be sold at retail in buildings on properties under the control of the Historic Preservation Agency provided:

a. the property has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Historic Preservation Agency, and

c. the alcoholic liquors are sold by the lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight.

The sale of alcoholic liquors pursuant to this Section does not authorize the establishment and operation of facilities commonly called taverns, saloons, bars, cocktail lounges, and the like except as a part of lodge and restaurant facilities in State parks or golf courses owned by Forest Preserve Districts with a population of less than 3,000,000 or municipalities or park districts.

Alcoholic liquors may be sold at retail in the Springfield Administration Building of the Department of Transportation and the Illinois State Armory in Springfield; provided, that the controlling government authority may consent to such sales only if

a. the request is from a not-for-profit organization;

b. such sales would not impede normal operations of the departments involved;

c. the not-for-profit organization provides dram shop liability in maximum insurance coverage limits and agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm;

d. no such sale shall be made during normal working hours of the State of Illinois; and

e. the consent is in writing.

Alcoholic liquors may be sold at retail in buildings in recreational areas of river conservancy districts under the control of, or leased from, the river conservancy districts. Such sales are subject to reasonable local regulations as provided in Article IV; however, no such regulations may prohibit or substantially impair the sale of alcoholic liquors on Sundays or Holidays.

Alcoholic liquors may be provided in long term care facilities owned or operated by a county under Division 5-21 or 5-22 of the Counties Code, when approved by the facility operator and not in conflict with the regulations of the Illinois Department of Public Health, to residents of the facility who have had their consumption of the alcoholic liquors provided approved in writing by a physician licensed to practice medicine in all its branches.

Alcoholic liquors may be delivered to and dispensed in State housing assigned to employees of the Department of Corrections. No person shall furnish or allow to be furnished any alcoholic liquors to any prisoner confined in any jail, reformatory, prison or house of correction except upon a physician's prescription for medicinal purposes.

Alcoholic liquors may be sold at retail or dispensed at the Willard Ice Building in Springfield, at the State Library in Springfield, and at Illinois State Museum facilities by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the controlling government authority, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the controlling government authority;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at authorized functions.

The controlling government authority for the Willard Ice Building in Springfield shall be the Director of the Department of Revenue. The controlling government authority for Illinois State Museum facilities shall be the Director of the Illinois State Museum. The controlling government authority for the State Library in Springfield shall be the Secretary of State.

Alcoholic liquors may be delivered to and sold at retail or dispensed at any facility, property or building under the jurisdiction of the Historic Preservation Agency where the delivery, sale or dispensing is by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from a controlling government authority, or by (2) a not-for-profit organization provided that such organization:

a. Obtains written consent from the controlling government authority;

b. Sells or dispenses the alcoholic liquors in a manner

that does not impair normal workings of State offices or operations located at the facility, property or building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity of the not-for-profit organization in the facility, property or building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

The controlling government authority for the Historic Preservation Agency shall be the Director of the Historic Preservation Agency.

Alcoholic liquors may be sold at retail or dispensed at the James R. Thompson Center in Chicago and 222 South College Street in Springfield, Illinois by (1) a commercial tenant or subtenant conducting business on the premises under a lease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who sells or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify and save harmless the State of Illinois from all financial loss, damage or harm arising out of the sale or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold or delivered at any facility owned by the Illinois Sports Facilities Authority provided that dram shop liability insurance has been made available in a form, with such coverage and in such amounts as the Authority reasonably determines is necessary.

Alcoholic liquors may be sold at retail or dispensed at the Rockford State Office Building by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Department of Central Management Services, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Department of Central Management Services.

Alcoholic liquors may be sold or delivered in a building that is owned by McLean County, situated on land owned by the county in the City of Bloomington, and used by the McLean County Historical Society if the sale or delivery is approved by an ordinance adopted by the county board, and the municipality in which the building is located may not prohibit that sale or delivery, notwithstanding any other provision of this Section. The regulation of the sale and delivery of alcoholic liquor in a building that is owned by McLean County, situated on land owned by the county, and used by the McLean County Historical Society as provided in this paragraph is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to regulate that sale and delivery.

Alcoholic liquors may be sold or delivered in any building situated on land held in trust for any school district organized under Article 34 of the School Code, if the building is not used for school purposes and if the sale or delivery is approved by the board of education.

Alcoholic liquors may be sold or delivered in buildings owned by the Community Building Complex Committee of Boone County, Illinois if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance with coverage and in amounts that the Committee reasonably determines are necessary.

Alcoholic liquors may be sold or delivered in the building located at 1200 Centerville Avenue in Belleville, Illinois and occupied by either the Belleville Area Special Education District or the Belleville Area Special Services Cooperative.

(Source: P.A. 91-239, eff. 1-1-00; 91-922, eff. 7-7-00; 92-512, eff. 1-1-02.)

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

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

The motion to table prevailed.

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

On motion of Senator Molaro, **Senate Bill No. 1917** was recalled from the order of third reading to the order of second reading.

Senator Molaro offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1917 as follows:
on page 1, line 23, by replacing "a proceeding" with "proceeding".

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 Sullivan, **Senate Bill No. 1926** was recalled from the order of third reading to the order of second reading.

Senator Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1926 on page 1, by replacing line 1 with the following:

"AN ACT concerning identification."; and

on page 1, below line 3, by inserting the following:

"Section 3. The Illinois Identification Card Act is amended by changing Section 4 as follows:

(15 ILCS 335/4) (from Ch. 124, par. 24)

Sec. 4. Identification Card.

(a) The Secretary of State shall issue a standard Illinois Identification Card to any natural person who is a resident of the State of Illinois who applies for such card, or renewal thereof, or who applies for a standard Illinois Identification Card upon release as a committed person on parole, mandatory supervised release, final discharge, or pardon from the Department of Corrections by submitting an identification card issued by the Department of Corrections under Section 3-14-1 of the Unified Code of Corrections, together with the prescribed fees. The card shall be prepared and supplied by the Secretary of State and shall include a photograph of the applicant. The applicant, upon receipt of a card and prior to its use for any purpose, shall affix his signature thereon in the space provided therefor. The Illinois Identification Card may be used for identification purposes in any lawful situation only by the person to whom it was issued. As used in this Act, "photograph" means any color photograph or digitally produced and captured image of an applicant for an identification card. As used in this Act, "signature" means the name of a person as written by that person and captured in a manner acceptable to the Secretary of State.

(b) The Secretary of State shall issue a special Illinois Identification Card, which shall be known as an Illinois Disabled Person Identification Card, to any natural person who is a resident of the State of Illinois, who is a disabled person as defined in Section 4A of this Act, who applies for such card, or renewal thereof. The Secretary of State shall charge no fee to issue such card. The card shall be prepared and supplied by the Secretary of State, and shall include a photograph of the applicant, a designation indicating that the card is an Illinois Disabled Person Identification Card, and shall include a comprehensible designation of the type and classification of the applicant's disability as set out in Section 4A of this Act. If the applicant so requests, the card shall include a description of the applicant's disability and any information about the applicant's disability or medical history which the Secretary determines would be helpful to the applicant in securing emergency medical care. The applicant, upon receipt of such a card and prior to its use for any purpose, shall have affixed thereon in the space provided therefor his signature or mark. If a mark is used in lieu of a signature, such mark shall be affixed to the card in the presence of two witnesses who attest to the authenticity of the mark. The Illinois Disabled Person

Identification Card may be used for identification purposes in any lawful situation by the person to whom it was issued.

The Illinois Disabled Person Identification Card may be used as adequate documentation of disability in lieu of a physician's determination of disability or any other documentation of disability whenever any State law requires that a disabled person provide such documentation of disability, however an Illinois Disabled Person Identification Card shall not qualify the cardholder to participate in any program or to receive any benefit which is not available to all persons with like disabilities. Notwithstanding any other provisions of law, an Illinois Disabled Person Identification Card, or evidence that the Secretary of State has issued an Illinois Disabled Person Identification Card, shall not be used by any person other than the person named on such card to prove that the person named on such card is a disabled person or for any other purpose unless the card is used for the benefit of the person named on such card, and the person named on such card consents to such use at the time the card is so used.

When medical information is contained on an Illinois Disabled Person Identification Card, the Office of the Secretary of State shall not be liable for any actions taken based upon that medical information.

(c) Beginning January 1, 1986, the Secretary of State shall provide that each original or renewal Illinois Identification Card or Illinois Disabled Person Identification Card issued to a person under the age of 21, shall be of a distinct nature from those Illinois Identification Cards or Illinois Disabled Person Identification Cards issued to individuals 21 years of age or older. The color designated for Illinois Identification Cards or Illinois Disabled Person Identification Cards for persons under the age of 21 shall be at the discretion of the Secretary of State.

(c-1) Beginning January 1, 2003, each original or renewal Illinois Identification Card or Illinois Disabled Person Identification Card issued to a person under the age of 21 shall display the date upon which the person becomes 18 years of age and the date upon which the person becomes 21 years of age.

(d) The Secretary of State may issue a Senior Citizen discount card, to any natural person who is a resident of the State of Illinois who is 60 years of age or older and who applies for such a card or renewal thereof. The Secretary of State shall charge no fee to issue such card. The card shall be issued in every county and applications shall be made available at, but not limited to, nutrition sites, senior citizen centers and Area Agencies on Aging. The applicant, upon receipt of such card and prior to its use for any purpose, shall have affixed thereon in the space provided therefor his signature or mark.

(Source: P.A. 92-240, eff. 1-1-02.)"; and

on page 4, line 12, by replacing "July" with "January"; and

on page 4, line 13, by replacing "2002" with "2003".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING A BILL OF THE SENATE A THIRD TIME

On motion of Senator Cullerton, **Senate Bill No. 1927**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver

Welch
Woolard
Mr. President

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

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

SENATE BILLS RECALLED

On motion of Senator Roskam, **Senate Bill No. 1936** 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 1936, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, on page 3, line 30, by inserting "who is 21 years of age or older" after "Card".

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 Welch, **Senate Bill No. 1968** was recalled from the order of third reading to the order of second reading.

Senator Welch offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1968, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, on page 39, in line 15, after the period, by inserting "In the case of a site investigation report prepared or supervised by a Licensed Professional Geologist, the required certification may be made by the Licensed Professional Geologist (rather than a Licensed Professional Engineer) and based upon generally accepted principles of professional geology.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Dillard, **Senate Bill No. 1972** 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. 1

AMENDMENT NO. 1. Amend Senate Bill 1972 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Sections

7-19, 7-46, 7-47, 7-49, 7-52, 7-53, 7-54, 7-55, 7-66, 15-6, 16-11, 17-9, 17-43, 18-5, 18-40, 19-2.1, 19-7, 19-8, 19-9, 19-10, 19-12.2, 19-15, 20-2, 20-2.1, 20-2.2, 20-7, 20-8, 20-9, and 20-15 and by adding Article 24C as follows:

(10 ILCS 5/7-19) (from Ch. 46, par. 7-19)

Sec. 7-19. Arrangement and printing of primary ballot. The primary ballot of each political party for each precinct shall be arranged and printed substantially in the manner following:

1. Designating words. At the top of the ballot shall be printed in large capital letters, words designating the ballot, if a Republican ballot, the designating words shall be: "REPUBLICAN PRIMARY BALLOT"; if a Democratic ballot the designating words shall be: "DEMOCRATIC PRIMARY BALLOT"; and in like manner for each political party.

2. Order of Names, Directions to Voters, etc. Beginning not less than one inch below designating words, the name of each office to be filled shall be printed in capital letters. Such names may be printed on the ballot either in a single column or in 2 or more columns and in the following order, to-wit:

President of the United States, State offices, congressional offices, delegates and alternate delegates to be elected from the State at large to National nominating conventions, delegates and alternate delegates to be elected from congressional districts to National nominating conventions, member or members of the State central committee, trustees of sanitary districts, county offices, judicial officers, city, village and incorporated town offices, town offices, or of such of the said offices as candidates are to be nominated for at such primary, and precinct, township or ward committeemen. If two or more columns are used, the foregoing offices to and including member of the State central committee shall be listed in the left-hand column and Senatorial offices, as defined in Section 8-3, shall be the first offices listed in the second column.

Below the name of each office shall be printed in small letters the directions to voters: "Vote for one"; "Vote for two"; "Vote for three"; or a spelled number designating how many persons under that head are to be voted for.

Next to the name of each candidate for delegate or alternate delegate to a national nominating convention shall appear either (a) the name of the candidate's preference for President of the United States or the word "uncommitted" or (b) no official designation, depending upon the action taken by the State central committee pursuant to Section 7-10.3 of this Act.

Below the name of each office shall be printed in capital letters the names of all candidates, arranged in the order in which their petitions for nominations were filed, except as otherwise provided in Sections 7-14 and 7-17 of this Article. Opposite and in front of the name of each candidate shall be printed a square and all squares upon the primary ballot shall be of uniform size. Spaces between the names of candidates under each office shall be uniform and sufficient spaces shall separate the names of candidates for one office from the names of candidates for another office, to avoid confusion and to permit the writing in of the names of other candidates.

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

(Source: P.A. 83-33.)

(10 ILCS 5/7-46) (from Ch. 46, par. 7-46)

Sec. 7-46. Voting of ballot; writing in names. On receiving from the primary judges a primary ballot of his party, the primary elector

shall forthwith and without leaving the polling place, retire alone to one of the voting booths and prepare such primary ballot by marking a cross (X) in the square in front of and opposite the name of each candidate of his choice for each office to be filled, and for delegates and alternate delegates to national nominating conventions, and for committeemen, if committeemen are being elected at such primary.

Any primary elector may, instead of voting for any candidate for nomination or for committeeman or for delegate or alternate delegate to national nominating conventions, whose name is printed on the primary ballot, write in the name of any other person affiliated with such party as a candidate for the nomination for any office, or for committeeman, or for delegates or alternate delegates to national nominating conventions, and indicate his choice of such candidate or committeeman or delegate or alternate delegate, by placing to the left of and opposite the name thus written a square and placing in the square a cross (X).

Where voting machines, ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article ~~section~~ may be modified as required or authorized by Article 24, ~~or~~ Article 24A, or Article 24C, whichever is applicable.
(Source: Laws 1965, p. 2220.)

(10 ILCS 5/7-47) (from Ch. 46, par. 7-47)

Sec. 7-47. Folding and delivery of ballot; entry in poll book. Before leaving the booth, the primary elector shall fold his primary ballot in such manner as to conceal the marks thereon. Such voter shall then vote forthwith by handing the primary judge the primary ballot received by such voter. Thereupon the primary judge shall deposit such primary ballot in the ballot box. One of the judges shall thereupon enter in the primary poll book the name of the primary elector, his residence and his party affiliation or shall make the entries on the official poll record as required by articles 4, 5 and 6, if any one of them is applicable.

Where voting machines, ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article ~~section~~ may be modified as required or authorized by Article 24, ~~or~~ Article 24A, or Article 24C, whichever is applicable.
(Source: Laws 1965, p. 2220.)

(10 ILCS 5/7-49) (from Ch. 46, par. 7-49)

Sec. 7-49. No adjournment or recess after opening of polls. After the opening of the polls at a primary no adjournment shall be had nor recess taken until the canvass of all the votes is completed and the returns carefully enveloped and sealed.

Where voting machines, ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article ~~section~~ may be modified as required or authorized by Article 24, ~~or~~ Article 24A, or Article 24C, whichever is applicable.
(Source: Laws 1965, p. 2220.)

(10 ILCS 5/7-52) (from Ch. 46, par. 7-52)

Sec. 7-52. Precinct canvass of votes. Immediately upon closing the polls, the primary judges shall proceed to canvass the votes in the manner following:

(1) They shall separate and count the ballots of each political party.

(2) They shall then proceed to ascertain the number of names entered on the applications for ballot under each party affiliation.

(3) If the primary ballots of any political party exceed the number of applications for ballot by voters of such political party, the primary ballots of such political party shall be folded and replaced in the ballot box, the box closed, well shaken and again

opened and one of the primary judges, who shall be blindfolded, shall draw out so many of the primary ballots of such political party as shall be equal to such excess. Such excess ballots shall be marked "Excess-Not Counted" and signed by a majority of the judges and shall be placed in the "After 6:00 p.m. Defective Ballots Envelope". The number of excess ballots shall be noted in the remarks section of the Certificate of Results. "Excess" ballots shall not be counted in the total of "defective" ballots;

(4) The primary judges shall then proceed to count the primary ballots of each political party separately; and as the primary judges shall open and read the primary ballots, 3 of the judges shall carefully and correctly mark upon separate tally sheets the votes which each candidate of the party whose name is written or printed on the primary ballot has received, in a separate column for that purpose, with the name of such candidate, the name of his political party and the name of the office for which he is a candidate for nomination at the head of such column.

Where voting machines~~,~~ ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article ~~section~~ may be modified as required or authorized by Article 24~~,~~ ~~or~~ Article 24A, or Article 24C, whichever is applicable.

(Source: P.A. 80-484.)

(10 ILCS 5/7-53) (from Ch. 46, par. 7-53)

Sec. 7-53. Tally sheets; certificate of results. As soon as the ballots of a political party shall have been read and the votes of the political party counted, as provided in the last above Section, the 3 judges in charge of the tally sheets shall foot up the tally sheets so as to show the total number of votes cast for each candidate of the political party and for each candidate for State Central committeeman and precinct committeeman, township committeeman or ward committeeman, and delegate and alternate delegate to National nominating conventions, and certify the same to be correct. Thereupon, the primary judges shall set down in a certificate of results on the tally sheet, under the name of the political party, the name of each candidate voted for upon the primary ballot, written at full length, the name of the office for which he is a candidate for nomination or for committeeman, or delegate or alternate delegate to National nominating conventions, the total number of votes which the candidate received, and they shall also set down the total number of ballots voted by the primary electors of the political party in the precinct. The certificate of results shall be made substantially in the following form:

..... Party

At the primary election held in the .... precinct of the (1) *township of ...., or (2) *City of ...., or (3) *.... ward in the city of .... on (insert date), the primary electors of the .... party voted .... ballots, and the respective candidates whose names were written or printed on the primary ballot of the .... party, received respectively the following votes:

Name of Candidate,	Title of Office,	No. of Votes
John Jones	Governor	100
Sam Smith	Governor	70
Frank Martin	Attorney General	150
William Preston	Rep. in Congress	200
Frederick John	Circuit Judge	50

*Fill in either (1), (2) or (3).

And so on for each candidate.

We hereby certify the above and foregoing to be true and correct.

Dated (insert date).

.....
Name Address
.....
Name Address
.....
Name Address
.....
Name Address
.....
Name Address

Judges of Primary

Where voting machines, ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article ~~Section~~ may be modified as required or authorized by Article 24, ~~and~~ Article 24A, or Article 24C, whichever is applicable.
(Source: P.A. 91-357, eff. 7-29-99.)

(10 ILCS 5/7-54) (from Ch. 46, par. 7-54)

Sec. 7-54. Binding and sealing ballots; report of results. After the votes of a political party have been counted and set down and the tally sheets footed and the entry made in the primary poll books or return, as above provided, all the primary ballots of said political party, except those marked "defective" or "objected to" shall be securely bound, lengthwise and in width, with a soft cord having a minimum tensile strength of 60 pounds separately for each political party in the order in which said primary ballots have been read, and shall thereupon be carefully sealed in an envelope, which envelope shall be endorsed as follows:

"Primary ballots of the.... party of the.... precinct of the county of.... and State of Illinois."

Below each endorsement, each primary judge shall write his name.

Immediately thereafter the judges shall designate one of their number to go to the nearest telephone and report to the office of the county clerk or board of election commissioners (as the case may be) the results of such primary. Such clerk or board shall keep his or its office open after the close of the polls until he or it has received from each precinct under his or its jurisdiction the report above provided for. Immediately upon receiving such report such clerk or board shall cause the same to be posted in a public place in his or its office for inspection by the public. Immediately after making such report such judge shall return to the polling place.

Where voting machines, ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article ~~section~~ may be modified as required or authorized by Article 24, ~~or~~ Article 24A, or Article 24C, whichever is applicable.
(Source: P.A. 81-1433.)

(10 ILCS 5/7-55) (from Ch. 46, par. 7-55)

Sec. 7-55. Delivery and acceptance of election materials. The primary poll books or the official poll record, and the tally sheets with the certificates of the primary judges written thereon, together with the envelopes containing the ballots, including the envelope containing the ballots marked "defective" or "objected to", shall be carefully enveloped and sealed up together, properly endorsed, and the primary judges shall elect 2 judges (one from each of the major political parties), who shall immediately deliver the same to the clerk from whom the primary ballots were obtained, which clerk shall safely keep the same for 2 months, and thereafter shall safely keep the poll books until the next primary. Each election authority shall keep the office of the election authority, or any receiving stations designated by such authority, open for at least 12 consecutive hours after the polls close, or until the judges of each precinct under the

jurisdiction of the election authority have delivered to the election authority all the above materials sealed up together and properly endorsed as provided herein. Materials delivered to the election authority which are not in the condition required by this Section shall not be accepted by the election authority until the judges delivering the same make and sign the necessary corrections. Upon acceptance of the materials by the election authority, the judges delivering the same shall take a receipt signed by the election authority and stamped with the time and date of such delivery. The election judges whose duty it is to deliver any materials as above provided shall, in the event such materials cannot be found when needed, on proper request, produce the receipt which they are to take as above provided.

The county clerk or board of election commissioners shall deliver a copy of each tally sheet to the county chairmen of the two largest political parties.

Where voting machines~~,~~ ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article ~~section~~ may be modified as required or authorized by Article 24~~,~~ ~~and~~ Article 24A, or Article 24C, whichever is applicable.

(Source: P.A. 83-764.)

(10 ILCS 5/7-66)

Sec. 7-66. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 7, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/15-6)

Sec. 15-6. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 15, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/16-11)

Sec. 16-11. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 16, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

Sec. 17-9. Any person desiring to vote shall give his name and, if required to do so, his residence to the judges of election, one of whom shall thereupon announce the same in a loud and distinct tone of voice, clear, and audible; the judges of elections shall check each application for ballot against the list of voters registered in that precinct to whom absentee ballots have been issued for that election, which shall be provided by the election authority and which list shall be available for inspection by pollwatchers. A voter applying to vote in the precinct on election day whose name appears on the list as having been issued an absentee ballot shall not be permitted to vote in the precinct unless that voter submits to the judges of election, ~~for cancellation or revocation,~~ his absentee ballot. In the case that the voter's absentee ballot is not present in the polling place, it shall be sufficient for any such voter to submit to the judges of election in lieu of his absentee ballot, either a portion of such ballot if torn or mutilated, or an affidavit executed before the judges of election specifying that the voter never received an absentee ballot, ~~or an affidavit executed before the judges of election specifying that the voter desires to cancel or revoke any absentee ballot that may have been cast in the voter's name~~. All applicable provisions of Articles 4, 5 or 6 shall be complied with and if such name is found on the register of voters by the officer having charge thereof, he shall likewise repeat said name, and the voter shall be allowed to enter within the proximity of the voting booths, as above provided. One of the judges shall give the voter one, and only one of each ballot to be voted at the election, on the back of which ballots such judge shall indorse his initials in such manner that they may be seen when each such ballot is properly folded, and the voter's name shall be immediately checked on the register list. In those election jurisdictions where perforated ballot cards are utilized of the type on which write-in votes can be cast above the perforation, the election authority shall provide a space both above and below the perforation for the judge's initials, and the judge shall endorse his or her initials in both spaces. Whenever a proposal for a constitutional amendment or for the calling of a constitutional convention is to be voted upon at the election, the separate blue ballot or ballots pertaining thereto shall, when being handed to the voter, be placed on top of the other ballots to be voted at the election in such manner that the legend appearing on the back thereof, as prescribed in Section 16-6 of this Act, shall be plainly visible to the voter. At all elections, when a registry may

be required, if the name of any person so desiring to vote at such election is not found on the register of voters, he or she shall not receive a ballot until he or she shall have complied with the law prescribing the manner and conditions of voting by unregistered voters. If any person desiring to vote at any election shall be challenged, he or she shall not receive a ballot until he or she shall have established his right to vote in the manner provided hereinafter; and if he or she shall be challenged after he has received his ballot, he shall not be permitted to vote until he or she has fully complied with such requirements of the law upon being challenged. Besides the election officer, not more than 2 voters in excess of the whole number of voting booths provided shall be allowed within the proximity of the voting booths at one time. The provisions of this Act, so far as they require the registration of voters as a condition to their being allowed to vote shall not apply to persons otherwise entitled to vote, who are, at the time of the election, or at any time within 60 days prior to such election have been engaged in the military or naval service of the United States, and who appear personally at the polling place on election day and produce to the judges of election satisfactory evidence thereof, but such persons, if otherwise qualified to vote, shall be permitted to vote at such election without previous registration.

All such persons shall also make an affidavit which shall be in substantially the following form:

State of Illinois,)
) ss.
County of .....)

..... Precinct ..... Ward

I, ..., do solemnly swear (or affirm) that I am a citizen of the United States, of the age of 18 years or over, and that within the past 60 days prior to the date of this election at which I am applying to vote, I have been engaged in the .... (military or naval) service of the United States; and I am qualified to vote under and by virtue of the Constitution and laws of the State of Illinois, and that I am a legally qualified voter of this precinct and ward except that I have, because of such service, been unable to register as a voter; that I now reside at .... (insert street and number, if any) in this precinct and ward; that I have maintained a legal residence in this precinct and ward for 30 days and in this State 30 days next preceding this election.

.....

Subscribed and sworn to before me on (insert date).

.....
Judge of Election.

The affidavit of any such person shall be supported by the affidavit of a resident and qualified voter of any such precinct and ward, which affidavit shall be in substantially the following form:

State of Illinois,)
) ss.
County of .....)

..... Precinct ..... Ward

I, ..., do solemnly swear (or affirm), that I am a resident of this precinct and ward and entitled to vote at this election; that I am acquainted with .... (name of the applicant); that I verily believe him to be an actual bona fide resident of this precinct and ward and that I verily believe that he or she has maintained a legal residence therein 30 days and in this State 30 days next preceding this election.

.....

Subscribed and sworn to before me on (insert date).

.....
Judge of Election.

All affidavits made under the provisions of this Section shall be enclosed in a separate envelope securely sealed, and shall be transmitted with the returns of the elections to the county clerk or to the board of election commissioners, who shall preserve the said affidavits for the period of 6 months, during which period such affidavits shall be deemed public records and shall be freely open to examination as such.

(Source: P.A. 91-357, eff. 7-29-99.)

(10 ILCS 5/17-43)

Sec. 17-43. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 17, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

Sec. 18-5. Questioning of person desiring to vote; receipt of ballots. Any person desiring to vote and whose name is found upon the register of voters by the person having charge thereof, shall then be questioned by one of the judges as to his nativity, his term of residence at present address, precinct, State and United States, his age, whether naturalized and if so the date of naturalization papers and court from which secured, and he shall be asked to state his residence when last previously registered and the date of the election for which he then registered. The judges of elections shall check each application for ballot against the list of voters registered in that precinct to whom absentee ballots have been issued for that election, which shall be provided by the election authority and which list shall be available for inspection by pollwatchers. A voter applying to vote in the precinct on election day whose name appears on the list as having been issued an absentee ballot shall not be permitted to vote in the precinct unless that voter submits to the judges of election~~, for cancellation or revocation~~, his absentee ballot. In the case that the voter's absentee ballot is not present in the polling place, it shall be sufficient for any such voter to submit to the judges of election in lieu of his absentee ballot, either a portion of such ballot if torn or mutilated, or an affidavit executed before the judges of election specifying that the voter never received an absentee ballot~~, or an affidavit executed before the judges of election specifying that the voter desires to cancel or revoke any absentee ballot that may have been cast in the voter's name~~. If such person so registered shall be challenged as disqualified, the party challenging shall assign his reasons therefor, and thereupon one of the judges shall administer to him an oath to answer questions, and if he shall take the oath he shall then be questioned by the judge or judges touching such cause of

challenge, and touching any other cause of disqualification. And he may also be questioned by the person challenging him in regard to his qualifications and identity. But if a majority of the judges are of the opinion that he is the person so registered and a qualified voter, his vote shall then be received accordingly. But if his vote be rejected by such judges, such person may afterward produce and deliver an affidavit to such judges, subscribed and sworn to by him before one of the judges, in which it shall be stated how long he has resided in such precinct, and state; that he is a citizen of the United States, and is a duly qualified voter in such precinct, and that he is the identical person so registered. In addition to such an affidavit, the person so challenged shall provide to the judges of election proof of residence by producing 2 forms of identification showing the person's current residence address, provided that such identification to the person at his current residence address and postmarked not earlier than 30 days prior to the date of the election, or the person shall procure a witness personally known to the judges of election, and resident in the precinct (or district), or who shall be proved by some legal voter of such precinct or district, known to the judges to be such, who shall take the oath following, viz:

I do solemnly swear (or affirm) that I am a resident of this election precinct (or district), and entitled to vote at this election, and that I have been a resident of this State for 30 days last past, and am well acquainted with the person whose vote is now offered; that he is an actual and bona fide resident of this election precinct (or district), and has resided herein 30 days, and as I verily believe, in this State, 30 days next preceding this election.

The oath in each case may be administered by one of the judges of election, or by any officer, resident in the precinct or district, authorized by law to administer oaths. Also supported by an affidavit by a registered voter residing in such precinct, stating his own residence, and that he knows such person; and that he does reside at the place mentioned and has resided in such precinct and state for the length of time as stated by such person, which shall be subscribed and sworn to in the same way. Whereupon the vote of such person shall be received, and entered as other votes. But such judges, having charge of such registers, shall state in their respective books the facts in such case, and the affidavits, so delivered to the judges, shall be preserved and returned to the office of the commissioners of election. Blank affidavits of the character aforesaid shall be sent out to the judges of all the precincts, and the judges of election shall furnish the same on demand and administer the oaths without criticism. Such oaths, if administered by any other officer than such judge of election, shall not be received. Whenever a proposal for a constitutional amendment or for the calling of a constitutional convention is to be voted upon at the election, the separate blue ballot or ballots pertaining thereto shall be placed on top of the other ballots to be voted at the election in such manner that the legend appearing on the back thereof, as prescribed in Section 16-6 of this Act, shall be plainly visible to the voter, and in this fashion the ballots shall be handed to the voter by the judge.

The voter shall, upon quitting the voting booth, deliver to one of the judges of election all of the ballots, properly folded, which he received. The judge of election to whom the voter delivers his ballots shall not accept the same unless all of the ballots given to the voter are returned by him. If a voter delivers less than all of the ballots given to him, the judge to whom the same are offered shall advise him in a voice clearly audible to the other judges of

election that the voter must return the remainder of the ballots. The statement of the judge to the voter shall clearly express the fact that the voter is not required to vote such remaining ballots but that whether or not he votes them he must fold and deliver them to the judge. In making such statement the judge of election shall not indicate by word, gesture or intonation of voice that the unreturned ballots shall be voted in any particular manner. No new voter shall be permitted to enter the voting booth of a voter who has failed to deliver the total number of ballots received by him until such voter has returned to the voting booth pursuant to the judge's request and again quit the booth with all of the ballots required to be returned by him. Upon receipt of all such ballots the judges of election shall enter the name of the voter, and his number, as above provided in this section, and the judge to whom the ballots are delivered shall immediately put the ballots into the ballot box. If any voter who has failed to deliver all the ballots received by him refuses to return to the voting booth after being advised by the judge of election as herein provided, the judge shall inform the other judges of such refusal, and thereupon the ballot or ballots returned to the judge shall be deposited in the ballot box, the voter shall be permitted to depart from the polling place, and a new voter shall be permitted to enter the voting booth.

The judge of election who receives the ballot or ballots from the voter shall announce the residence and name of such voter in a loud voice. The judge shall put the ballot or ballots received from the voter into the ballot box in the presence of the voter and the judges of election, and in plain view of the public. The judges having charge of such registers shall then, in a column prepared thereon, in the same line of, the name of the voter, mark "Voted" or the letter "V".

No judge of election shall accept from any voter less than the full number of ballots received by such voter without first advising the voter in the manner above provided of the necessity of returning all of the ballots, nor shall any such judge advise such voter in a manner contrary to that which is herein permitted, or in any other manner violate the provisions of this section; provided, that the acceptance by a judge of election of less than the full number of ballots delivered to a voter who refuses to return to the voting booth after being properly advised by such judge shall not be a violation of this Section.

(Source: P.A. 89-653, eff. 8-14-96.)

(10 ILCS 5/18-40)

Sec. 18-40. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C, and the provisions of those Articles ~~the--Article~~ are in conflict with the provisions of this Article 18, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

Sec. 19-2.1. At the consolidated primary, general primary, consolidated, and general elections, electors entitled to vote by absentee ballot under the provisions of Section 19-1 may vote in person at the office of the municipal clerk, if the elector is a resident of a municipality not having a board of election commissioners, or at the office of the township clerk or, in counties not under township organization, at the office of the road district clerk if the elector is not a resident of a municipality; provided, in each case that the municipal, township or road district clerk, as the case may be, is authorized to conduct in-person absentee voting pursuant to this Section. Absentee voting in such municipal and township clerk's offices under this Section shall be conducted from the 22nd day through the day before the election.

Municipal and township clerks (or road district clerks) who have regularly scheduled working hours at regularly designated offices other than a place of residence and whose offices are open for business during the same hours as the office of the election authority shall conduct in-person absentee voting for said elections. Municipal and township clerks (or road district clerks) who have no regularly scheduled working hours but who have regularly designated offices other than a place of residence shall conduct in-person absentee voting for said elections during the hours of 8:30 a.m. to 4:30 p.m. or 9:00 a.m. to 5:00 p.m., weekdays, and 9:00 a.m. to 12:00 noon on Saturdays, but not during such hours as the office of the election authority is closed, unless the clerk files a written waiver with the election authority not later than July 1 of each year stating that he or she is unable to conduct such voting and the reasons therefor. Such clerks who conduct in-person absentee voting may extend their hours for that purpose to include any hours in which the election authority's office is open. Municipal and township clerks (or road district clerks) who have no regularly scheduled office hours and no regularly designated offices other than a place of residence may not conduct in-person absentee voting for said elections. The election authority may devise alternative methods for in-person absentee voting before said elections for those precincts located within the territorial area of a municipality or township (or road district) wherein the clerk of such municipality or township (or road district) has waived or is not entitled to conduct such voting. In addition, electors may vote by absentee ballot under the provisions of Section 19-1 at the office of the election authority having jurisdiction over their residence.

In conducting absentee voting under this Section, the respective clerks shall not be required to verify the signature of the absentee voter by comparison with the signature on the official registration record card. However, the clerk shall reasonably ascertain the identity of such applicant, shall verify that each such applicant is a registered voter, and shall verify the precinct in which he or she is registered and the proper ballots of the political subdivisions in which the applicant resides and is entitled to vote, prior to providing any absentee ballot to such applicant. The clerk shall verify the applicant's registration and from the most recent poll list provided by the county clerk, and if the applicant is not listed on that poll list then by telephoning the office of the county clerk.

Absentee voting procedures in the office of the municipal, township and road district clerks shall be subject to all of the applicable provisions of this Article 19. Pollwatchers may be appointed to observe in-person absentee voting procedures at the office of the municipal, township or road district clerks' offices where such absentee voting is conducted. Such pollwatchers shall

qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23, except each candidate, political party or organization of citizens may appoint only one pollwatcher for each location where in-person absentee voting is conducted. Pollwatchers shall be residents of the county and possess valid pollwatcher credentials. All requirements in this Article applicable to election authorities shall apply to the respective local clerks, except where inconsistent with this Section.

In election jurisdictions that deliver absentee ballots to the polling place to be counted by the precinct judges on election day, the sealed absentee ballots in their carrier envelope shall be delivered by the respective clerks, or by the election authority on behalf of a clerk if the clerk and the election authority agree, to the proper polling place before the close of the polls on the day of the general primary, consolidated primary, consolidated, or general election.

In election jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority on election day, the sealed absentee ballots in their carrier envelope shall be delivered to the office of the election authority by the respective clerks before the close of the polls on the day of the general primary, consolidated primary, consolidated, or general election.

Not more than 23 days before the ~~nonpartisan,~~ general and consolidated elections, the county clerk shall make available to those municipal, township and road district clerks conducting in-person absentee voting within such county, a sufficient number of applications, absentee ballots, envelopes, and printed voting instruction slips for use by absentee voters in the offices of such clerks. The respective clerks shall receipt for all ballots received, shall return all unused or spoiled ballots to the county clerk on the day of the election and shall strictly account for all ballots received.

The ballots delivered to the respective clerks shall include absentee ballots for each precinct in the municipality, township or road district, or shall include such separate ballots for each political subdivision conducting an election of officers or a referendum on that election day as will permit any resident of the municipality, township or road district to vote absentee in the office of the proper clerk.

The clerks of all municipalities, townships and road districts may distribute applications for absentee ballot for the use of voters who wish to mail such applications to the appropriate election authority. Such applications for absentee ballots shall be made on forms provided by the election authority. Duplication of such forms by the municipal, township or road district clerk is prohibited.
(Source: P.A. 91-210, eff. 1-1-00.)

(10 ILCS 5/19-7) (from Ch. 46, par. 19-7)

Sec. 19-7. Upon receipt of such absent voter's ballot, the election authority shall forthwith enclose the same unopened, together with the application made by said absent voter in a large or carrier envelope which shall be securely sealed and endorsed with the name and official title of such officer and the words, "This envelope contains an absent voter's ballot and must be opened on election day," together with the number and description of the precinct in which said ballot is to be voted, and such officer shall thereafter safely keep the same in his office until counted by him as provided in this Article ~~the next section~~.

Except as provided in Article 24C, the election authority may choose (i) to have the absentee ballots delivered before the closing

of the polls to their proper polling places for counting by the precinct judges or (ii) to have the absentee ballots received after 12:00 noon on election day or too late for delivery before the closing of the polls on election day counted in the office of the election authority by one or more panels of election judges appointed in the manner provided for in this Code.

(Source: P.A. 81-155.)

(10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

Sec. 19-8. In election jurisdictions that deliver absentee ballots to the polling place to be counted by the precinct judges, the provisions of this Section shall apply. In case an absent voter's ballot is received by the election authority prior to the delivery of the official ballots to the judges of election of the precinct in which said elector resides, such ballot envelope and application, sealed in the carrier envelope, shall be enclosed in such package and therewith delivered to the judges of such precinct. In case the official ballots for such precinct have been delivered to the judges of election at the time of the receipt by the election authority of such absent voter's ballot, such authority shall immediately enclose said envelope containing the absent voter's ballot, together with his application therefor, in a larger or carrier envelope which shall be securely sealed and addressed on the face to the judges of election, giving the name or number of precinct, street and number of polling place, city or town in which such absent voter is a qualified elector, and the words "This envelope contains an absent voter's ballot and must be opened only on election day at the polls immediately after the polls are closed," mailing the same, postage prepaid, to such judges of election, or if more convenient, such officer may deliver such absent voter's ballot to the judges of election in person or by duly deputized agent, said officer to secure his receipt for delivery of such ballot or ballots. Absent voters' ballots returned by absentee voters to the election authority after the closing of the polls on an election day shall be endorsed by the election authority receiving the same with the day and hour of receipt and shall be safely kept unopened by such election authority for the period of time required for the preservation of ballots used at such election, and shall then, without being opened, be destroyed in like manner as the used ballots of such election.

All absent voters' ballots received by the election authority after 12:00 noon on election day or too late for delivery to the proper polling place before the closing of the polls on election day, and Special Write-In Absentee Voter's Blank Ballots, except ballots returned by mail postmarked after midnight preceding the opening of the polls on election day, and all absent voters' ballots in election jurisdictions that use voting systems authorized by Article 24C shall be endorsed by the election authority receiving the same with the day and hour of receipt and shall be counted in the office of the election authority on the day of the election after 7:00 p.m. All absent voters' ballots delivered in error to the wrong precinct polling place shall be returned to the election authority and counted under this provision; however, all absentee ballots received by the election authority by the close of absentee voting in the office of the election authority on the day preceding the day of election shall be delivered to the proper precinct polling places in time to be counted by the judges of election.

Such counting shall commence no later than 8:00 p.m. and shall be conducted by a panel or panels of election judges appointed in the manner provided by law. Such counting shall continue until all absent voters' ballots received as aforesaid have been counted.

The procedures set forth in Section 19-9 of this Act and Articles 17 and 18 of this Code, shall apply to all absent voters' ballots counted under this provision, including comparing the signature on the ballot envelope with the signature of the voter on the permanent voter registration record card taken from the master file; except that votes shall be recorded by ~~without regard to~~ precinct ~~designation, except for precinct offices~~.

(Source: P.A. 91-357, eff. 7-29-99.)

(10 ILCS 5/19-9) (from Ch. 46, par. 19-9)

Sec. 19-9. At the close of the regular balloting and at the close of the polls the judges of election of each voting precinct or the panel or panels of judges in the office of the election authority, as the case may be, shall proceed to cast the absent voter's ballot separately, and as each absent voter's ballot is taken shall open the outer or carrier envelope, announce the absent voter's name, and compare the signature upon the application with the signature upon the certification on the ballot envelope and the signature of the voter on the permanent voter registration record card. In case the judges find the certifications properly executed, that the signatures correspond, that the applicant is a duly qualified elector in the precinct and the applicant has not been present and voted within the county where he represents himself to be a qualified elector on such election day, they shall open the envelope containing the absent voter's ballot in such manner as not to deface or destroy the certification thereon, or mark or tear the ballots therein and take out the ballot or ballots therein contained without unfolding or permitting the same to be unfolded or examined, and having endorsed the ballot in like manner as other ballots are required to be endorsed, shall deposit the same in the proper ballot box or boxes and enter the absent voter's name in the poll book the same as if he had been present and voted in person. The judges shall place the absentee ballot certification envelopes in a separate envelope as per the direction of the election authority. Such envelope containing the absentee ballot certification envelopes shall be returned to the election authority and preserved in like manner as the official poll record.

In case such signatures do not correspond, or that the applicant is not a duly qualified elector in such precinct or that the ballot envelope is open or has been opened and resealed, or that said voter is present and has voted within the county where he represents himself to be a qualified elector on the day of such election at such election such previously cast vote shall not be allowed, but without opening the absent voter's envelope the judge of such election shall mark across the face thereof, "Rejected", giving the reason therefor.

In case the ballot envelope contains more than one ballot of any kind, said ballots shall not be counted, but shall be marked "Rejected", giving the reason therefor.

The absent voters' envelopes and affidavits and the absent voters' envelope with its contents unopened, when such absent vote is rejected shall be retained and preserved in the manner as now provided for the retention and preservation of official ballots rejected at such election.

As applied to an absentee ballot of a permanently disabled voter who has complied with Section 19-12.1, the word "certification" as used in this Section shall be construed to refer to the unsworn statement subscribed to by the voter pursuant to Section 19-12.1.

(Source: P.A. 87-1052.)

(10 ILCS 5/19-10) (from Ch. 46, par. 19-10)

Sec. 19-10. Pollwatchers may be appointed to observe in-person absentee voting procedures at the office of the election authority as

well as at municipal, township or road district clerks' offices where such absentee voting is conducted. Such pollwatchers shall qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23, except each candidate, political party or organization of citizens may appoint only one pollwatcher for each location where in-person absentee voting is conducted. Pollwatchers shall be residents of the county and possess valid pollwatcher credentials.

In the polling place on election day, pollwatchers shall be permitted to be present during the casting of the absent voters' ballots and the vote of any absent voter may be challenged for cause the same as if he were present and voted in person, and the judges of the election or a majority thereof shall have power and authority to hear and determine the legality of such ballot; Provided, however, that if a challenge to any absent voter's right to vote is sustained, notice of the same must be given by the judges of election by mail addressed to the voter's place of residence.

Where ~~certain~~ absent voters' ballots are counted on the day of the election in the office of the election authority as provided in this Article ~~Section 19-8 of this Act~~, each political party, candidate and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned. Such pollwatchers shall be subject to the same provisions as are provided for pollwatchers in Sections 7-34 and 17-23 of this Code, and shall be permitted to observe the election judges making the signature comparison between that which is on the absentee ballot application and that which is on the ballot envelope and ~~that which is on~~ the permanent voter registration record card taken from the master file.

(Source: P.A. 86-875.)

(10 ILCS 5/19-12.2) (from Ch. 46, par. 19-12.2)

Sec. 19-12.2. Voting by physically incapacitated electors who have made proper application to the election authority not later than 5 days before the regular primary and general election of 1980 and before each election thereafter shall be conducted on the premises of facilities licensed or certified pursuant to the Nursing Home Care Act for the sole benefit of residents of such facilities. Such voting shall be conducted during any continuous period sufficient to allow all applicants to cast their ballots between the hours of 9 a.m. and 7 p.m. either on the Friday, Saturday, Sunday or Monday immediately preceding the regular election. This absentee voting on one of said days designated by the election authority shall be supervised by two election judges who must be selected by the election authority in the following order of priority: (1) from the panel of judges appointed for the precinct in which such facility is located, or from a panel of judges appointed for any other precinct within the jurisdiction of the election authority in the same ward or township, as the case may be, in which the facility is located or, only in the case where a judge or judges from the precinct, township or ward are unavailable to serve, (3) from a panel of judges appointed for any other precinct within the jurisdiction of the election authority. The two judges shall be from different political parties. Not less than 30 days before each regular election, the election authority shall have arranged with the chief administrative officer of each facility in his or its election jurisdiction a mutually convenient time period on the Friday, Saturday, Sunday or Monday immediately preceding the election for such voting on the premises of the facility and shall post in a prominent place in his or its office a notice of the agreed day and time period for conducting such voting at each facility; provided that the election authority shall not later than noon on the Thursday before the election also post the names and addresses of

those facilities from which no applications were received and in which no supervised absentee voting will be conducted. All provisions of this Code applicable to pollwatchers shall be applicable herein. To the maximum extent feasible, voting booths or screens shall be provided to insure the privacy of the voter. Voting procedures shall be as described in Article 17 of this Code, except that ballots shall be treated as absentee ballots and shall not be counted until the close of the polls on the following day. After the last voter has concluded voting, the judges shall seal the ballots in an envelope and affix their signatures across the flap of the envelope. Immediately thereafter, the judges shall bring the sealed envelope to the office of the election authority who shall preserve the ballots in the office of the election authority in those jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority or shall deliver the ~~such~~ ballots to the proper precinct polling places prior to the closing of the polls on the day of election in election jurisdictions that count absentee ballots in the polling place. Provided, that in election jurisdictions that count absentee ballots in the polling place the election authority may arrange for the judges who conduct such voting on the Monday before the election to deliver the sealed envelope directly to the proper precinct polling place on the day of election and shall announce such procedure in the 30 day notice heretofore prescribed. The judges of election shall also report to the election authority the name of any applicant in the facility who, due to unforeseen circumstance or condition or because of a religious holiday, was unable to vote. In this event, the election authority may appoint a qualified person from his or its staff to deliver the ballot to such applicant on the day of election. This staff person shall follow the same procedures prescribed for judges conducting absentee voting in such facilities; but shall return the ballot to the proper precinct polling place before the polls close. However, if the facility from which the application was made is also used as a regular precinct polling place for that voter, voting procedures heretofore prescribed may be implemented by 2 of the election judges of opposite party affiliation assigned to that polling place during the hours of voting on the day of the election. Judges of election shall be compensated not less than $25.00 for conducting absentee voting in such facilities.

Not less than 120 days before each regular election, the Department of Public Health shall certify to the State Board of Elections a list of the facilities licensed or certified pursuant to the Nursing Home Care Act, and shall indicate the approved bed capacity and the name of the chief administrative officer of each such facility, and the State Board of Elections shall certify the same to the appropriate election authority within 20 days thereafter. (Source: P.A. 86-820; 86-875; 86-1028; 87-1052.)

(10 ILCS 5/19-15)

Sec. 19-15. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C, and the provisions of those Articles ~~the--Article~~ are in conflict with the provisions of this Article 19, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election

authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.
(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/20-2) (from Ch. 46, par. 20-2)

Sec. 20-2. Any member of the United States Service, otherwise qualified to vote, who expects in the course of his duties to be absent from the county in which he resides on the day of holding any election may make application for an absentee ballot to the election authority having jurisdiction over his precinct of residence on the official postcard or on a form furnished by the election authority as prescribed by Section 20-3 of this Article not less than 10 days before the election. A request pursuant to this Section shall entitle the applicant to an absentee ballot for every election in one calendar year. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year. A certified copy of such application for ballot shall be sent each election with the absentee ballot to the polling place to be used in lieu of the original application for ballot. No registration shall be required in order to vote pursuant to this Section.

Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 of this Article and not otherwise. Ballots voted under this Section must be returned ~~to the election authority~~ in sufficient time for delivery (i) to the proper precinct polling place before the closing of the polls on the day of the election in jurisdictions that count absentee ballots in the polling place or (ii) to the office of the election authority before the closing of the polls in those jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority.
(Source: P.A. 86-875.)

(10 ILCS 5/20-2.1) (from Ch. 46, par. 20-2.1)

Sec. 20-2.1. Citizens of the United States temporarily residing outside the territorial limits of the United States who are not registered but otherwise qualified to vote and who expect to be absent from their county of residence during the periods of voter registration provided for in Articles 4, 5 or 6 of this Code and on the day of holding any election, may make simultaneous application to the election authority having jurisdiction over their precinct of residence for an absentee registration and absentee ballot not less than 30 days before the election. Such application may be made on the official postcard or on a form furnished by the election authority as prescribed by Section 20-3 of this Article. A request pursuant to this Section shall entitle the applicant to an absentee ballot for every election in one calendar year. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year. A certified copy of such application for ballot shall be sent each election with the absentee ballot to the polling place to be used in lieu of the original application for ballot.

Registration shall be required in order to vote pursuant to this Section. However, if the election authority receives one of such applications after 30 days but not less than 10 days before a Federal

election, said applicant shall be sent a ballot containing the Federal offices only and registration for that election shall be waived.

Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 of this Article and not otherwise.

Ballots under this Section must be returned ~~to the election authority~~ in sufficient time for delivery (i) to the proper precinct polling place before the closing of the polls on the day of the election in those jurisdictions that count absentee ballots in the polling place or (ii) to the office of the election authority before the closing of the polls on election day in those jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority.

(Source: P.A. 86-875.)

(10 ILCS 5/20-2.2) (from Ch. 46, par. 20-2.2)

Sec. 20-2.2. Any non-resident civilian citizen, otherwise qualified to vote, may make application to the election authority having jurisdiction over his precinct of former residence for an absentee ballot containing the Federal offices only not less than 10 days before a Federal election. Such application may be made only on the official postcard. A request pursuant to this Section shall entitle the applicant to an absentee ballot for every election in one calendar year at which Federal offices are filled. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year at which Federal offices are filled. A certified copy of such application for ballot shall be sent each election with the absentee ballot to the polling place to be used in lieu of the original application for ballot. No registration shall be required in order to vote pursuant to this Section. Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 of this Article and not otherwise. Ballots under this Section must be returned ~~to the election authority~~ in sufficient time for delivery (i) to the proper precinct polling place before the closing of the polls on the day of the election in those jurisdictions that count absentee ballots in the polling place or (ii) to the office of the election authority before the closing of the polls on election day in those jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority.

(Source: P.A. 86-875.)

(10 ILCS 5/20-7) (from Ch. 46, par. 20-7)

Sec. 20-7. Upon receipt of such absent voter's ballot, the officer or officers above described shall forthwith enclose the same unopened, together with the application made by said absent voter in a large or carrier envelope which shall be securely sealed and endorsed with the name and official title of such officer and the words, "This envelope contains an absent voter's ballot and must be opened on election day," together with the number and description of the precinct in which said ballot is to be voted, and such officer shall thereafter safely keep the same in his office until counted by him as provided in this Article ~~the next section~~.

Except as provided in Article 24C, the election authority may choose (i) to deliver the absentee ballots to the proper precinct polling place before the close of the polls on the election day to be counted by the precinct judges or (ii) to have the absentee ballots received after 12:00 noon on election day or too late for delivery

before the closing of the polls on election day counted in the office of the election authority by one or more panels of election judges appointed in the manner provided for in this Code.

(Source: P.A. 81-155.)

(10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

Sec. 20-8. (a) In election jurisdictions that count absentee ballots in the polling place, this subsection shall apply.

In case any such ballot is received by the election authority prior to the delivery of the official ballots to the judges of election of the precinct in which said elector resides, such ballot envelope and application, sealed in the carrier envelope, shall be enclosed in the same package with the other official ballots and therewith delivered to the judges of such precinct. In case the official ballots for such precinct have been delivered to the judges of election at the time of the receipt by the election authority of such absent voter's ballot, it shall immediately enclose said envelope containing the absent voter's ballot, together with his application therefor, in a larger or carrier envelope which shall be securely sealed and addressed on the face to the judges of election, giving the name or number of precinct, street and number of polling place, city or town in which such absent voter is a qualified elector, and the words, "This envelope contains an absent voter's ballot and must be opened only on election day at the polls immediately after the polls are closed," mailing the same, postage prepaid, to such judges of election, or if more convenient he or it may deliver such absent voter's ballot to the judges of election in person or by duly deputized agent and secure his receipt for delivery of such ballot or ballots. Absent voter's ballots postmarked after 11:59 p.m. of the day immediately preceding the election returned to the election authority too late to be delivered to the proper polling place before the closing of the polls on the day of election shall be endorsed by the person receiving the same with the day and hour of receipt and shall be safely kept unopened by the election authority for the period of time required for the preservation of ballots used at such election, and shall then, without being opened, be destroyed in like manner as the used ballots of such election.

(b) All absent voters' ballots received by the election authority after 12:00 noon on election day or too late for delivery to the proper polling place before the closing of the polls on election day, except ballots returned by mail postmarked after midnight preceding the opening of the polls on election day, and all absent voters' ballots in election jurisdictions that use voting systems authorized by Article 24C shall be counted in the office of the election authority on the day of the election after 7:00 p.m. All absent voters' ballots delivered in error to the wrong precinct polling place shall be returned to the election authority and counted under this provision.

Such counting shall commence no later than 8:00 p.m. and shall be conducted by a panel or panels of election judges appointed in the manner provided by law. Such counting shall continue until all absent voters' ballots received as aforesaid have been counted.

The procedures set forth in Section 19-9 of this Act and Articles 17 and 18 of this Code, shall apply to all absent voters' ballots counted under this provision; except that votes shall be recorded by ~~without regard to~~ precinct ~~designation~~.

Where ~~certain~~ absent voters' ballots are counted in the office of the election authority as provided in this Section, each political party, candidate and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned.

[Apr. 3, 2002]

(Source: P.A. 84-861.)

(10 ILCS 5/20-9) (from Ch. 46, par. 20-9)

Sec. 20-9. At the close of the regular balloting and at the close of the polls the judges of election of each voting precinct or the panel or panels of judges in the office of the election authority, as the case may be, shall proceed to cast the absent voter's ballot separately, and as each absent voter's ballot is taken shall open the outer or carrier envelope, announce the absent voter's name, and compare the signature upon the application with the signature upon the registration record card if the voter is registered or upon the certification on the ballot envelope if there is no registration card. In case the judges find the certifications properly executed, that the signatures correspond, that the applicant is a duly qualified elector in the precinct and the applicant has not been present and voted within the county where he represents himself to be a qualified elector on such election day, they shall open the envelope containing the absent voter's ballot in such manner as not to deface or destroy the certification thereon, or mark or tear the ballots therein and take out the ballot or ballots therein contained without unfolding or permitting the same to be unfolded or examined, and having endorsed or initialed the ballot in like manner as other ballots are required to be endorsed, shall deposit the same in the proper ballot box or boxes and mark the voter's registration record card accordingly or file the application in lieu thereof. The judges shall place the absentee ballot certification envelopes in a separate envelope as per the direction of the election authority. Such envelope containing the absentee ballot certification envelopes shall be returned to the election authority and preserved in like manner as the official poll record.

In case the signatures do not correspond, or that the applicant is not a duly qualified elector in such precinct or that the ballot envelope is open or has been opened and resealed (except for the purpose of military censorship), or that said voter is present and has voted within the county where he represents himself to be a qualified elector on the day of such election at such election such previously cast vote shall not be allowed, but without opening the absent voter's envelope the judge of such election shall mark across the face thereof, "Rejected", giving the reason therefor.

In case the ballot envelope contains duplicate ballots, said ballots shall not be counted, but shall be marked "Rejected", giving the reason therefor.

The absent voters' envelopes and certifications and the absent voters' envelope with its contents unopened, when such absent vote is rejected shall be retained and preserved in the manner as now provided for the retention and preservation of official ballots rejected at such election.

(Source: P.A. 87-1052.)

(10 ILCS 5/20-15)

Sec. 20-15. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 20, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully

utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/Art. 24C heading new)

ARTICLE 24C. DIRECT RECORDING ELECTRONIC VOTING SYSTEMS

(10 ILCS 5/24C-1 new)

Sec. 24C-1. Purpose. The purpose of this Article is to authorize the use of Direct Recording Electronic Voting Systems approved by the State Board of Elections. In a Direct Recording Electronic Voting System, voters cast votes by means of a ballot display provided with mechanical or electro-optical devices that can be activated by the voters to mark their choices for the candidates of their preference and for or against public questions. The voting devices shall be capable of instantaneously recording the votes, storing the votes, and tabulating the votes at the precinct. This Article authorizes the use of Direct Recording Electronic Voting Systems for in-precinct counting applications, except that absentee ballots must be counted at the office of the election authority.

(10 ILCS 5/24C-2 new)

Sec. 24C-2. Definitions. As used in this Article:

"Audit trail" means a continuous trail of evidence linking individual transactions related to the vote count with the summary record of vote totals, but that shall not allow for the identification of the voter. It shall permit verification of the accuracy of the count and detection and correction of problems and shall provide a record of each step taken in: defining and producing ballots and generating related software for specific elections; installing ballots and software; testing system readiness; casting and tabulating ballots; and producing reports of vote totals. The record shall incorporate system status and error messages generated during election processing, including a log of machine activities and routine and unusual intervention by authorized and unauthorized individuals. Also part of an election audit trail is the documentation of such items as ballots delivered and collected, administrative procedures for system security, pre-election testing of voting systems, and maintenance performed on voting equipment.

"Ballot" means an electronic audio or video display or any other medium used to record a voter's choices for the candidates of his or her preference and for or against public questions.

"Ballot configuration" means the particular combination of political subdivision or district ballots including, for each political subdivision or district, the particular combination of offices, candidate names, and public questions as they appear for each group of voters who may cast the same ballot.

"Ballot image" means a corresponding representation in electronic form of the mark or vote position of a ballot.

"Ballot label" or "ballot screen" means the display of material containing the names of offices and candidates and public questions to be voted on.

"Computer", "automatic and electronic tabulating equipment", or "equipment" includes (i) apparatus necessary to automatically or electronically examine and count votes as designated on ballots and (ii) data processing machines that can be used for counting ballots and tabulating results.

"Computer operator" means any person or persons designated by the election authority to operate the automatic tabulating equipment

during any portion of the vote tallying process in an election, but shall not include judges of election operating vote tabulating equipment in the precinct.

"Computer program" or "program" means the set of operating instructions for the automatic or electronic tabulating equipment that examines, records, counts, tabulates, canvasses, and prints votes recorded by a voter on a ballot.

"Direct recording electronic voting system", "voting system", or "system" means the combination of equipment and programs that records votes by means of a ballot display provided with mechanical or electro-optical devices that can be activated by the voter, that processes the data by means of a computer program, that records voting data and ballot images in internal memory devices, and that produces a tabulation of the voting data as hard copy or stored in a removable memory device.

"Edit listing" means a computer generated listing of the names of each candidate and public question as they appear in the program for each precinct.

"In-precinct counting" means the recording and counting of ballots on automatic or electronic tabulating equipment provided by the election authority in the same precinct polling place in which those ballots have been cast.

"Separate ballot" means a separate page or display screen of the ballot that is clearly defined and distinguishable from other portions of the ballot.

"Voting device" or "voting machine" means a Direct Recording Voting System apparatus.

(10 ILCS 5/24C-3 new)

Sec. 24C-3. Adoption, experimentation, or abandonment of Direct Recording Electronic Voting System; boundaries of precincts; notice. Except as otherwise provided in Section 24C-20, any county board or board of county commissioners, with respect to territory within its jurisdiction, may adopt, experiment with, or abandon a Direct Recording Electronic Voting System approved for use by the State Board of Elections and may use the system in all or some of the precincts within its jurisdiction, or in combination with punch cards, paper ballots, or ballot sheets. In no case may a county board, board of county commissioners, or board of election commissioners contract or arrange for the purchase, lease, or loan of a Direct Recording Electronic Voting System or system component without the approval of the State Board of Elections as provided by Section 24C-16. The county board and board of county commissioners of each county having a population of 40,000 or more, with respect to all elections for which an election authority is charged with the duty of providing materials and supplies, must provide either a Direct Recording Electronic Voting System approved for use by the State Board of Elections under this Article or voting systems under Article 24, Article 24A, or Article 24B for each precinct for all elections, except as provided in Section 24-1.2. For purposes of this Section "population" does not include persons prohibited from voting by Section 3-5 of this Code.

Before any Direct Recording Electronic Voting System is introduced, adopted, or used in any precinct or territory, at least 2 months public notice must be given before the date of the first election when the system is to be used. The election authority shall publish the notice at least once in one or more newspapers published within the county, or other jurisdiction, where the election is held. If there is no such newspaper, the notice shall be published in a newspaper published in the county and having a general circulation within the jurisdiction. The notice shall be substantially as

follows:

"Notice is hereby given that on (give date), at (insert place where election is held) in the county of (insert county) an election will be held for (insert name of offices to be filled) at which a Direct Recording Electronic Voting System will be used."

Dated at ... (insert date)"

This notice referred to shall be given only at the first election at which the Direct Recording Electronic Voting System is used.

(10 ILCS 5/24C-3.1 new)

Sec. 24C-3.1. Retention, consolidation, or alteration of existing precincts; change of location. When a Direct Recording Electronic Voting System is used, the county board or board of election commissioners may retain existing precincts or may consolidate, combine, alter, decrease, or enlarge the boundaries of the precincts to change the number of registered voters of the precincts using the system, establishing the number of registered voters within each precinct at a number not to exceed 800 as the appropriate county board or board of election commissioners determines will afford adequate voting facilities and efficient and economical elections.

Except in the event of a fire, flood, or total loss of heat in a place fixed or established pursuant to law by any county board or board of election commissioners as a polling place for an election, no election authority shall change the location of a polling place established for any precinct after notice of the place of holding the election for that precinct has been given as required under Article 12, unless the election authority notifies all registered voters in the precinct of the change in location by first class mail in sufficient time for the notice to be received by the registered voters in the precinct at least one day prior to the date of the election.

(10 ILCS 5/24C-4 new)

Sec. 24C-4. Use of Direct Recording Electronic Voting System; requisites; applicable procedure. Direct Recording Electronic Voting Systems may be used in elections provided that the systems enable the voter to cast a vote for all offices and on all public questions for which he or she is entitled to vote, and that the systems are approved for use by the State Board of Elections.

So far as applicable, the procedure provided for voting paper ballots shall apply when Direct Recording Electronic Voting Systems are used. The provisions of this Article 24C will govern when there are conflicts.

(10 ILCS 5/24C-5 new)

Sec. 24C-5. Voting booths. In precincts where a Direct Recording Electronic Voting System is used, a sufficient number of voting booths shall be provided for the use of the system according to the requirements determined by the State Board of Elections. Each booth shall be placed so that the entrance to each booth faces a wall in a manner that no judge of election or pollwatcher is able to observe a voter casting a ballot.

(10 ILCS 5/24C-5.1 new)

Sec. 24C-5.1. Instruction of voters. Before entering the voting booth each voter shall be offered instruction in using the Direct Recording Electronic Voting System. In instructing voters, no election judge may show partiality to any political party or candidate. The duties of instruction shall be discharged by a judge from each of the political parties represented and they shall alternate serving as instructor so that each judge shall serve a like time at those duties. No instructions may be given after the voter has entered the voting booth.

No election judge or person assisting a voter may in any manner

request, suggest, or seek to persuade or induce any voter to cast his or her vote for any particular ticket, candidate, amendment, question, or proposition. All instructions shall be given by election judges in a manner that it may be observed by other persons in the polling place.

(10 ILCS 5/24C-5.2 new)

Sec. 24C-5.2. Demonstration of Direct Recording Electronic Voting System; placement in public library. When a Direct Recording Electronic Voting System is to be used in a forthcoming election, the election authority may provide, for the purpose of instructing voters in the election, one demonstrator Direct Recording Electronic Voting System unit for placement in any public library within the political subdivision where the election occurs. If the placement of a demonstrator takes place it shall be made available at least 30 days before the election.

(10 ILCS 5/24C-6 new)

Sec. 24C-6. Ballot information; arrangement; absentee ballots; spoiled ballots. The ballot information shall, as far as practicable, be in the order of arrangement provided for paper ballots, except that the information may be in vertical or horizontal rows or on a number of separate pages or display screens.

All public questions, including but not limited to public questions calling for a constitutional convention, constitutional amendment, or judicial retention, shall be placed on the ballot separate and apart from candidates. Ballots for all public questions shall be clearly designated pursuant to administrative rule of the State Board of Elections. More than one amendment to the constitution may be placed on the same portion of the ballot screen. Constitutional convention or constitutional amendment propositions shall precede all candidates and other propositions and shall be placed on a separate portion of the ballot and designated by borders or unique color screens, unless otherwise provided by administrative rule of the State Board of Elections. More than one public question may be placed on the same portion of the ballot. Judicial retention propositions shall be placed on a separate portion of the ballot designated pursuant to administrative rule of the State Board of Elections. More than one proposition for retention of judges in office may be placed on the same portion of the ballot.

The party affiliation, if any, of each candidate or the word "independent", where applicable, shall appear near or under the candidate's name, and the names of candidates for the same office shall be listed vertically under the title of that office. In the case of nonpartisan elections for officers of political subdivisions, unless the statute or an ordinance adopted pursuant to Article VII of the Illinois Constitution requires otherwise, the listing of nonpartisan candidates shall not include any party or "independent" designation. In primary elections, a separate ballot, shall be used for each political party holding a primary, with the ballot arranged to include names of the candidates of the party and public questions and other propositions to be voted upon on the day of the primary election.

If the ballot includes both candidates for office and public questions or propositions to be voted on, the election official in charge of the election shall divide the ballot in sections for "Candidates" and "Public Questions", or separate ballots may be used.

Any voter who spoils his or her ballot or makes an error shall be provided a means of correcting the ballot or obtaining a new ballot prior to casting his or her ballot.

(10 ILCS 5/24C-6.1 new)

Sec. 24C-6.1. Security designation. In all elections conducted

under this Article, ballots shall have a security designation. In precincts where more than one ballot configuration may be voted upon, ballots shall have a different security designation for each ballot configuration. If a precinct has only one possible ballot configuration, the ballots must have a security designation to identify the precinct and the election. Where ballots from more than one precinct are being tabulated, the ballots from each precinct must be clearly identified; official results shall not be generated unless the precinct identification for any precinct corresponds. The Direct Recording Electronic Voting System shall be designed to ensure that the proper ballot is selected for each polling place and that the format can be matched to the software or firmware required to interpret it correctly. The system shall provide a means of programming each piece of equipment to reflect the ballot requirements of the election and shall include a means for validating the correctness of the program and of the program's installation in the equipment or in a programmable memory device.

(10 ILCS 5/24C-7 new)

Sec. 24C-7. Write-in ballots. Pursuant to administrative rule of the State Board of Elections, a Direct Recording Electronic Voting System shall provide an acceptable method for a voter to vote for a person whose name does not appear on the ballot using the same Direct Recording Electronic Voting System used to record votes for candidates whose name do appear on the ballot.

(10 ILCS 5/24C-8 new)

Sec. 24C-8. Preparation for use; comparison of ballots; operational checks of Direct Recording Electronic Voting Systems equipment; pollwatchers. The election authority shall cause the approved Direct Recording Electronic Voting System equipment to be delivered to the polling places. Before the opening of the polls, all Direct Recording Electronic Voting System devices shall provide a printed record of the following, upon verification of the authenticity of the commands by a judge of election: the election's identification data, the equipment's unit identification, the ballot's format identification, the contents of each active candidate register by office and of each active public question register showing that they contain all zeros, all ballot fields that can be used to invoke special voting options, and other information needed to ensure the readiness of the equipment, and to accommodate administrative reporting requirements.

The Direct Recording Electronic Voting System shall provide a means for the election judges to open the polling place and ready the equipment for the casting of ballots. Those means shall incorporate a security seal, a password, or a data code recognition capability to prevent inadvertent or unauthorized actuation of the poll-opening function. If more than one step is required, it shall enforce their execution in the proper sequence.

Pollwatchers, as provided by law, shall be permitted to closely observe the judges in these procedures and to periodically inspect the Direct Recording Electronic Voting System equipment when not in use by the voters.

(10 ILCS 5/24C-9 new)

Sec. 24C-9. Testing of Direct Recording Electronic Voting System equipment and programs; custody of programs, test materials, and ballots. Prior to the public test, the election authority shall conduct an errorless pre-test of the Direct Recording Electronic Voting System equipment and programs to determine that they will correctly detect voting defects and count the votes cast for all offices and all public questions. On any day not less than 5 days prior to the election day, the election authority shall publicly test

the Direct Recording Electronic Voting System equipment and programs to determine that they will correctly count the votes cast for all offices and on all public questions. Public notice of the time and place of the test shall be given at least 48 hours before the test by publishing the notice in one or more newspapers within the election jurisdiction of the election authority, if a newspaper is published in that jurisdiction. If a newspaper is not published in that jurisdiction, notice shall be published in a newspaper of general circulation in that jurisdiction. Timely written notice stating the date, time, and location of the public test shall also be provided to the State Board of Elections. The test shall be open to representatives of the political parties, the press, representatives of the State Board of Elections, and the public. The test shall be conducted by entering a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each public question, and shall include for each office one or more ballots having votes exceeding the number allowed by law to test the ability of the electronic tabulating equipment to reject the votes. The test shall also include producing an edit listing.

The State Board of Elections may select as many election jurisdictions that the Board deems advisable in the interests of the election process of this State to order a special test of the electronic tabulating equipment and program before any regular election. The Board may order a special test in any election jurisdiction where, during the preceding 12 months, computer programming errors or other errors in the use of the system resulted in vote tabulation errors. Not less than 30 days before any election, the State Board of Elections shall provide written notice to those selected jurisdictions of its intent to conduct a test. Within 5 days of receipt of the State Board of Elections' written notice of intent to conduct a test, the selected jurisdictions shall forward to the principal office of the State Board of Elections a copy of all specimen ballots. The State Board of Elections' tests shall be conducted and completed not less than 2 days before the public test using testing materials supplied by the Board and under the supervision of the Board, and the Board shall reimburse the election authority for the reasonable cost of computer time required to conduct the special test. After an errorless test, materials used in the public test, including the program, if appropriate, shall be sealed and remain sealed until the test is run again on election day. If any error is detected, the cause of the error shall be determined and corrected, and an errorless public test shall be made before the automatic tabulating equipment is approved. Each election authority shall file a sealed copy of each tested program to be used within its jurisdiction at an election with the State Board of Elections before the election. The Board shall secure the program or programs of each election jurisdiction so filed in its office for the 60 days following the canvass and proclamation of election results. At the expiration of that time, if no election contest or appeal is pending in an election jurisdiction, the Board shall return the sealed program or programs to the election authority of the jurisdiction. After the completion of the count, the test shall be re-run using the same program. Immediately after the re-run, all material used in testing the program and the programs shall be sealed and retained under the custody of the election authority for a period of 60 days. At the expiration of that time the election authority shall destroy the voted ballots, together with all unused ballots returned from the precincts, provided, that if any contest of election is pending at the time in which the ballots may be required as evidence and the election authority has notice of the contest, the ballots shall not

be destroyed until after the contest is finally determined. If the use of back-up equipment becomes necessary, the same testing required for the original equipment shall be conducted.

(10 ILCS 5/24C-10 new)

Sec. 24C-10. Recording of votes by Direct Recording Electronic Voting Systems. Whenever a Direct Recording Electronic Voting System is used to electronically record and count the votes of ballots, the provisions of this Section shall apply. A voter shall cast a proper vote on a ballot pursuant to the instructions provided on the screen or labels.

(10 ILCS 5/24C-11 new)

Sec. 24C-11. Functional requirements. The functional requirements of a Direct Recording Electronic Voting System shall be specified by the administrative rules of the State Board of Elections.

(10 ILCS 5/24C-12 new)

Sec. 24C-12. Procedures for counting and tallying of ballots. In an election jurisdiction where a Direct Recording Electronic Voting System is used, the procedures in this Section for counting and tallying the ballots shall apply.

Before the opening of the polls, the judges of elections shall assemble the voting equipment and devices and turn the equipment on. The judges shall, if necessary, take steps to actuate the voting devices and counting equipment by inserting into the equipment and voting devices appropriate electronic media containing passwords and data codes that will select the proper ballot formats for that polling place and that will prevent inadvertent or unauthorized actuation of the poll-opening function. Before voting begins and before ballots are entered into the voting devices, the judges of election shall cause to be printed a record of the following: (i) the election's identification data, (ii) the device's unit identification, (iii) the ballot's format identification, (iv) the contents of each active candidate register by office and of each active public question register showing that they contain all zeros, (v) all ballot fields that can be used to invoke special voting options, and (vi) other information needed to ensure the readiness of the equipment and to accommodate administrative reporting requirements. The judges must also check to be sure that the totals are all zeros in the counting columns and in the public counter affixed to the voting devices.

After the judges have determined that a person is qualified to vote, the judges shall enable a voting device to be used by the voter and the proper ballot to which the voter is entitled shall be selected. The ballot may then be cast by the voter by marking by appropriate means the designated area of the ballot for the casting of a vote for any candidate or for or against any public question. The voter shall be able to vote for any and all candidates and public measures appearing on the ballot in any legal number and combination and the voter shall be able to delete or change his or her selections before the ballot is cast. The voter shall be able to select candidates whose names do not appear upon the ballot for any office by following the instructions provided on the screen or labels as many names of candidates as the voter is entitled to select for each office.

Upon completing his or her selection of candidates or public questions, the voter shall signify that voting has been completed by activating the appropriate button, switch, or active area of the ballot screen associated with end of voting. Upon activation, the voting system shall record an image of the completed ballot, shall increment the proper ballot position registers, and shall signify to the voter that the ballot has been cast. The voter shall exit the

voting station and the voting system shall prevent any further attempt to vote until it has been re-activated by the judges of election. If the voter fails to cast his or her ballot and leaves the polling place, 2 judges of election, one from each of the 2 major political parties, shall spoil the ballot.

Throughout the election day and before the closing of the polls, no person may check any vote totals for any candidate or public question on the voting or counting equipment.

The precinct judges of election shall check the public register to determine whether the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the applications for ballot. If the same do not agree, the judges of election shall immediately contact the offices of the election authority in charge of the election for further instructions. If the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the application for ballot, the number shall be listed on the "Statement of Ballots" form provided by the election authority.

The totals for all candidates and propositions shall be tabulated and 4 copies of a "Certificate of Results" shall be printed by the electronic tabulating equipment. In addition, one copy shall be posted in a conspicuous place inside the polling place and every effort shall be made by the judges of election to provide a copy for each authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots. Additional copies shall be made available to pollwatchers, but in no case shall there be fewer than 4 chosen by lot by the judges of election. In addition, sufficient time shall be provided by the judges of election to the pollwatchers to allow them to copy information from the copy that has been posted.

If instructed by the election authority, the judges of election shall cause the tabulated returns to be transmitted electronically to the offices of the election authority via modem or other electronic medium.

The precinct judges of election shall select a bi-partisan team of 2 judges, who shall immediately return the ballots in a sealed container, along with all other election materials and equipment as instructed by the election authority; provided, however, that the container must first be sealed by the election judges with filament tape or other approved sealing devices provided for the purpose in a manner that the ballots cannot be removed from the container without breaking the seal or filament tape and disturbing any signatures affixed by the election judges to the container. The election authority shall keep the office of the election authority, or any receiving stations designated by the authority, open for at least 12 consecutive hours after the polls close or until the ballots and election material and equipment, as instructed by the election authority, from all precincts within the jurisdiction of the election authority have been returned to the election authority. Ballots and election materials and equipment returned to the office of the election authority that are not signed and sealed as required by law shall not be accepted by the election authority until the judges returning the ballots make and sign the necessary corrections. Upon acceptance of the ballots and election materials and equipment by the election authority, the judges returning the ballots shall take a receipt signed by the election authority and stamped with the time and date of the return. The election judges whose duty it is to return any ballots and election materials and equipment as provided shall, in the event the ballots, materials, or equipment cannot be found when needed, on proper request, produce the receipt that they

are to take as above provided.

(10 ILCS 5/24C-13 new)

Sec. 24C-13. Counting of absentee ballots. All jurisdictions using Direct Recording Electronic Voting Systems shall count absentee ballots at the office of the election authority. The provisions of Sections 24A-9 and 24B-9 shall apply to the testing and notice requirements for central count tabulation equipment, including comparing the signature on the ballot envelope with the signature of the voter on the permanent voter registration record card taken from the master file; except that votes shall be recorded by precinct.

Any election authority using a direct recording electronic voting system shall use voting systems approved for use under Articles 16, 24A, or 24B when conducting absentee voting. The absentee ballots shall be examined and processed pursuant to Sections 19-9 and 20-9. The results shall be recorded by precinct and shall become part of the certificate of results.

(10 ILCS 5/24C-14 new)

Sec. 24C-14. Tabulating votes; direction; presence of public; computer operator's log and canvass. The procedure for tabulating the votes by the Direct Recording Electronic Voting System shall be under the direction of the election authority and shall conform to the requirements of the Direct Recording Electronic Voting System. During any election-related activity using the Direct Recording Electronic Voting System equipment, the election authority shall dedicate the equipment to vote processing to ensure the security and integrity of the system.

A reasonable number of pollwatchers shall be admitted to the counting location. Persons may observe the tabulating process at the discretion of the election authority; however, at least one representative of each established political party and authorized agents of the State Board of Elections shall be permitted to observe this process at all times. No persons except those employed and authorized for the purpose shall touch any ballot, ballot box, return, or equipment.

The computer operator shall be designated by the election authority and shall be sworn as a deputy of the election authority. In conducting the vote tabulation and canvass, the computer operator must maintain a log which shall include the following information:

(1) alterations made to programs associated with the vote counting process;

(2) if applicable, console messages relating to the program and the respective responses made by the operator;

(3) the starting time for each precinct counted, the number of ballots counted for each precinct, any equipment problems and, insofar as practicable, the number of invalid security designations encountered during that count; and

(4) changes and repairs made to the equipment during the vote tabulation and canvass.

The computer operator's log and canvass shall be available for public inspection in the office of the election authority for a period of 60 days following the proclamation of election results. A copy of the computer operator's log and the canvass shall be transmitted to the State Board of Elections upon its request and at its expense.

(10 ILCS 5/24C-15 new)

Sec. 24C-15. Official return of precinct; check of totals; audit. The precinct return printed by the Direct Recording Electronic Voting System tabulating equipment shall include the number of ballots cast, ballots cast by each political party for a primary election, and votes cast for each candidate and public question and shall

constitute the official return of each precinct. In addition to the precinct return, the election authority shall provide the number of applications for ballots in each precinct, the total number of ballots counted in each precinct for each political subdivision and district, and the number of registered voters in each precinct. The election authority shall check the totals shown by the precinct return and, if there is an obvious discrepancy regarding the total number of votes cast in any precinct, shall have the ballots for that precinct audited to correct the return. The procedures for this audit shall apply prior to and after the proclamation is completed; however, after the proclamation of results, the election authority must obtain a court order to unseal voted ballots except for election contests and discovery recounts. The certificate of results, that has been prepared and signed by the judges of election in the polling place and at the election authority's office after the ballots have been tabulated, shall be the document used for the canvass of votes for the precinct. Whenever a discrepancy exists during the canvass of votes between the unofficial results and the certificate of results, or whenever a discrepancy exists during the canvass of votes between the certificate of results and the set of totals reflected on the certificate of results, the ballots for that precinct shall be audited to correct the return.

Prior to the proclamation, the election authority shall test the voting devices and equipment in 5% of the precincts within the election jurisdiction. The precincts to be tested shall be selected after election day on a random basis by the State Board of Elections, so that every precinct in the election jurisdiction has an equal mathematical chance of being selected.

The test shall be conducted by entering a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each public question, and shall include for each office one or more ballots that have votes in excess of the number allowed by law to test the ability of the equipment to reject those votes. If any error is detected, the cause shall be determined and corrected, and an errorless count shall be made prior to the official canvass and proclamation of election results.

The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the chairman of the county central committee of each established political party, and qualified civic organizations shall be given prior written notice of the time and place of the test and may be represented at the test.

The results of this re-tabulation shall be treated in the same manner and have the same effect as the results of the discovery procedures set forth in Section 22-9.1 of this Code. Upon completion of the test, the election authority shall print a report showing the results of the test and any errors encountered and the report shall be made available for public inspection.

(10 ILCS 5/24C-15.01 new)

Sec. 24C-15.01. Transporting ballots to central counting station; container. Upon completion of the tabulation, audit, or test of voting equipment, if the election authority so instructs, pursuant to Sections 24C-11 through 24C-15, the voting equipment and ballots from each precinct shall be replaced in the container in which they were transported to the central counting station. If the container is not a type that may be securely locked, then each container, before being transferred from the counting station to storage, shall be sealed with filament tape wrapped around the container lengthwise and crosswise, at least twice each way, and in a manner that the equipment and ballots cannot be removed from the container without breaking the tape.

(10 ILCS 5/24C-15.1 new)

Sec. 24B-15.1. Discovery recounts and election contests. Discovery recounts and election contests shall be conducted as otherwise provided for in this Code. The Direct Recording Electronic Voting System equipment shall be tested prior to the discovery recount or election contest as provided in Section 24C-9 and then the official ballots shall be audited.

The log of the computer operator and all materials retained by the election authority in relation to vote tabulation and canvass shall be made available for any discovery recount or election contest.

(10 ILCS 5/24C-16 new)

Sec. 24C-16. Approval of Direct Recording Electronic Voting Systems; requisites. The State Board of Elections shall approve all Direct Recording Electronic Voting Systems provided by this Article.

No Direct Recording Electronic Voting System shall be approved unless it fulfills the following requirements:

(1) It enables a voter to vote in absolute secrecy, except in the case of voters who receive assistance as provided in this Code.

(2) It enables each voter to vote at an election for all persons and offices for whom and for which the voter is lawfully entitled to vote, to vote for as many persons for an office as the voter is entitled to vote for, and to vote for or against any public question upon which the voter is entitled to vote, but no other.

(3) It will detect and reject all votes for an office or upon a public question when the voter has cast more votes for the office or upon the public question than he or she is entitled to cast; provided, however, that it will inform a voter that the voter's choices as recorded on the ballot for an office or public question exceeds the number that the voter is entitled to vote for on that office or public question and will offer the voter an opportunity to correct the error before rejecting the choices recorded on the voter's ballot.

(4) It will enable each voter in primary elections to vote only for the candidates of the political party with which he or she had declared affiliation and preclude the voter from voting for any candidate of any other political party.

(5) It enables a voter to vote a split ticket selected in part from the nominees of one party, in part from the nominees of any or all parties, in part from independent candidates, and in part of candidates whose names are written in by the voter.

(6) It enables a voter, at a Presidential election, by a single selection to vote for the candidates of a political party for Presidential electors.

(7) It will prevent anyone voting for the same person more than once for the same office.

(8) It will record and count accurately each vote properly cast for or against any candidate and for or against any public question, including the names of all candidates whose names are written in by the voters.

(9) It will be capable of merging the vote tabulation results produced by other vote tabulation systems, if necessary.

(10) It will provide a means for sealing and resealing the vote recording devices to prevent their unauthorized use and to prevent tampering with ballot labels.

(11) It will be suitably designed for the purpose used, be durably constructed, and be designed for safety, accuracy, and efficiency.

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(12) It will be designed to accommodate the needs of elderly, handicapped, and disabled voters.

(13) It will enable a voter to vote for a person whose name does not appear on the ballot.

(14) It will be designed to ensure that vote recording devices or electronic tabulating equipment that count votes at the precinct will not be capable of reporting vote totals before the close of the polls.

(15) It will provide an audit trail.

The State Board of Elections is authorized to withdraw its approval of a Direct Recording Electronic Voting System if the system fails to fulfill the above requirements.

No vendor, person, or other entity may sell, lease, or loan a Direct Recording Electronic Voting System or system component to any election jurisdiction unless the system or system component is first approved by the State Board of Elections pursuant to this Section. The State Board of Elections shall not accept for testing or approval of any system or system component that has not first been evaluated by an independent testing laboratory or laboratories for performance and reliability using the standards that may from time to time be promulgated by the United States Federal Election Commission. When the functional requirements of this Section are in conflict with the standards promulgated by the Federal Election Commission, the standards of the Federal Election Commission shall govern.

(10 ILCS 5/24C-17 new)

Sec. 24C-17. Rules; number of voting booths. The State Board of Elections may make reasonable rules for the administration of this Article and may prescribe the number of voting booths required for the various types of voting systems.

(10 ILCS 5/24C-18 new)

Sec. 24C-18. Specimen ballots; publication. When a Direct Recording Electronic Voting System is used, the election authority shall cause to be published, at least 5 days before the day of each general and general primary election, in 2 or more newspapers published in and having a general circulation in the county, a true and legible copy of the specimen ballot containing the names of offices, candidates, and public questions to be voted on, as near as may be, in the form in which they will appear on the official ballot on election day. A true legible copy may be in the form of an actual size ballot and shall be published as required by this Section if distributed in 2 or more newspapers published and having a general circulation in the county as an insert. For each election prescribed in Article 2A of this Code, specimen ballots shall be made available for public distribution and shall be supplied to the judges of election for posting in the polling place on the day of election. Notice for the consolidated primary and consolidated elections shall be given as provided in Article 12.

(10 ILCS 5/24C-19 new)

Sec. 24C-19. Additional method of voting. This Article shall be deemed to provide a method of voting in addition to the methods otherwise provided in this Code.

(10 ILCS5/24A-20 rep.)

Section 10. The Election Code is amended by repealing Section 24A-20.

Section 99. Effective date. This Act takes effect on January 1, 2003.".

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 Karpiel, **Senate Bill No. 1975** was recalled from the order of third reading to the order of second reading.

Senator Karpiel offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1975, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 5.306 as follows:

(30 ILCS 105/5.306) (from Ch. 127, par. 141.306)

Sec. 5.306. The Child Labor and Temporary Staffing Services Enforcement Fund.

(Source: P.A. 87-139; 87-895.)

Section 10. The Day Labor Services Act is amended by changing the title of the Act and Sections 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, and 50 and by adding Sections 55, 60, 65, 70, 75, and 80 as follows:

(820 ILCS 175/Act title)

AN ACT in relation to temporary staffing ~~day-labor~~ services.

(820 ILCS 175/1)

Sec. 1. Short Title. This Act may be cited as the Temporary Staffing ~~Day-Labor~~ Services Act.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/5)

Sec. 5. Definitions. As used in this Act:

"Temporary staffer ~~Day--laborer~~" means a natural person who contracts for employment with a temporary staffing ~~day-labor~~ service agency.

"Temporary staffing ~~Day-labor~~" means labor or employment that is occasional or irregular at which a person is employed for not longer than the time period required to complete the assignment for which the person was hired and where wage payments are made directly or indirectly by the temporary staffing ~~day-labor~~ service agency or the third party employer for work undertaken by temporary staffers ~~day laborers~~ pursuant to a contract between the temporary staffing ~~day labor~~ service agency with the third party employer. "Temporary staffing ~~Day-labor~~" does not include labor or employment of a professional or clerical nature.

"Temporary staffing ~~Day-labor~~ service agency" means any person or entity engaged in the business of employing temporary staffers ~~day laborers~~ to provide services to or for any third party employer pursuant to a contract with the temporary staffing ~~day-labor~~ service and the third party employer.

"Department" means the Department of Labor.

"Third party employer" means any person that contracts with a temporary staffing ~~day--labor~~ service agency for the employment of temporary staffers ~~day-laborers~~.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/10)

Sec. 10. Statement.

(a) Whenever a temporary staffing ~~day-labor~~ service agency agrees to send one or more persons to work as temporary staffers ~~day laborers~~, the temporary staffing ~~day-labor~~ service agency shall, upon request by a temporary staffer ~~day--laborer~~, provide to the temporary staffer ~~day--laborer~~ a statement containing the following items: "Name and nature of the work to be performed", "wages

offered", "destination of the person employed", "terms of transportation", and whether a meal and equipment is provided, either by the temporary staffing ~~day--labor~~ service or the third party employer, and the cost of the meal and equipment, if any.

(b) No temporary staffing ~~day-labor~~ service agency may send any temporary staffer ~~day-laborer~~ to any place where a strike, a lockout, or other labor trouble exists without first notifying the temporary staffer ~~day-laborer~~ of the conditions.

(c) The Department shall recommend to temporary staffing ~~day labor~~ service agencies that those agencies employ personnel who can effectively communicate information required in subsections (a) and (b) to temporary staffers ~~day-laborers~~ in Spanish, Polish, or any other language that is generally used in the locale of the temporary staffing ~~day-labor~~ agency.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/15)

Sec. 15. Meals. A temporary staffing ~~day-labor~~ service agency or a third party employer shall not charge a temporary staffer ~~day labor~~ more than the actual cost of a meal. In no case shall the purchase of a meal be a condition of employment for a temporary staffer ~~day-laborer~~.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/20)

Sec. 20. Transportation. A temporary staffing ~~day-labor~~ service agency or a third party employer shall charge no more than the actual cost to transport a temporary staffer ~~day--laborer~~ to or from the designated work site; however, the total cost to each temporary staffer ~~day-laborer~~ shall not exceed 3% of the temporary staffer's ~~day--laborer's~~ daily wages. Any motor vehicle that is owned or operated by the temporary staffing ~~day--labor~~ service agency or a third party employer, or a contractor of either, which is used for the transportation of temporary staffers ~~day--laborers~~ shall have proof of financial responsibility as provided for in Chapter 8 of the Illinois Vehicle Code.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/25)

Sec. 25. Temporary staffer ~~Day--laborer~~ equipment. For any safety equipment, clothing, accessories, or any other items required by the nature of the work, either by law, custom, or as a requirement of the third party employer, the temporary staffing ~~day-labor~~ service agency or the third party employer may charge the temporary staffer ~~day-laborer~~ the market value of the item temporarily provided to the temporary staffer ~~day--laborer~~ by the third party employer if the temporary staffer ~~day-laborer~~ fails to return such items to the third party employer or the temporary staffing ~~day--labor~~ service agency. For any other equipment, clothing, accessories, or any other items the temporary staffing ~~day-labor~~ service agency makes available for purchase, the temporary staffer ~~day-laborer~~ shall not be charged more than the actual market value for the item.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/30)

Sec. 30. Wage Payment.

(a) At the time of the payment of wages, a temporary staffing ~~day-labor~~ service agency shall provide each temporary staffer ~~day labor~~ with an itemized statement showing in detail each deduction made from the wages.

(b) A temporary staffing ~~day-labor~~ service agency shall provide each worker an annual earnings summary within a reasonable time after the preceding calendar year, but in no case later than February 1. A temporary staffing ~~day--labor~~ service agency shall, at the time of

each wage payment, give notice to temporary staffers ~~day-laborers~~ of the availability of the annual earnings summary or post such a notice in a conspicuous place in the public reception area.

(c) At the request of a temporary staffer, a temporary staffing ~~day-laborer, a day-labor~~ service agency shall hold the daily wages of the temporary staffer ~~day--laborer~~ and make either weekly or semi-monthly payments. The wages shall be paid in a single check representing the wages earned during the period, either weekly or semi-monthly, designated by the temporary staffer ~~day-laborer~~ in accordance with the Illinois Wage Payment and Collection Act. Temporary staffing ~~Day-labor~~ service agencies that make daily wage payments shall provide written notification to all temporary staffers ~~day--laborers~~ of the right to request weekly or semi-monthly checks. The temporary staffing ~~day-labor~~ service agency may provide this notice by conspicuously posting the notice at the location where the wages are received by the temporary staffers ~~day-laborers~~.

(d) No temporary staffing ~~day-labor~~ service agency shall charge any temporary staffer ~~day-laborer~~ for cashing a check issued by the agency for wages earned by a temporary staffer ~~day--laborer~~ who performed work through that agency.

(e) Temporary staffers ~~Day-laborers~~ shall be paid no less than the wage rate stated in the notice as provided in Section 10 of this Act for all the work performed on behalf of the third party employer in addition to the work listed in the written description.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/35)

Sec. 35. Public Access Area. Each temporary staffing ~~day--labor~~ service agency shall provide adequate seating in the public access area of the offices of the agency. The public access area shall be the location for the employment and wage notices required by Section 10 of this Act. The public access area shall allow for access to restrooms and water.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/40)

Sec. 40. Work Restriction. No temporary staffing ~~day-labor~~ service agency shall restrict the right of a temporary staffer ~~day labor~~ to accept a permanent position with a third party employer to whom the temporary staffer ~~day-laborer~~ has been referred for work or restrict the right of such third party employer to offer such employment to a temporary staffer ~~day--laborer~~. Nothing in this Section shall restrict a temporary staffing ~~day-labor~~ service agency from receiving a placement fee from the third party employer for employing a temporary staffer ~~day-laborer~~ for whom a contract for work was effected by the temporary staffing ~~day-labor~~ service agency.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/45)

Sec. 45. Registration; Department of Labor. A temporary staffing ~~day-labor~~ service agency shall register with the Department of Labor in accordance with rules adopted by the Department for temporary staffing ~~day-labor~~ service agencies that operate within the State. The Department may assess each agency a non-refundable registration fee not exceeding $250 per year. The fee may be paid by check or money order and the Department may not refuse to accept a check on the basis that it is not a certified check or a cashier's check. The Department may charge an additional fee to be paid by an agency if the agency, or any person on the agency's behalf, issues or delivers a check to the Department that is not honored by the financial institution upon which it is drawn. The Department shall also adopt rules for violation hearings and penalties for violations of this Act or the Department's rules in conjunction with the fines

and penalties set forth in this Act. The Department shall cause to be posted in each agency a notice which informs the public of a toll-free telephone number for temporary staffers ~~day--laborers~~ and the public to file wage dispute complaints and other alleged violations by temporary staffing ~~day-labor~~ service agencies.
(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/50)

Sec. 50. Violations. The Department shall have the authority to suspend or revoke the registration of a temporary staffing ~~day--labor~~ service agency if warranted by public health and safety concerns or violations of this Act.
(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/55 new)

Sec. 55. Enforcement. It shall be the duty of the Department to enforce the provisions of this Act. The Department shall have the power to conduct investigations in connection with the administration and enforcement of this Act and any investigator with the Department shall be authorized to visit and inspect, at all reasonable times, any places covered by this Act. The Department shall conduct hearings in accordance with the Illinois Administrative Procedure Act, as amended, upon written complaint by an investigator of the Department or any interested person of a violation of the Act. After the hearing, if supported by the evidence, the Department may (i) issue and cause to be served on any party an order to cease and desist from further violation of the Act, (ii) take affirmative or other action as deemed reasonable to eliminate the effect of the violation, (iii) deny, suspend, or revoke any registration under this Act, and (iv) determine the amount of any civil penalty allowed by the Act. The Director of Labor or his or her representative may compel, by subpoena, the attendance and testimony of witnesses and the production of books, payrolls, records, papers, and other evidence in any investigation or hearing and may administer oaths to witnesses.

(820 ILCS 175/60 new)

Sec. 60. Review under Administrative Review Law. Any party to a proceeding under this Act may apply for and obtain judicial review of an order of the Department entered under this Act in accordance with the provisions of the Administrative Review Law, as amended, and the Department in proceedings under the Act may obtain an order from the court for the enforcement of its order.

(820 ILCS 175/65 new)

Sec. 65. Contempt. Whenever it appears that any temporary staffing service agency has violated a valid order of the Department issued under this Act, the Director of Labor may commence an action and obtain from the court an order commanding the temporary staffing service agency to obey the order of the Department or be adjudged guilty of contempt of court and punished accordingly.

(820 ILCS 175/70 new)

Sec. 70. Penalties. A temporary staffing service agency that violates any of the provisions of this Act concerning registration, transportation, equipment, meals, wages, or waiting rooms shall be subject to a civil penalty not to exceed $500 for any violations found in the first audit and not to exceed $5,000 for any violations found in the second audit. For any violations that are found in a third audit that are within 7 years of the earlier violations, the Department may revoke the registration of the violator. In determining the amount of a penalty, the Director shall consider the appropriateness of the penalty to the temporary staffing service agency charged, upon the determination of the gravity of the violations. The amount of the penalty, when finally determined may be:

(1) Recovered in a civil action brought by the Director of Labor in any circuit court. In this litigation, the Director of Labor shall be represented by the Attorney General.

(2) Ordered by the court, in action brought for violation under this Act, to be paid to the Director of Labor.

Any administrative determination by the Department as to the amount of each penalty shall be final unless reviewed as provided in Section 60 of this Act.

(820 ILCS 175/75 new)

Sec. 75. Willful violations. Whoever willfully violates any of the provisions of this Act or any rule adopted under this Act, or whoever obstructs the Department of Labor, its inspectors or deputies, or any other person authorized to inspect places of employment under this Act shall be guilty of a Class A misdemeanor. Each day during which a violation of this Act continues shall constitute a separate and distinct offense, and the employment of any person in violation of the Act shall, with respect to each person so employed, constitute a separate and distinct offense. Whenever, in the opinion of the Department, a violation of the Act has occurred, the Department shall report the violation to the Attorney General of this State who shall prosecute all reported violations.

(820 ILCS 175/80 new)

Sec. 80. Child Labor and Temporary Staffing Enforcement Fund. All moneys received as fees and civil penalties under this Act shall be deposited into the Child Labor and Temporary Staffing Enforcement Fund and may be used for the purposes set forth in Section 17.3 of the Child Labor Law.

Section 15. The Child Labor Law is amended by changing Section 17.3 as follows:

(820 ILCS 205/17.3) (from Ch. 48, par. 31.17-3)

Sec. 17.3. Any employer who violates any of the provisions of this Act or any rule or regulation issued under the Act shall be subject to a civil penalty of not to exceed $5,000 for each such violation. In determining the amount of such penalty, the appropriateness of such penalty to the size of the business of the employer charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, may be

(1) recovered in a civil action brought by the Director of Labor in any circuit court, in which litigation the Director of Labor shall be represented by the Attorney General;

(2) ordered by the court, in an action brought for violation under Section 19, to be paid to the Director of Labor.

Any administrative determination by the Department of Labor of the amount of each penalty shall be final unless reviewed as provided in Section 17.1 of this Act.

Civil penalties recovered under this Section shall be paid into the Child Labor and Temporary Staffing Enforcement Fund, a special fund which is hereby created in the State treasury. Moneys ~~Monies~~ in the Fund may ~~shall~~ be used, subject to appropriation, for exemplary programs, demonstration projects, and other activities or purposes related to the enforcement of this Act or for the activities or purposes related to the enforcement of the Temporary Staffing Services Act.

(Source: P.A. 87-139; 88-365.)

Section 99. Effective date. This Act takes effect January 1, 2003.".

The motion prevailed.

And the amendment was adopted and ordered printed.

[Apr. 3, 2002]

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

On motion of Senator Klemm, **Senate Bill No. 1997** was recalled from the order of third reading to the order of second reading.

Senator Klemm offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1997 on page 3, line 19, by changing "600,000" to "800,000".

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 Syverson, **Senate Bill No. 2001** was recalled from the order of third reading to the order of second reading.

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2001, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, by replacing line 5 with the following:

"shall be funded using federal civil monetary penalties collected and deposited into the Long Term Care Monitor/Receiver Fund established under the Nursing"; and

on page 3, by replacing line 7 with the following:

"recommendations of the commission and after a thorough review of the compliance history of the long-term care facility."; and

by replacing line 32 on page 3 and line 1 on page 4 with the following:

"With the approval of the federal centers for Medicaid and Medicare services, the Director of Public Health shall set aside 50% of the federal civil monetary penalties collected each year to be used to".

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 Watson, **Senate Bill No. 2016** was recalled from the order of third reading to the order of second reading.

Senator Watson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2016, AS AMENDED, in Section 10, by replacing all of Sec. 3-6037 with the following:

"(55 ILCS 5/3-6037) (from Ch. 34, par. 3-6037)

Sec. 3-6037. Salary of Supervisor of Safety. The county board may allow the Supervisor of Safety an annual salary in an amount determined by the board. ~~not to exceed the following:~~

~~In counties of less than 20,000 population, the sum of $1,500;~~

~~In counties of 20,000 or more and less than 30,000 population, the sum of $2,000;~~
~~In counties of 30,000 or more and less than 50,000 population, the sum of $2,500;~~
~~In counties of 50,000 or more and less than 75,000 population, the sum of $3,000;~~
~~In counties of 75,000 or more and less than 100,000 population, the sum of $3,500;~~
~~In counties of 100,000 or more and less than 500,000 population, the sum of $4,000;~~
~~In counties of 500,000 or more population, the sum of $4,500.~~
~~The word "population" when used in this section shall mean the population as determined by the last preceding Federal Census.~~
The salary determined under this Section ~~These salaries~~ shall be without regard to and separate from the salary ~~salaries~~ that may be fixed by the county board for the Sheriff, and it shall be payable out of the County Treasury.
(Source: P.A. 86-962.)".

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 Donahue, **Senate Bill No. 2018** was recalled from the order of third reading to the order of second reading.
Senator Donahue offered the following amendment and moved its adoption:

AMENDMENT NO. 1
AMENDMENT NO. 1. Amend Senate Bill 2018, on page 1, by replacing line 9 with the following:
"fund in the State treasury. The Comptroller shall order transferred and the State Treasurer shall transfer from the Federal Department of Education Fund into the Career and Technical Education Fund such amounts as may be directed in writing by the State Board of Education. All moneys so deposited into the Career and".

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 Bomke, **Senate Bill No. 2022** was recalled from the order of third reading to the order of second reading.
Senator Bomke offered the following amendment and moved its adoption:

AMENDMENT NO. 2
AMENDMENT NO. 2. Amend Senate Bill 2022, AS AMENDED, by replacing everything after the enacting clause with the following:
"Section 5. The Mental Health and Developmental Disabilities Confidentiality Act is amended by changing Section 12 as follows:
(740 ILCS 110/12) (from Ch. 91 1/2, par. 812)
Sec. 12. (a) If the United States Secret Service or the Department of State Police requests information from a mental health or developmental disability facility, as defined in Section 1-107 and 1-114 of the Mental Health and Developmental Disabilities Code,

relating to a specific recipient and the facility director determines that disclosure of such information may be necessary to protect the life of, or to prevent the infliction of great bodily harm to, a public official, or a person under the protection of the United States Secret Service, only the following information may be disclosed: the recipient's name, address, and age and the date of any admission to or discharge from a facility; and any information which would indicate whether or not the recipient has a history of violence or presents a danger of violence to the person under protection. Any information so disclosed shall be used for investigative purposes only and shall not be publicly disseminated. Any person participating in good faith in the disclosure of such information in accordance with this provision shall have immunity from any liability, civil, criminal or otherwise, if such information is disclosed relying upon the representation of an officer of the United States Secret Service or the Department of State Police that a person is under the protection of the United States Secret Service or is a public official.

For the purpose of this subsection (a), the term "public official" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, State Comptroller, State Treasurer or member of the General Assembly. The term shall also include the spouse, child or children of a public official.

(b) The Department of Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities) and all private hospitals are required, as hereafter described in this subsection, to furnish the Department of State Police only such information as may be required for the sole purpose of determining whether an individual who may be or may have been a patient is disqualified because of that status from receiving or retaining a Firearm Owner's Identification Card under subsection (e) of Section 8 of the Firearm Owners Identification Card Act. All private hospitals shall, in the form and manner required by the Department, provide such information as shall be necessary for the Department to comply with the reporting requirements to the Department of State Police. Such information shall be furnished within 30 days after admission to a private hospital. Any such information disclosed under this subsection shall remain privileged and confidential, and shall not be redisclosed nor utilized for any other purpose. The method of requiring the providing of such information shall guarantee that no information is released beyond what is necessary for this purpose. In addition, the information disclosed shall be provided by the Department within the time period established by Section 24-3 of the Criminal Code of 1961 regarding the delivery of firearms. The method used shall be sufficient to provide the necessary information within the prescribed time period, which may include periodically providing lists to the Department of Human Services or any private hospital of Firearm Owner's Identification Card applicants on which the Department or hospital shall indicate the identities of those individuals who are to its knowledge disqualified from having a Firearm Owner's Identification Card for reasons described herein. The Department may provide for a centralized source of information for the State on this subject under its jurisdiction.

Any person, institution, or agency, under this Act, participating in good faith in the reporting or disclosure of records and communications otherwise in accordance with this provision or with rules, regulations or guidelines issued by the Department shall have immunity from any liability, civil, criminal or otherwise, that might result by reason of the action. For the purpose of any proceeding, civil or criminal, arising out of a report or disclosure in

accordance with this provision, the good faith of any person, institution, or agency so reporting or disclosing shall be presumed. The full extent of the immunity provided in this subsection (b) shall apply to any person, institution or agency that fails to make a report or disclosure in the good faith belief that the report or disclosure would violate federal regulations governing the confidentiality of alcohol and drug abuse patient records implementing 42 U.S.C. 290dd-3 and 290ee-3.

For purposes of this subsection (b) only, the following terms shall have the meaning prescribed:

(1) "Hospital" means only that type of institution which is providing full-time residential facilities and treatment for in-patients and excludes institutions, such as community clinics, which only provide treatment to out-patients.

(2) "Patient" shall mean only a person who is an in-patient or resident of any hospital, not an out-patient or client seen solely for periodic consultation.

(c) Upon the request of a peace officer who takes a person into custody and transports such person to a mental health or developmental disability facility pursuant to Section 3-606 or 4-404 of the Mental Health and Developmental Disabilities Code or who transports a person from such facility, a facility director shall furnish said peace officer the name, address, age and name of the nearest relative of the person transported to or from the mental health or developmental disability facility. In no case shall the facility director disclose to the peace officer any information relating to the diagnosis, treatment or evaluation of the person's mental or physical health.

For the purposes of this subsection (c), the terms "mental health or developmental disability facility", "peace officer" and "facility director" shall have the meanings ascribed to them in the Mental Health and Developmental Disabilities Code.

(d) Upon the request of a peace officer or prosecuting authority who is conducting a bona fide investigation of a criminal offense, or attempting to apprehend a fugitive from justice, a facility director may disclose whether a person is present at the facility. Upon request of a peace officer or prosecuting authority who has a valid forcible felony warrant issued, a facility director shall disclose: (1) whether the person who is the subject of the warrant is present at the facility and (2) the date of that person's discharge or future discharge from the facility. The requesting peace officer or prosecuting authority must furnish a case number and the purpose of the investigation or an outstanding arrest warrant at the time of the request. Any person, institution, or agency participating in good faith in disclosing such information in accordance with this subsection (d) is immune from any liability, civil, criminal or otherwise, that might result by reason of the action.

(Source: P.A. 89-507, eff. 7-1-97; 90-423, eff. 8-15-97.)

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.

READING A BILL OF THE SENATE A THIRD TIME

[Apr. 3, 2002]

On motion of Senator Cullerton, **Senate Bill No. 2049**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson

Weaver
Welch
Woolard
Mr. President

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

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

SENATE BILLS RECALLED

On motion of Senator Donahue, **Senate Bill No. 2050** was recalled from the order of third reading to the order of second reading.

Senator Donahue offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2050 on page 1, line 13, by changing "Sixteen" to "Nineteen"; and
on page 1, line 28, after the semicolon, by inserting the following: "the Illinois Public Health Association; the Illinois Speech-Language Hearing Association; the American Association of Neurological Surgeons;"; and
on page 2, line 21, after "reasonable", by inserting "travel"; and
on page 2, line 24, by replacing "once each calendar quarter" with "3 times each calendar year"; and
on page 3, by deleting lines 7 and 8; and
on page 3, line 9, by changing "(4) Adopting" to "(3) Recommending"; and
on page 3, line 12, by changing "(5)" to "(4)"; and
on page 3, line 17, by changing "(6)" to "(5)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Dillard, **Senate Bill No. 2072** 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. 1

AMENDMENT NO. 1. Amend Senate Bill 2072 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Groundwater Protection Act is amended by changing Section 9 and by adding Section 9.1 as follows:

(415 ILCS 55/9) (from Ch. 111 1/2, par. 7459)

Sec. 9. (a) As used in this Section, unless the context clearly requires otherwise:

(1) "Community water system" means a public water system which serves at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days per year.

(2) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(3) "Department" means the Illinois Department of Public Health.

(4) "Non-community water system" means a public water system which is not a community water system, and has at least 15 service connections used by nonresidents, or regularly serves 25 or more nonresident individuals daily for at least 60 days per year.

(4.5) "Non-transient, non-community water system" means a non-community water system that regularly serves the same 25 or more persons at least 6 months per year.

(5) "Private water system" means any supply which provides water for drinking, culinary, and sanitary purposes and serves an owner-occupied single family dwelling.

(6) "Public water system" means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. A public water system is either a community water system (CWS) or a non-community water system (non-CWS). The term "public water system" includes any collection, treatment, storage or distribution facilities under control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

(7) "Semi-private water system" means a water supply which is not a public water system, yet which serves a segment of the public other than an owner-occupied single family dwelling.

(8) "Supplier of water" means any person who owns or operates a water system.

(b) No non-community water system may be constructed, altered, or extended until plans, specifications, and other information relative to such system are submitted to and reviewed by the Department for conformance with the rules promulgated under this Section, and until a permit for such activity is issued by the Department. As part of the permit application, all new non-transient, non-community water systems must demonstrate technical, financial, and managerial capacity consistent with the federal Safe Drinking Water Act.

(c) All private and semi-private water systems shall be constructed in accordance with the rules promulgated by the Department under this Section.

(d) The Department shall promulgate rules for the construction and operation of all non-community and semi-private water systems. Such rules shall include but need not be limited to: the establishment of maximum contaminant levels no more stringent than federally established standards where such standards exist; the maintenance of records; the establishment of requirements for the submission and frequency of submission of water samples by suppliers of water to determine the water quality; and the capacity demonstration requirements to ensure compliance with technical, financial, and managerial capacity provisions of the federal Safe Drinking Water Act.

(e) Borings, water monitoring wells, and wells subject to this Act shall, at a minimum, be abandoned and plugged in accordance with the requirements of Sections 16 and 19 of the Illinois Oil and Gas Act, and such rules as are promulgated thereunder. Nothing herein shall preclude the Department from adopting plugging and abandonment requirements which are more stringent than the rules of the Department of Natural Resources where necessary to protect the public

health.

(f) The Department shall inspect all non-community water systems for the purpose of determining compliance with the provisions of this Section and the regulations promulgated hereunder.

(g) The Department may inspect semi-private and private water systems for the purpose of determining compliance with the provisions of this Section and the regulations promulgated hereunder.

(h) The supplier of water shall be given written notice of all violations of this Section or the rules promulgated hereunder and all such violations shall be corrected in a manner and time specified by the Department.

(i) The Department may conduct inspections to investigate the construction or water quality of non-community or semi-private water systems, or the construction of private water systems. Upon request of the owner or user, the Department may also conduct investigations of the water quality of private water systems.

(j) The supplier of water for a private, semi-private, or non-community water system shall allow the Department and its authorized agents access to such premises at all reasonable times for the purpose of inspection.

(k) The Department may designate full-time county or multiple-county health departments as its agents to facilitate the implementation of this Section.

(l) The Department shall promulgate and publish rules necessary for the enforcement of this Section.

(m) Whenever a non-community or semi-private water system fails to comply with an applicable maximum contaminant level at the point of use, the supplier of water shall give public notification by the conspicuous posting of notice of such failure as long as the failure continues. The notice shall be written in a manner reasonably designed to fully inform users of the system that a drinking water regulation has been violated, and shall disclose all material facts. All non-transient, non-community water systems must demonstrate technical, financial, and managerial capacity consistent with the federal Safe Drinking Water Act.

(n) The provisions of the Illinois Administrative Procedure Act, are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department of Public Health under this Section, except that in case of conflict between the Illinois Administrative Procedure Act and this Section the provisions of this Section shall control; and except that Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.

(o) All final administrative decisions of the Department issued pursuant to this Section shall be subject to judicial review pursuant to the provisions of the Administrative Review Law and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(p) The Director, after notice and opportunity for hearing to the applicant, may deny, suspend, or revoke a permit in any case in which he or she finds that there has been a substantial failure to comply with the provisions of this Section or the standards, rules and regulations established by virtue thereof.

Such notice shall be effected by certified mail or by personal service setting forth the particular reasons for the proposed action and fixing a date, not less than 15 days from the date of such mailing or service, at which time the applicant shall be given an opportunity to request hearing.

[Apr. 3, 2002]

The hearing shall be conducted by the Director or by an individual designated in writing by the Director as Hearing Officer to conduct the hearing. On the basis of any such hearing, or upon default of the applicant, the Director shall make a determination specifying his or her findings and conclusions. A copy of such determination shall be sent by certified mail or served personally upon the applicant.

(q) The procedure governing hearings authorized by this Section shall be in accordance with rules promulgated by the Department. A full and complete record shall be kept of all proceedings, including the notice of hearing, complaint and all other documents in the nature of pleadings, written motions filed in the proceedings, and the report and orders of the Director and Hearing Officer. All testimony shall be reported but need not be transcribed unless review of the decision is sought pursuant to the Administrative Review Law. Copies of the transcript may be obtained by any interested party on payment of the cost of preparing such copies. The Director or Hearing Officer shall, upon his or her own motion or on the written request of any party to the proceeding, issue subpoenas requiring the attendance and the giving of testimony by witnesses, and subpoenas duces tecum requiring the production of books, papers, records or memoranda. All subpoenas and subpoenas duces tecum issued under the terms of this Section may be served by any person of legal age. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of this State, such fees to be paid when the witness is excused from further attendance. When the witness is subpoenaed at the instance of the Director or Hearing Officer, such fees shall be paid in the same manner as other expenses of the Department, and when the witness is subpoenaed at the instance of any other party to any such proceeding, the Department may require that the cost of service of the subpoena or subpoena duces tecum and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case, the Department, in its discretion, may require a deposit to cover the cost of such service and witness fees. A subpoena or subpoena duces tecum so issued shall be served in the same manner as a subpoena issued by a circuit court.

(r) Any circuit court of this State, upon the application of the Director or upon the application of any other party to the proceeding, may, in its discretion, compel the attendance of witnesses, the production of books, papers, records or memoranda and the giving of testimony before the Director or Hearing Officer conducting an investigation or holding a hearing authorized by this Section, by an attachment for contempt or otherwise, in the same manner as production of evidence may be compelled before the court.

(s) The Director or Hearing Officer, or any party in an investigation or hearing before the Department, may cause the depositions of witnesses within the State to be taken in the manner prescribed by law for like depositions in civil actions in courts of this State, and to that end compel the attendance of witnesses and the production of books, papers, records, or memoranda.

(t) Any person who violates this Section or any rule or regulation adopted by the Department, or who violates any determination or order of the Department under this Section, shall be guilty of a Class A misdemeanor and shall be fined a sum not less than $100. Each day's violation constitutes a separate offense. The State's Attorney of the county in which the violation occurs, or the Attorney General of the State of Illinois, may bring such actions in the name of the People of the State of Illinois; or may in addition to other remedies provided in this Section, bring action for an

injunction to restrain such violation, or to enjoin the operation of any establishment.

(u) The State of Illinois, and all of its agencies, institutions, offices and subdivisions shall comply with all requirements, prohibitions and other provisions of this Section and regulations adopted thereunder.

(v) No agency of the State shall authorize, permit or license the construction or operation of any potential route, potential primary source, or potential secondary source, as those terms are defined in the Environmental Protection Act, in violation of any provision of this Section or the regulations adopted hereunder.

(w) This Section shall not apply to any water supply which is connected to a community water supply which is regulated under the Environmental Protection Act, except as provided in Section 9.1.

(Source: P.A. 92-369, eff. 8-15-01.)

(415 ILCS 55/9.1 new)

Sec. 9.1. Notification of actual or potential contamination.

(a) Whenever the Agency identifies any volatile organic compound in excess of the Board's Groundwater Quality Standards or the Safe Drinking Water Act maximum contaminant level while performing its obligations under Section 7 of this Act, Section 13.1 of the Environmental Protection Act, or the federal Safe Drinking Water Act, the Agency shall notify the Department, unless notification has already been provided, and the unit of local government affected.

(b) Within 60 days of receipt of notice provided for in subsection (a) of this Section, the Department, or the Department in coordination with the delegated county health department, shall provide notice to the public identifying the contaminants of concern. The notice shall be provided by means of electronic or print media and must be designed to inform the owner of any private water system, semi-private water system, or non-community public water system within an area potentially affected by the identified contamination of the need for the system owner to test the system for possible contamination. The notice shall appear in the media for 3 consecutive weeks.

(c) A unit of local government shall take any action that it deems appropriate, such as informing any homeowner who potentially could be adversely affected, within a reasonable time after notification by the Agency under subsection (a) 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. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Syverson, **Senate Bill No. 2069** 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 2069 as follows:

on page 1, line 30, by replacing "such" with "health care professional"; and

on page 2, line 1, by replacing "University faculty" with "adjunct University faculty who are licensed dentists or physicians licensed to practice medicine in all its branches".

[Apr. 3, 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 Donahue, **Senate Bill No. 2098** was recalled from the order of third reading to the order of second reading.

Senator Donahue offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2098 on page 1, below line 5, by inserting the following:

"Section 5. Findings. The General Assembly finds:

(1) Senior citizens identify pharmaceutical assistance as the single most critical factor to their health, well-being, and continued independence.

(2) The State of Illinois currently operates 2 pharmaceutical assistance programs that benefit seniors: (i) the program of pharmaceutical assistance under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act and (ii) the Aid to the Aged, Blind, or Disabled program under the Illinois Public Aid Code. The State has been given authority to establish a third program, SeniorRx Care, through a federal Medicaid waiver.

(3) Each year, numerous pieces of legislation are filed seeking to establish additional pharmaceutical assistance benefits for seniors or to make changes to the existing programs.

(4) Establishment of a pharmaceutical assistance review committee will ensure proper coordination of benefits, diminish the likelihood of duplicative benefits, and ensure that the best interests of seniors are served.

(5) In addition to the State pharmaceutical assistance programs, several private entities, such a drug manufacturers and pharmacies, also offer prescription drug discount or coverage programs.

(6) Many seniors are unaware of the myriad of public and private programs available to them.

(7) Establishing a pharmaceutical clearinghouse with a toll-free hot-line and local outreach workers will educate seniors about the vast array of options available to them and enable seniors to make an educated and informed choice that is best for them.

(8) Estimates indicate that almost one-third of senior citizens lack prescription drug coverage. The federal government, states, and the pharmaceutical industry each have a role in helping these uninsured seniors gain access to life-saving medications.

(9) The State of Illinois has recognized its obligation to assist Illinois' neediest seniors in purchasing prescription medications, and it is now time for pharmaceutical manufacturers to recognize their obligation to make their medications affordable to seniors.

Section 10. Definitions. In this Act:

"Manufacturer" includes:

(1) An entity that is engaged in (a) the production, preparation, propagation, compounding, conversion, or processing of prescription drug products (i) directly or indirectly by extraction from substances of natural origin, (ii) independently by means of chemical synthesis, or (iii) by combination of extraction and chemical synthesis; or (b) the packaging, repackaging, labeling or re-labeling, or distribution of prescription drug products.

(2) The entity holding legal title to or possession of the national drug code number for the covered prescription drug.

The term does not include a wholesale distributor of drugs, drugstore chain organization, or retail pharmacy licensed by the State.

"Prescription drug" means a drug that may be dispensed only upon prescription by an authorized prescriber and that is approved for safety and effectiveness as a prescription drug under Section 505 or 507 of the Federal Food, Drug and Cosmetic Act.

"Senior citizen" or "senior" means a person 65 years of age or older.

Section 15. Senior Pharmaceutical Assistance Review Committee.

(a) The Senior Pharmaceutical Assistance Review Committee is created. The Committee shall consist of 17 members as follows:

(1) Twelve members appointed as follows: 2 members of the General Assembly and 1 member of the general public, appointed by the President of the Senate; 2 members of the General Assembly and 1 member of the general public, appointed by the Minority Leader of the Senate; 2 members of the General Assembly and 1 member of the general public, appointed by the Speaker of the House of Representatives; and 2 members of the General Assembly and 1 member of the general public, appointed by the Minority Leader of the House of Representatives. These members shall serve at the pleasure of the appointing authority.

(2) The Director of Aging or his or her designee.

(3) The Director of Revenue or his or her designee.

(4) The Director of Public Aid or his or her designee.

(5) The Secretary of Human Services or his or her designee.

(6) The Director of Public Health or his or her designee.

(b) Members appointed from the general public shall represent the following associations, organizations, and interests: statewide membership-based senior advocacy organizations, pharmaceutical manufacturers, pharmacists, dispensing pharmacies, physicians, and providers of services to senior citizens. No single organization may have more than one representative appointed as a member from the general public.

(c) The President of the Senate and Speaker of the House of Representatives shall each designate one member of the Committee to serve as co-chairs.

(d) Committee members shall serve without compensation or reimbursement for expenses.

(e) The Committee shall meet at the call of the co-chairs, but at least quarterly.

(f) The Committee may conduct public hearings to gather testimony from interested parties regarding pharmaceutical assistance for Illinois seniors, including changes to existing and proposed programs.

(g) The Committee may advise appropriate State agencies regarding the establishment of proposed programs or changes to existing programs. The State agencies shall take into consideration any recommendations made by the Committee.

(h) The Committee shall report to the General Assembly and the Governor annually or as it deems necessary regarding proposed or recommended changes to pharmaceutical assistance programs that benefit Illinois seniors and any associated costs of those changes.

Section 20. Senior Health Assistance Program.

(a) The Senior Health Assistance Program is created within the Department on Aging, to become operational within 90 days after the effective date of this Act. The Senior Health Assistance Program shall provide outreach and education to senior citizens on available

prescription drug coverage and discount programs.

(b) The Senior Health Assistance Program shall operate a Clearinghouse for all information regarding prescription drug coverage programs available to senior citizens in Illinois. The Clearinghouse shall operate in conjunction with the Department's toll free senior information program.

(c) The purposes of the Clearinghouse include, but are not limited to:

(1) Maintaining information on public and private prescription assistance programs for Illinois seniors.

(2) Educating citizens on available public and private prescription assistance programs.

(3) Educating seniors on how to make an informed decision about participation in prescription drug assistance programs.

(d) The Clearinghouse has the following duties:

(1) Provide a one-stop resource for all information for seniors regarding public and private prescription drug discount and coverage programs.

(2) Perform outreach and education activities on public and private prescription drug discount and coverage programs.

(3) Maintain a toll free telephone number staffed by trained customer service representatives.

(4) Maintain measurable data to identify the progress and success of the program, including, but not limited to, the number of individuals served, the type of assistance received, and overall program evaluation.

(e) The Department shall work cooperatively with other Departments that fund senior health assistance, including assistance with prescription drugs, to ensure maximum coordination.

Section 25. Study of catastrophic pharmaceutical assistance coverage.

(a) The Illinois Comprehensive Health Insurance Board shall study a catastrophic pharmaceutical assistance coverage option. The Board may contract with a private entity for the completion of all or part of the study. Specifically, the study shall:

(1) Assess the need for a catastrophic pharmaceutical assistance coverage option, including information on the number of individuals in need of such a benefit.

(2) Estimate the cost of providing a catastrophic pharmaceutical assistance coverage option through the Illinois Comprehensive Health Insurance Plan or another public or private entity.

(3) Recommend ways to create a catastrophic pharmaceutical assistance coverage option.

(b) The Board may accept donations, in trust, from any legal source, public or private, for deposit into a specially created trust account and for expenditure, without the necessity of being appropriated, solely for the purpose of conducting all or part of the study.

(c) The Board may enter into intergovernmental agreements with other State agencies for the purpose of conducting all or part of the study.

(d) The Board shall issue a report with recommendations to the Governor and the General Assembly by January 1, 2003.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

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 Bomke, **Senate Bill No. 2117** was recalled from the order of third reading to the order of second reading.

Senator Bomke offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2117, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, line 33, by changing "3" to "4"; and
on page 2, line 34, by changing "3" to "4"; and
on page 3, line 2, by replacing "2" with "at least 2"; and
on page 3, line 6, by deleting "and"; and
on page 3, by replacing line 11 with the following:
"within the District, each of whom must at all times during the term of appointment be and remain an officer of the governing board of, or an officer of, the licensed non-profit acute care hospital; and 2 physician members representing the chartered county medical society in the county that includes the District, with one member appointed by the Governor, with the advice and consent of the Senate and one member appointed by the Mayor of Springfield, with the advice and consent of the Springfield city council. A licensed non-profit acute care hospital member shall no longer be qualified to be, and shall promptly be replaced as, a Commissioner, as provided in this Act, if and when the member no longer is an officer of the governing board of, or an officer of, the licensed non-profit acute care hospital represented. The members, except the physician members, members representing hospitals, and the members representing a public school of medicine, appointed by the"; and
on page 3, by replacing line 29 with the following:
"the second, third, fourth, and fifth anniversaries of their"; and
on page 4, line 23, by replacing "2" with "4"; and
on page 4, line 30, by replacing "9" with "12"; and
on page 5, line 2, by replacing "7" with "10".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Burzynski, **Senate Bill No. 2223** was recalled from the order of third reading to the order of second reading.

Senator Burzynski offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2223, on page 1, line 5, after "10-30", by inserting "and adding Section 15-13"; and
on page 7, immediately below line 4, by inserting the following:

"(225 ILCS 65/15-13 new)

(Section scheduled to be repealed on January 1, 2008)

Sec. 15-13. License pending status.

(a) A graduate of an advanced practice nursing program may practice in the State of Illinois in the role of certified clinical nurse specialist, certified nurse midwife, certified nurse practitioner, or certified registered nurse anesthetist for not

longer than 6 months provided he or she submits all of the following:

(1) An application for licensure as an advanced practice nurse in Illinois.

(2) Proof of an application to take the national certification examination in the specialty.

(3) Proof of completion of a graduate advanced practice education program that allows the applicant to be eligible for national certification in a clinical advanced practice nursing speciality and that allows the applicant to be eligible for licensure in Illinois in the area of his or her specialty.

(4) Proof of that he or she is licensed in Illinois as a registered professional nurse.

(5) Proof that he or she has a completed proposed collaborative agreement or practice agreement as required under Section 15-15 or 15-25 of this Act.

(6) The license application fee as set by rule.

(b) License pending status shall preclude delegation of prescriptive authority.

(c) A graduate practicing in accordance with this Section must use the title "license pending certified clinical nurse specialist", "license pending certified nurse midwife", "license pending certified nurse practitioner", or "license pending certified registered nurse anesthetist", whichever is applicable.".

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.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 379

Offered by Senator Demuzio and all Senators:

Mourns the death of William J. Drury of Carlinville.

SENATE RESOLUTION NO. 380

Offered by Senator Demuzio and all Senators:

Mourns the death of Everett T. Pogue of Carlinville.

SENATE RESOLUTION NO. 381

Offered by Senator Demuzio and all Senators:

Mourns the death of John Stankoven of Gillespie.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

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. 2 to Senate Bill 1972

Senator Philip announced that there will be a Republican caucus tomorrow, Thursday, April 4, 2002 at 8:00 o'clock a.m.

At the hour of 6:21 o'clock p.m., on motion of Senator Geo-Karis, the Senate stood adjourned until Thursday, April 4, 2002 at 9:00 o'clock a.m.

AB
CD

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

81ST LEGISLATIVE DAY

WEDNESDAY, APRIL 3, 2002

9:00 O'CLOCK A.M.

No. 81
[Apr. 3, 2002]

The Senate met pursuant to adjournment.
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
Prayer by Reverend Jeff Chitwood, South Side Christian Church, Springfield, Illinois.
Senator Radogno led the Senate in the Pledge of Allegiance.

Senator Myers moved that reading and approval of the Journal of Tuesday, April 2, 2002 be postponed pending arrival of the printed Journal.
The motion prevailed.

LEGISLATIVE MEASURES FILED

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

Senate Amendment No. 1 to Senate Bill 1635
Senate Amendment No. 1 to Senate Bill 1637
Senate Amendment No. 3 to Senate Bill 1666
Senate Amendment No. 4 to Senate Bill 1666
Senate Amendment No. 2 to Senate Bill 1688
Senate Amendment No. 1 to Senate Bill 1756
Senate Amendment No. 1 to Senate Bill 1760
Senate Amendment No. 1 to Senate Bill 1764
Senate Amendment No. 2 to Senate Bill 1779
Senate Amendment No. 2 to Senate Bill 1820
Senate Amendment No. 2 to Senate Bill 1830
Senate Amendment No. 3 to Senate Bill 1830
Senate Amendment No. 1 to Senate Bill 1907
Senate Amendment No. 1 to Senate Bill 1908
Senate Amendment No. 1 to Senate Bill 1930
Senate Amendment No. 1 to Senate Bill 1934
Senate Amendment No. 1 to Senate Bill 1949
Senate Amendment No. 1 to Senate Bill 2018
Senate Amendment No. 1 to Senate Bill 2069
Senate Amendment No. 2 to Senate Bill 2074
Senate Amendment No. 2 to Senate Bill 2132
Senate Amendment No. 1 to Senate Bill 2147
Senate Amendment No. 1 to Senate Bill 2155
Senate Amendment No. 1 to Senate Bill 2210

PRESENTATION OF RESOLUTIONS

Senators Rauschenberger - Donahue - Watson - Luechtefeld - Parker, Bomke offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 63

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, That the report of the Compensation Review Board filed in the year 2002 as provided in the Compensation Review Act is hereby disapproved in whole in accordance with Section 5 of that Act; and be it further
RESOLVED, That a copy of this resolution be directed to the Compensation Review Board.

MESSAGE FROM THE GOVERNOR

A Message for the Governor by Michael P. Madigan
Director, Legislative Affairs

April 2, 2002

Mr. President,

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

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT

To The Honorable
Members of the Senate
Illinois General Assembly

I have nominated and appointed the following named person to the office enumerated below and respectfully ask concurrence in and confirmation of this appointment of your Honorable Body.

STATE BANKING BOARD OF ILLINOIS

To be a member of the State Banking Board of Illinois for a term ending December 31, 2005:

Lee J. Plummer of Dow
Non-Salaried

GEORGE H. RYAN

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

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. 3637
A bill for AN ACT in relation to public health.
HOUSE BILL NO. 4074
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 4098
A bill for AN ACT in relation to the expungement and sealing of arrest and court records.
HOUSE BILL NO. 4179
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 4187
A bill for AN ACT concerning college savings.
HOUSE BILL NO. 5607
A bill for AN ACT concerning insurance.
HOUSE BILL NO. 5663

A bill for AN ACT relating to schools.

HOUSE BILL NO. 5681

A bill for AN ACT concerning the State's Attorneys Appellate Prosecutor.

HOUSE BILL NO. 5807

A bill for AN ACT concerning organ donation.

HOUSE BILL NO. 5997

A bill for AN ACT in relation to State finance.

Passed the House, April 2, 2002.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 3637, 4074, 4098, 4179, 4187, 5607, 5663, 5681, 5807 and 5997** 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. 3797

A bill for AN ACT in relation to vehicles.

HOUSE BILL NO. 4023

A bill for AN ACT concerning local planning.

HOUSE BILL NO. 4090

A bill for AN ACT in relation to property.

HOUSE BILL NO. 4328

A bill for AN ACT concerning the Auditor General.

HOUSE BILL NO. 4337

A bill for AN ACT concerning property taxes.

HOUSE BILL NO. 4377

A bill for AN ACT concerning guaranteed job opportunity projects.

HOUSE BILL NO. 4946

A bill for AN ACT relating to higher education student assistance.

HOUSE BILL NO. 5000

A bill for AN ACT in relation to alcoholic liquor.

HOUSE BILL NO. 5645

A bill for AN ACT in relation to criminal law.

HOUSE BILL NO. 5657

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 5739

A bill for AN ACT relating to education.

HOUSE BILL NO. 5829

A bill for AN ACT concerning payroll deductions.

HOUSE BILL NO. 5839

A bill for AN ACT concerning financial institutions.

HOUSE BILL NO. 5858

A bill for AN ACT in relation to vehicles.

HOUSE BILL NO. 6002

A bill for AN ACT relating to higher education.

Passed the House, April 2, 2002.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 3797, 4023, 4090, 4328, 4337, 4377, 4946, 5000, 5645, 5657, 5739, 5829, 5839, 5858 and 6002** 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. 4103
A bill for AN ACT concerning employment.
HOUSE BILL NO. 4188
A bill for AN ACT concerning local government.
HOUSE BILL NO. 4194
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 4257
A bill for AN ACT concerning aquariums and museums.
HOUSE BILL NO. 4322
A bill for AN ACT in relation to the transfer of real property.
HOUSE BILL NO. 4429
A bill for AN ACT concerning townships.
HOUSE BILL NO. 4451
A bill for AN ACT concerning workers' compensation.
HOUSE BILL NO. 4900
A bill for AN ACT concerning partnerships.
HOUSE BILL NO. 4942
A bill for AN ACT concerning pest control.
HOUSE BILL NO. 5611
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 5941
A bill for AN ACT in relation to vehicles.
HOUSE BILL NO. 5967
A bill for AN ACT concerning deductions from State warrants.

Passed the House, April 2, 2002.
ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 4103, 4188, 4194, 4257, 4322, 4429, 4451, 4900, 4942, 5611, 5941 and 5967** 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. 4228
A bill for AN ACT concerning corporation.
HOUSE BILL NO. 4912
A bill for AN ACT concerning higher education student assistance.
HOUSE BILL NO. 5718
A bill for AN ACT concerning domestic violence.
HOUSE BILL NO. 5720
A bill for AN ACT concerning nuclear safety.
HOUSE BILL NO. 5779
A bill for AN ACT in relation to taxation.
HOUSE BILL NO. 5849
A bill for AN ACT concerning the Capital Development Board.

HOUSE BILL NO. 6034
A bill for AN ACT concerning audits and reports.

Passed the House, April 2, 2002.
ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 4228, 4912, 5718, 5720, 5779, 5849 and 6034** were taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 1434, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1436, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1437, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1438, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1440, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3688, sponsored by Senator Munoz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3697, sponsored by Senator Karpiel was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3768, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3772, sponsored by Senator Parker was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3775, sponsored by Senator Peterson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3975, sponsored by Senator Bowles was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4014, sponsored by Senator Cullerton was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4023, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4037, sponsored by Senator Sieben was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4055, sponsored by Senator Lightford was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4074, sponsored by Senator Munoz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4110, sponsored by Senator Lauzen was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4117, sponsored by Senator Burzynski was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4130, sponsored by Senator Dudycz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4194, sponsored by Senator Hawkinson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4218, sponsored by Senator Link was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4229, sponsored by Senator Parker was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4321, sponsored by Senator Parker was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4371, sponsored by Senators Sullivan - Silverstein was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4397, sponsored by Senator Clayborne was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4454, sponsored by Senator Donahue was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4471, sponsored by Senators Jacobs - Donahue was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4911, sponsored by Senator O'Daniel was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4916, sponsored by Senator Burzynski was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4926, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4989, sponsored by Senator Peterson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4990, sponsored by Senator Link was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5577, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5579, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5593, sponsored by Senator Rauschenberger was

taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5610, sponsored by Senator Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5615, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5648, sponsored by Senator Geo-Karis was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5649, sponsored by Senator Dudycz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5662, sponsored by Senator Parker was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5663, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5700, sponsored by Senator Hawkinson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5709, sponsored by Senators Dillard - Clayborne was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5728, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5732, sponsored by Senator Sieben was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5742, sponsored by Senator Parker was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5785, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5794, sponsored by Senators Demuzio - Donahue was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5829, sponsored by Senator Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5965, sponsored by Senator Syverson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6001, sponsored by Senators Rauschenberger - Syverson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6004, sponsored by Senator E. Jones was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6041, sponsored by Senator Syverson was taken up, read by title a first time and referred to the Committee on Rules.

[Apr. 3, 2002]

House Bill No. 4179, sponsored by Senators Madigan - Hawkinson - Demuzio - Dudycz - Viverito was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4988, sponsored by Senator Peterson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5607, sponsored by Senator Peterson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5934, sponsored by Senator Demuzio was taken up, read by title a first time and referred to the Committee on Rules.

PRESENTATION OF RESOLUTIONS

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

SENATE RESOLUTION NO. 374

WHEREAS, In 2000, the Surgeon General of the Public Health Service announced as a goal the elimination by 2010 of health disparities experienced by racial and ethnic minorities in health access and outcome in 6 areas: infant mortality, cancer screening, cardiovascular disease, diabetes, acquired immunodeficiency syndrome and human immunodeficiency virus infection, and immunizations; and

WHEREAS, Despite notable progress in the overall health of the Nation, there is a crisis of minority health, consisting of continuing disparities in the burden of illness and death experienced by African-Americans, Hispanics, Native Americans, Alaska Natives, Asians, and Pacific Islanders, compared to the United States population as a whole; and

WHEREAS, Minorities suffer more than 60,000 excess deaths annually, compared to nonminorities; and

WHEREAS, Minorities are more likely than nonminorities to die from cancer, cardiovascular disease, stroke, chemical dependency, diabetes, infant mortality, violence, and, in recent years, acquired immunodeficiency syndrome; and

WHEREAS, Minority populations are not benefiting equitably from advances in medical research and technology; and

WHEREAS, Minority populations face substantial cultural, social, and economic barriers to obtaining access to and delivery of health care; and

WHEREAS, Minorities have made significant contributions to the United States, yet are underrepresented in the health care professions; and

WHEREAS, The crisis in minority health results in losses of billions of dollars by the United States because of reduced productivity and increased health care expenditures; and

WHEREAS, The establishment of a National Minority Health Month for the month of April would encourage all health organizations in the United States to host activities to promote healthfulness in minority communities; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize the month of April as "Minority Health Awareness Month" in the interest of promoting healthier lifestyles and greater access to quality health care for minorities in Illinois; and be it further

RESOLVED, That we encourage every citizen of the State of Illinois to annually observe "Minority Health Awareness Month" by

supporting and participating in programs and activities to attack the many problems associated with the health status disparities persistently experienced by minorities in Illinois.

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

SENATE RESOLUTION NO. 375

WHEREAS, The University of Illinois-Urbana Champaign's (UIUC) dedication to adapted sports programs for varsity students with physical disabilities is unparalleled; and

WHEREAS, UIUC sponsored one of the first collegiate wheelchair basketball teams in the country and was one of the charter members of the National Wheelchair Basketball Association in 1949; and

WHEREAS, The proposed collaboration of the State of Illinois, UIUC, and the Division of Intercollegiate Athletics provides the future sport sponsorship support and recognition for wheelchair athletics at UIUC; and

WHEREAS, The University has become the hub of technology, research and advancement in wheelchair sports and has been at the forefront of improvements and modifications of wheelchairs for enhanced player participation; and

WHEREAS, In recent years, the University's continued dedication to adapted varsity sports is evident through their nationally acclaimed basketball and track and field wheelchair teams, as well as their support for individuals participating in other sports programs; and

WHEREAS, UIUC wheelchair athletics partnered with the Illinois High School Association piloted the first State-wide model in the nation for interscholastic wheelchair basketball competition, providing athletic opportunities to high school students with disabilities across all 102 counties within Illinois; and

WHEREAS, The Fighting Illini Men's Wheelchair Basketball team has won ten National Intercollegiate Championship titles, played in every National Wheelchair Basketball Association post-season tournament, as well as winning three open titles prior to intercollegiate play; the Fighting Illini Women's Wheelchair Basketball team has won nine National Women's Basketball Tournament Championships and holds the record for the most consecutive national titles; and

WHEREAS, A long line of successful and historically significant wheelchair basketball coaches, including Dr. Timothy Nuggent, Dr. Brad Hedrick, and Dr. Bob Szyman, continue to dedicate their time, resources, and energy to the UIUC Men's and Women's Wheelchair Basketball programs that are currently under the direction of internationally renowned Head Coach, Michael Frogley; and

WHEREAS, The University's adapted varsity sports program has sent many of its elite players on to compete in national and international competitions, including eight current students, four recent graduates, four alternates and numerous UIUC alums attending the 2000 Paralympics Games in Sydney, Australia; and

WHEREAS, Ms. Lauren Reynolds, a University of Illinois junior swimmer, won three swimming medals in the 2000 Paralympics in Sydney, Australia, a gold medal in the 400 meter freestyle, a silver medal in the 100 meter freestyle and 4X100 free relay, and set a world record in the 400 meter freestyle; and

WHEREAS, Ms. Reynolds has served as an inspiration and role model to thousands of children and students with disabilities, helping them set and reach their goals in life; in recognition of her significant contributions, Ms. Reynolds was named the Wheelchair Sports USA's Female Athlete of the Year in 2000; and

WHEREAS, Ms. Reynolds is a junior and Speech Pathology major at UIUC and is the only athlete with a disability to be chosen for the varsity women's swimming team; and

WHEREAS, The University's dedication to adapted varsity sports program has created an important forum for students with disabilities to compete with their peers in athletic programs while helping individuals build self-confidence, team work and setting personal goals; therefore be it

RESOLVED BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we salute and recognize the University of Illinois, its President, Chancellors, Board of Trustees, and athletes for its commitment to providing increased opportunities for athletes with disabilities to participate in varsity sports and encourage them to expand those opportunities; and be it further

RESOLVED, That the Senate congratulates and recognizes Ms. Lauren Reynolds for her dedication, perseverance, and hard work in not only the sport of swimming but in her leadership and example to all children and citizens with disabilities to strive to do their personal best; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the University of Illinois, its President, Chancellors, Board of Trustees, and Athletic Director as a symbol of our support and appreciation for their continuing support for varsity athletics for students with disabilities.

LEGISLATIVE MEASURES FILED

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

Senate Amendment No. 1 to Senate Bill 1876
Senate Amendment No. 2 to Senate Bill 1882
Senate Amendment No. 3 to Senate Bill 1909
Senate Amendment No. 1 to Senate Bill 1951
Senate Amendment No. 2 to Senate Bill 2117
Senate Amendment No. 2 to Senate Bill 2130
Senate Amendment No. 1 to Senate Bill 2293

At the hour of 10:04 o'clock a.m., Senator Donahue presiding.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Shadid, Senate Bill No. 1530, 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
Cullerton
DeLeo
del Valle

Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
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 Shadid, **Senate Bill No. 1531**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
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 Peterson, **Senate Bill No. 1543**, 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 1.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cullerton
DeLeo
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw

[Apr. 3, 2002]

Sieben
Smith
Stone
Sullivan
Syverson
Viverito
Walsh, L.
Walsh, T.
Weaver
Woolard
Mr. President

The following voted in the negative:

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 L. Walsh, **Senate Bill No. 1552**, 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 1.

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.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers

Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
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 Karpiel, **Senate Bill No. 1556**, 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
Clayborne
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon

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

The following voted in the negative:

Burzynski

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. 1577**, 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 58; 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.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority

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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 Weaver, **Senate Bill No. 1582**, 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
Clayborne
Cullerton
DeLeo
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Silverstein
Smith
Sullivan
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver

Woolard
Mr. President

The following voted in the negative:

Burzynski
Radogno
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 Parker, **Senate Bill No. 1611**, 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 58; 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.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson

[Apr. 3, 2002]

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

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

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

At the hour of 10:26 o'clock a.m., Senator Donahue presiding.

On motion of Senator DeLeo, **Senate Bill No. 1622**, 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 1; Present 1.

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.
Karpiel
Klemm
Lauzen

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

The following voted in the negative:

Rauschenberger

The following voted present:

Luechtefeld

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. 1623**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 52; Nays 3.

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

The following voted in the negative:

Karpiel
Luechtefeld
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.

[Apr. 3, 2002]

EXCUSED FROM ATTENDANCE

On motion of Senator Demuzio, Senator Silverstein was excused from attendance today and Thursday, April 4, 2002, due to religious obligation.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Parker, Senate Bill No. 1638, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw

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

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

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

At the hour of 10:35 o'clock a.m., Senator Dudycz presiding.

On motion of Senator Roskam, **Senate Bill No. 1646**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers

Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shaw
Smith
Stone
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 O'Daniel, **Senate Bill No. 1649**, 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
Clayborne
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford

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

The following voted in the negative:

Burzynski

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. 1657**, 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
Cullerton
DeLeo

Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Ronen, **Senate Bill No. 1664**, 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
Cullerton
DeLeo
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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. 1668**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Sieben
Smith
Stone
Sullivan
Syverson

[Apr. 3, 2002]

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 Geo-Karis, **Senate Bill No. 1683**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka

Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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. 1697**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar

Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Burzynski, **Senate Bill No. 1705**, 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
Cullerton
DeLeo
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon

Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 DeLeo, **Senate Bill No. 1701**, 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

Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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. 1706**, 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 1.

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.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver

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Woolard
Mr. President

The following voted in the negative:

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 Sieben, **Senate Bill No. 1707**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen

Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Hendon, **Senate Bill No. 1713**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Munoz

Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Petka, **Senate Bill No. 1721**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.

Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Hawkinson, **Senate Bill No. 1726**, 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
Cullerton
DeLeo

del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Syverson, **Senate Bill No. 1735**, having been transcribed and typed and all amendments adopted thereto having been

printed, was taken up and read by title a third time.
    And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 33; Nays 22; Present 1.

    The following voted in the affirmative:

Bomke
Burzynski
Cullerton
DeLeo
del Valle
Dillard
Donahue
Dudycz
Geo-Karis
Hawkinson
Jones, W.
Karpiel
Klemm
Mahar
Maitland
Molaro
Munoz
Myers
Noland
O'Malley
Petka
Radogno
Roskam
Shadid
Sieben
Stone
Sullivan
Syverson
Viverito
Walsh, T.
Weaver
Woolard
Mr. President

    The following voted in the negative:

Bowles
Clayborne
Demuzio
Halvorson
Hendon
Jacobs
Lauzen
Lightford
Link
Madigan
Obama
O'Daniel
Parker
Peterson
Rauschenberger
Ronen
Shaw
Smith

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Trotter
Walsh, L.
Watson
Welch

The following voted present:

Jones, E.

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. 1752**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka

Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Karpiel, **Senate Bill No. 1763**, 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 9; Present 1.

The following voted in the affirmative:

Bowles
Clayborne
Cullerton
DeLeo
del Valle
Dillard
Dudycz
Geo-Karis
Halvorson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Obama
O'Malley

[Apr. 3, 2002]

Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shaw
Sieben
Smith
Stone
Sullivan
Trotter
Viverito
Walsh, L.
Walsh, T.
Weaver
Mr. President

The following voted in the negative:

Burzynski
Donahue
Hawkinson
Noland
O'Daniel
Shadid
Syverson
Watson
Woolard

The following voted present:

Demuzio

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

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

On motion of Senator Watson, Senate Bill No. 1803, 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
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson

Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Noland, **Senate Bill No. 1808**, 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 2.

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.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Welch
Woolard
Mr. President

The following voted in the negative:

Molaro
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 Hawkinson, **Senate Bill No. 1839**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Sullivan

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Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
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. 1851**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson

Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Shaw, **Senate Bill No. 1854**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).
Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

At the hour of 11:25 o'clock a.m., Senator Donahue presiding.

On motion of Senator Peterson, **Senate Bill No. 1932**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue

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

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

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

On motion of Senator Roskam, **Senate Bill No. 1946**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not

adopted were tabled pursuant to Senate Rule No. 5-4(a).
Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

At the hour of 11:30 o'clock a.m., Senator Dudycz presiding.

On motion of Senator Madigan, **Senate Bill No. 1953**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone

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

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

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

On motion of Senator Roskam, **Senate Bill No. 1966**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley

Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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. 1971**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford

Link
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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.

REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its April 3, 2002 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Commerce and Industry: **Senate Amendment No. 2 to Senate Bill 1975.**

Education: **Senate Amendment No. 1 to Senate Bill 1930; Senate Amendment No. 1 to Senate Bill 2018.**

Environment and Energy: **Senate Amendments numbered 3 and 4 to Senate Bill 1569; Senate Amendment No. 2 to Senate Bill 1968; Senate Amendment No. 1 to Senate Bill 2072.**

Executive: **Senate Amendment No. 1 to Senate Bill 1565; Senate Amendment No. 2 to Senate Bill 1583; Senate Amendment No. 1 to Senate Bill 1756; Senate Amendment No. 2 to Senate Bill 1882; Senate Amendment No. 2 to Senate Bill 2117; Senate Amendment No. 2 to Senate**

Bill 2130; Senate Amendment No. 1 to Senate Bill 2293; Senate Amendment No. 2 to Senate Bill 2301.

Insurance and Pensions: Senate Amendment No. 2 to Senate Bill 1779; Senate Amendment No. 1 to Senate Bill 1859; Senate Amendment No. 1 to Senate Bill 2147.

Judiciary: Senate Amendment No. 2 to Senate Bill 1576; Senate Amendment No. 1 to Senate Bill 1637; Senate Amendments numbered 2 and 3 to Senate Bill 1830; Senate Amendment No. 1 to Senate Bill 1934; Senate Amendment No. 2 to Senate Bill 1936; Senate Amendment No. 1 to Senate Bill 1949; Senate Amendment No. 2 to Senate Bill 2022; Senate Amendment No. 1 to Senate Bill 2023; Senate Amendment No. 2 to Senate Bill 2024; Senate Amendment No. 2 to Senate Bill 2030; Senate Amendment No. 2 to Senate Bill 2074; Senate Amendment No. 1 to Senate Bill 2266; Senate Amendment No. 1 to Senate Bill 2271.

Licensed Activities: Senate Amendment No. 2 to Senate Bill 1688; Senate Amendment No. 2 to Senate Bill 2223.

Local Government: Senate Amendment No. 1 to Senate Bill 1635; Senate Amendment No. 1 to Senate Bill 1972; Senate Amendment No. 1 to Senate Bill 1997; Senate Amendment No. 2 to Senate Bill 2016; Senate Amendment No. 2 to Senate Bill 2149.

Public Health and Welfare: Senate Amendment No. 2 to Senate Bill 1820; Senate Amendment No. 2 to Senate Bill 2001; Senate Amendment No. 1 to Senate Bill 2069; Senate Amendment No. 1 to Senate Bill 2098.

Revenue: Senate Amendments numbered 3 and 4 to Senate Bill 1666; Senate Amendment No. 1 to Senate Bill 1760; Senate Amendment No. 1 to Senate Bill 1876; Senate Amendment No. 1 to Senate Bill 2210.

State Government Operations: Senate Amendment No. 2 to Senate Bill 1782.

Transportation: Senate Amendment No. 1 to Senate Bill 1764; Senate Amendment No. 1 to Senate Bill 1795; Senate Amendment No. 2 to Senate Bill 1880; Senate Amendment No. 1 to Senate Bill 1907; Senate Amendment No. 1 to Senate Bill 1924; Senate Amendment No. 2 to Senate Bill 1926; Senate Amendment No. 1 to Senate Bill 2129; Senate Amendment No. 2 to Senate Bill 2132; Senate Amendment No. 1 to Senate Bill 2194.

Senator Weaver, Chairperson of the Committee on Rules, during its April 3, 2002 meeting, reported the following House Bills have been assigned to the indicated Standing Committees of the Senate:

Commerce and Industry: House Bill No. 4044.

Environment and Energy: House Bills numbered 4471 and 5709.

Licensed Activities: House Bills numbered 1006, 1815, 2463, 3999 and 4004.

Local Government: House Bills numbered 3363 and 5785.

Public Health and Welfare: House Bill No. 2046.

Revenue: House Bill No. 1918.

State Government Operations: House Bills numbered 811, 1033 and 3119.

Transportation: House Bill No. 1495.

Senator Weaver, Chairperson of the Committee on Rules, during its April 3, 2002 meeting, reported the following Senate Resolutions have been assigned to the indicated Standing Committees of the Senate:

Environment and Energy: Senate Resolution No. 342.

Executive: Senate Joint Resolutions numbered 56, 63; Senate Joint Resolution Constitutional Amendment No. 54; Senate Resolutions numbered 164 and 346.

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

Senate Amendment 2 to Senate Bill 1537
Senate Amendment 3 to Senate Bill 1687
Senate Amendment 3 to Senate Bill 1909
Senate Amendment 1 to Senate Bill 1917
Senate Amendment 2 to Senate Bill 1978
Senate Amendment 1 to Senate Bill 2050
Senate Amendment 1 to Senate Bill 2155
Senate Amendment 2 to Senate Bill 2227
Senate Amendment 2 to Senate Bill 2235
Senate Amendment 1 to Senate Bill 2263
Senate Amendment 1 to Senate Bill 2265

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Obama, **Senate Bill No. 1983**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers

Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Shadid
Shaw
Sieben
Smith
Stone
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 Bowles, **Senate Bill No. 2037**, 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 7.

The following voted in the affirmative:

Bomke
Bowles
Clayborne
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hendon
Jacobs
Jones, E.
Jones, W.
Klemm
Lightford
Link

Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

Burzynski
Hawkinson
Karpiel
Lauzen
Parker
Rauschenberger
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.

On motion of Senator Parker, **Senate Bill No. 2052**, 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; Present 2.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Cullerton

DeLeo
del Valle
Demuzio
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

The following voted present:

Clayborne
Dillard

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. 2071**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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. 2081**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno

Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Bomke, **Senate Bill No. 2118**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland

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

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

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

On motion of Senator Philip, **Senate Bill No. 2157**, 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
Burzynski
Clayborne
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs

Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Link, **Senate Bill No. 2160**, 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

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

The following voted in the negative:

Stone

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

[Apr. 3, 2002]

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

On motion of Senator Link, **Senate Bill No. 2161**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Link, **Senate Bill No. 2164**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen

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

The following voted in the negative:

Lauzen
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 Roskam, **Senate Bill No. 2195**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link

Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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 Parker, **Senate Bill No. 2201**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis

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

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

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

On motion of Senator Watson, **Senate Bill No. 2215**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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. 3, 2002]

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

On motion of Senator Rauschenberger, **Senate Bill No. 2216**, 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; Present 1.

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.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
O'Daniel
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Sullivan
Syverson
Trotter
Viverito

Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The following voted present:

O'Malley

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. 2224**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker

Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Sullivan
Syverson
Trotter
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 thereof and ask their concurrence therein.

On motion of Senator Syverson, **Senate Bill No. 2225**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Link
Madigan
Mahar
Maitland

Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
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. 2226**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon

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

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

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

SENATE BILL RECALLED

On motion of Senator Rauschenberger, **Senate Bill No. 2235** 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. 2

AMENDMENT NO. 2. Amend Senate Bill 2235 on page 9, line 11 by changing "providers" to "providers;"; and

on page 9, line 12 by changing "respond" to "in responding"; and
on page 11, line 25 by changing "shall" to "shall,".

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Syverson, **Senate Bill No. 2241**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen

Roskam
Shadid
Shaw
Sieben
Smith
Stone
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. 2245**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro

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

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

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

SENATE BILLS RECALLED

On motion of Senator Dillard, **Senate Bill No. 2263** 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. 1

AMENDMENT NO. 1. Amend Senate Bill 2263, on page 1 by inserting immediately after line 3 the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 3.1-10-5 as follows:".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Dillard, **Senate Bill No. 2265** 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. 1

AMENDMENT NO. 1. Amend Senate Bill 2265 on page 1 by inserting immediately after line 3 the following:

"Section 5. The Counties Code is amended by changing Section 5-1005 as follows:".

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.

READING A BILL OF THE SENATE A THIRD TIME

On motion of Senator Lauzen, **Senate Bill No. 2319**, 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 11.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
del Valle
Demuzio
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Jones, W.
Karpiel
Klemm
Lauzen
Link
Luechtefeld
Madigan
Mahar
Maitland
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Shadid
Sieben
Stone
Sullivan
Syverson
Viverito

Walsh, L.
Walsh, T.
Watson
Welch
Woolard
Mr. President

The following voted in the negative:

Cullerton
DeLeo
Hendon
Jones, E.
Lightford
Molaro
Munoz
Ronen
Shaw
Smith
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.

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced that the following committees will meet this afternoon:

1:00 o'clock p.m. Insurance and Pensions, Room 212, Capitol Building
Public Health and Welfare, Room 400, Capitol Building
Local Government, Room A1, Stratton Building

1:30 o'clock p.m. Judiciary, Room 400, Capitol Building

2:30 o'clock p.m. Education, Room 212, Capitol Building
Environment and Energy, Room 400, Capitol Building
Transportation, Room A1, Stratton Building

3:15 o'clock p.m. Executive, Room 212, Capitol Building
Revenue, Room 400, Capitol Building
State Government Operations, Room A1, Stratton Building

4:00 o'clock p.m. Commerce and Industry, Room 212, Capitol Building
Licensed Activities, Room A1, Stratton Building

At the hour of 12:25 o'clock p.m., the Chair announced that the Senate stand at recess until 4:30 o'clock p.m.

AFTER RECESS

At the hour of 4:57 o'clock p.m., the Senate resumed consideration of business.

Senator Dudycz, presiding.

REPORTS FROM STANDING COMMITTEES

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

Amendment No. 2 to Senate Bill 1975

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

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

Amendment No. 1 to Senate Bill 1930
Amendment No. 1 to Senate Bill 2018

Under the rules, the foregoing floor amendments are 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. 3 to Senate Bill 1569
Amendment No. 4 to Senate Bill 1569
Amendment No. 2 to Senate Bill 1968
Amendment No. 1 to Senate Bill 2072

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

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

Amendment No. 1 to Senate Bill 1565
Amendment No. 2 to Senate Bill 1583
Amendment No. 1 to Senate Bill 1756
Amendment No. 2 to Senate Bill 1882
Amendment No. 2 to Senate Bill 2117
Amendment No. 2 to Senate Bill 2130
Amendment No. 1 to Senate Bill 2293
Amendment No. 2 to Senate Bill 2301

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

Senator T. Walsh, 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 adopted:

Amendment No. 2 to Senate Bill 1779
Amendment No. 1 to Senate Bill 1859

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 1576
Amendment No. 1 to Senate Bill 1637
Amendment No. 2 to Senate Bill 1830
Amendment No. 1 to Senate Bill 1934
Amendment No. 2 to Senate Bill 1936
Amendment No. 1 to Senate Bill 1949
Amendment No. 2 to Senate Bill 2022
Amendment No. 1 to Senate Bill 2023
Amendment No. 2 to Senate Bill 2024
Amendment No. 2 to Senate Bill 2030
Amendment No. 2 to Senate Bill 2074
Amendment No. 1 to Senate Bill 2271

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

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

Amendment No. 2 to Senate Bill 1688
Amendment No. 2 to Senate Bill 2223

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 approved for consideration:

Amendment No. 1 to Senate Bill 1635
Amendment No. 1 to Senate Bill 1972
Amendment No. 1 to Senate Bill 1997
Amendment No. 2 to Senate Bill 2016
Amendment No. 2 to Senate Bill 2149

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 1820
Amendment No. 2 to Senate Bill 2001
Amendment No. 1 to Senate Bill 2069
Amendment No. 1 to Senate Bill 2098

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 amendments, reported that the Committee recommends that they be approved for consideration:

Amendment No. 3 to Senate Bill 1666
Amendment No. 1 to Senate Bill 1760
Amendment No. 1 to Senate Bill 2210

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

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

Amendment No. 2 to Senate Bill 1782

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

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

Amendment No. 1 to Senate Bill 1795
Amendment No. 2 to Senate Bill 1880
Amendment No. 1 to Senate Bill 1907
Amendment No. 1 to Senate Bill 1924
Amendment No. 2 to Senate Bill 1926
Amendment No. 2 to Senate Bill 2132

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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 376
Offered by Senators Parker and all Senators:
Mourns the death of Lorraine A. Murray of Park Ridge.

SENATE RESOLUTION NO. 377
Offered by Senator Parker and all Senators:
Mourns the death of William R. Cortesi of Lake Forest.

SENATE RESOLUTION NO. 378
Offered by Senator Shaw and all Senators:
Mourns the death of Richard Clark Grimmett, Jr.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the

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

HOUSE BILL NO. 3682
A bill for AN ACT concerning government security procedures.
HOUSE BILL NO. 3744
A bill for AN ACT concerning schools.
HOUSE BILL NO. 4001
A bill for AN ACT concerning prescription drugs.
HOUSE BILL NO. 4116
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 4220
A bill for AN ACT concerning insurance.
HOUSE BILL NO. 4344
A bill for AN ACT in relation to vehicles.
HOUSE BILL NO. 4467
A bill for AN ACT concerning a State tartan.
HOUSE BILL NO. 5578
A bill for AN ACT in relation to criminal offenses.
HOUSE BILL NO. 5636
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 5846
A bill for AN ACT concerning environmental safety.

Passed the House, April 3, 2002.
ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 3682, 3744, 4001, 4116, 4220, 4344, 4467, 5578, 5636 and 5846** were taken up, ordered printed and placed on first reading.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator T. Walsh, **Senate Bill No. 1537** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1537 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Emergency Evacuation Plan for People with Disabilities Act.

Section 5. Emergency evacuation plan for persons with disabilities required. By January 1, 2004, every high rise building owner must establish and maintain an emergency evacuation plan for disabled occupants of the building. As used in this Act, "high rise building" means any building 80 feet or more in height. The owner is responsible for maintaining and updating the plan as necessary to ensure that the plan continues to comply with the provisions of this Act.

Section 10. Plan requirements.

(a) Each plan must establish procedures for locating and evacuating persons with disabilities from the building in the event of an emergency.

(b) Each plan must provide for a list to be maintained of persons who have notified the owner that they are disabled and would require special assistance in the event of an emergency. The list

must include the unit, office, or room number location that the disabled person occupies in the building. The intent of this Act is to provide that these lists must be maintained for the sole purpose of emergency evacuation. The lists may not be used or disseminated for any other purpose.

(c) The plan must provide for a means to notify occupants of the building that a list identifying persons with a disability in need of emergency evacuation assistance is maintained by the owner, and the method by which occupants can place their name on the list.

(d) In hotels and motels, each plan must provide an opportunity for a guest to identify himself or herself as a person with a disability in need of emergency evacuation assistance.

(e) The plan must identify the location and type of any evacuation assistance devices or assistive technologies that are available in the building.

If the plan provides for areas of rescue assistance, the plan must provide that these areas are to be identified by signs that state "Area of Rescue Assistance" and display the international symbol of accessibility. Lettering must be permanent and must comply with Americans with Disabilities Act Accessibility Guidelines.

(f) Each plan must include recommended procedures to be followed by building employees, tenants, or guests to assist persons with disabilities in need of emergency evacuation assistance.

(g) A copy of the plan must be maintained at all times in a place that is easily accessible by law enforcement or fire safety personnel, such as in the management office of the high rise building, at the security desk, or in the vicinity of the fireman's elevator recall key, the life safety panel, or the fire pump room.

Section 15. Implementation

(a) The plan must be made available to local law enforcement and fire safety personnel upon request.

(b) The plan must provide the names of and contact information regarding any building personnel to be contacted by law enforcement or fire safety personnel in the event of an emergency requiring implementation of the plan.

(c) The plan must provide for dissemination or availability of the plan to building employees, tenants, or guests.

(d) The plan must identify the roles and responsibilities of building personnel in carrying out the evacuation plan. The plan must provide for appropriate training for building personnel regarding their roles and responsibilities.

(e) The plan must provide for drills regarding evacuation procedures not less than once per year. A written record of the date of the drill must be kept with the evacuation plan.

Section 905. The State Mandates Act is amended by adding Section 8.26 as follows:

(30 ILCS 805/8.26 new)

Sec. 8.26. 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 999. Effective date. This Act takes effect upon becoming law.".

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1537, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page

1, by replacing lines 6 through 17 with the following:
"Section 5. Scope of the Act. This Act does not apply within a municipality with a population of over 1,000,000 that, before the effective date of this Act, has adopted an ordinance establishing emergency procedures for high rise buildings.
Section 10. Emergency evacuation plan for persons with disabilities required. By January 1, 2004, every high rise building owner must establish and maintain an emergency evacuation plan for disabled occupants of the building who have notified the owner of their need for assistance. As used in this Act, "high rise building" means any building 80 feet or more in height. The owner is responsible for maintaining and updating the plan as necessary to ensure that the plan continues to comply with the provisions of this Act.
Section 15. Plan requirements.
(a) Each plan must establish procedures for evacuating persons with disabilities from the building in the event of an emergency, when those persons have notified the owner of their need for assistance."; and
on page 2, by replacing line 2 with "building. It is the intent of this Act that these"; and
on page 3, line 1, by replacing "15." with "20."; and
on page 3, line 9, after "the", by inserting "appropriate evacuation procedures portions of the"; and
on page 3, below line 19, by inserting the following:
"Section 25. Penalty. Failure to comply with any Section of this Act is a petty offense punishable by a fine of $500.".

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 Mahar, **Senate Bill No. 1545** having been printed, was taken up and read by title a second time.
The following amendments were offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1545 as follows:
on page 2, line 28, after the period, by inserting the following:
"However, for fire protection issues, only one one-year extension may be made, and no other provision of this Code or an applicable code may supersede this requirement."; and
on page 6, line 13, after "department", by inserting "or fire protection district"; and
on page 6, line 14, by replacing "school board" with "fire department or fire protection district"; and
on page 6, line 15, after "department", by inserting "or fire protection district"; and
on page 6, by replacing line 18 with the following:
"manner if any corrective action must be taken. Upon being notified by the regional superintendent of schools that corrective action must be taken to resolve a violation, the school board must take corrective action within one year, except that any violation that presents imminent danger must be addressed immediately.";and
on page 6, immediately below line 19, by inserting the following:
"Section 90. The State Mandates Act is amended by adding Section 8.26 as follows:

(30 ILCS 805/8.26 new)

Sec. 8.26. 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.".

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1545 as follows:

on page 2, line 28, after "requirement.", by inserting the following: "For routine inspections, fire officials shall provide written notice to the superintendent of the school district to schedule a date for the fire safety check."; and

on page 5, line 15, after "department", by inserting ", fire protection district,"; and

on page 5, line 15, by deleting "or both"; and

on page 6, by replacing lines 11 through 18 with the following:

"The regional superintendent of schools shall submit, within 10 working days, a copy of the plans and specifications for review by the local fire department or fire protection district where the school is being constructed or altered if the fire department or fire protection district requests such a review. The fire department or fire protection district may comment on the plans and specifications based on the building code authorized in Section 2-3.12 of the Code and, if any corrective action must be taken, shall respond to the regional superintendent of schools within 15 days after receipt of the plans and specifications. The Office of the State Fire Marshal may review the plans and specifications at the request of the fire department or fire protection district. The review must be conducted at no cost to the school district. Upon being notified by the regional superintendent of schools that corrective action must be taken to resolve a violation, the school board shall take corrective action within one year, except that a violation that presents imminent danger must be addressed immediately."; and

on page 6, by deleting everything after line 19.

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

On motion of Senator Burzynski, **Senate Bill No. 1558** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1558 by replacing everything after the enacting clause with the following:

"Section 5. The Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 is amended by changing Section 75 as follows:

(225 ILCS 446/75)

(Section scheduled to be repealed on December 31, 2003)

Sec. 75. Qualifications for licensure and agency certification.

(a) Private Detective. A person is qualified to receive a license as a private detective if he or she meets all of the following requirements:

(1) Is at least 21 years of age.

(2) Has not been convicted in any jurisdiction of any felony or at least 10 years have expired from the time of discharge from any sentence imposed for a felony.

(3) Is of good moral character. Good character is a continuing requirement of licensure. Conviction of crimes not listed in paragraph (2) of subsection (a) of this Section may be used in determining moral character, but does not operate as an absolute bar to licensure.

(4) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease unless a court has since declared him or her to be competent.

(5) Is not suffering from habitual drunkenness or from narcotic addiction or dependence.

(6) Has a minimum of 3 years experience out of the 5 years immediately preceding his or her application working full-time for a licensed private detective agency as a registered private detective employee or with 3 years experience out of the 5 years immediately preceding his or her application employed as a full-time investigator for a licensed attorney or in a law enforcement agency of a federal or State political subdivision, which shall include a State's Attorney's office or a Public Defender's office, such full-time investigator experience to be approved by the Board and the Department. An applicant who has obtained a baccalaureate degree in police science or a related field or a business degree from an accredited college or university shall be given credit for 2 of the 3 years experience required under this Section. An applicant who has obtained an associate degree in police science or a related field or in business from an accredited college or university shall be given credit for one of the 3 years experience required under this Section.

(7) Has not been dishonorably discharged from the armed services of the United States.

(8) Has successfully passed an examination authorized by the Department. The examination shall include subjects reasonably related to the activities licensed so as to provide for the protection of the health and safety of the public.

(9) Has not violated Section 15, 20, or 25 of this Act, but this requirement does not operate as an absolute bar to licensure.

It is the responsibility of the applicant to obtain liability insurance in an amount and coverage type appropriate as determined by rule for the applicant's individual business circumstances. The applicant shall provide evidence of insurance to the Department before being issued a license. This insurance requirement is a continuing requirement for licensure. Failure to maintain insurance shall result in cancellation of the license by the Department.

(b) Private security contractor. A person is qualified to receive a license as a private security contractor if he or she meets all of the following requirements:

(1) Is at least 21 years of age.

(2) Has not been convicted in any jurisdiction of any felony or at least 10 years have expired from the time of discharge from any sentence imposed for a felony.

(3) Is of good moral character. Good moral character is a continuing requirement of licensure. Convictions of crimes not listed in paragraph (2) of subsection (b) of this Section may be used in determining moral character, but do not operate as an absolute bar to licensure.

(4) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease unless a court has since declared him or her to

be competent.

(5) Is not suffering from habitual drunkenness or from narcotic addiction or dependence.

(6) Has a minimum of 3 years experience out of the 5 years immediately preceding his or her application as a full-time manager or administrator for a licensed private security contractor agency or a manager or administrator of a proprietary security force of 30 or more persons registered with the Department, or with 3 years experience out of the 5 years immediately preceding his or her application as a full-time supervisor in a law enforcement agency of a federal or State political subdivision, which shall include a State's Attorney's office or Public Defender's office, such full-time supervisory experience to be approved by the Board and the Department. An applicant who has obtained a baccalaureate degree in police science or a related field or a business degree from an accredited college or university shall be given credit for 2 of the 3 years experience required under this Section. An applicant who has obtained an associate degree in police science or a related field or in business from an accredited college or university shall be given credit for one of the 3 years experience required under this Section.

(7) Has not been dishonorably discharged from the armed services of the United States.

(8) Has successfully passed an examination authorized by the Department. The examination shall include subjects reasonably related to the activities licensed so as to provide for the protection of the health and safety of the public.

(9) Has not violated Section 15, 20, or 25 of this Act, but this requirement does not operate as an absolute bar to licensure.

It is the responsibility of the applicant to obtain liability insurance in amount and coverage type appropriate as determined by rule for the applicant's individual business circumstances. The applicant shall provide evidence of insurance to the Department before being issued a license. This insurance requirement is a continuing requirement for licensure. Failure to maintain insurance shall result in cancellation of the license by the Department.

(c) Private alarm contractor. A person is qualified to receive a license as a private alarm contractor if he or she meets all of the following requirements:

(1) Is at least 21 years of age.

(2) Has not been convicted in any jurisdiction of any felony or at least 10 years have expired from the time of discharge from any sentence imposed for a felony.

(3) Is of good moral character. Good moral character is a continuing requirement of licensure. Convictions of crimes not listed in paragraph (2) of subsection (c) of this Section may be used in determining moral character, but do not operate as an absolute bar to licensure.

(4) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease unless a court has since declared him or her to be competent.

(5) Is not suffering from habitual drunkenness or from narcotic addiction or dependence.

(6) Has not been dishonorably discharged from the armed services of the United States.

(7) Has a minimum of 3 years experience out of the 5 years immediately preceding application as a full time manager or

administrator for an agency licensed as a private alarm contractor agency, or for an entity that designs, sells, installs, services, or monitors alarm systems which in the judgment of the Board satisfies standards of alarm industry competence. An individual who has received a 4 year degree in electrical engineering or a related field from a program approved by the Board shall be given credit for 2 years of experience under this item (7). An individual who has successfully completed a national certification program approved by the Board shall be given credit for one year of experience under this item (7).

(8) Has successfully passed an examination authorized by the Department. The examination shall include subjects reasonably related to the activities licensed so as to provide for the protection of the health and safety of the public.

(9) Has not violated Section 15, 20, or 25 of this Act, but this requirement does not operate as an absolute bar to licensure.

It is the responsibility of the applicant to obtain liability insurance in an amount and coverage type appropriate as determined by rule for the applicant's individual business circumstances. The applicant shall provide evidence of insurance to the Department before being issued a license. This insurance requirement is a continuing requirement for licensure. Failure to maintain insurance shall result in cancellation of the license by the Department.

Alternatively, a person is qualified to receive a license as a private alarm contractor without meeting the requirements of items (7), (8), and (9) of this subsection, if he or she:

(i) applies for a license between <u>September 2, 2002</u> ~~July 1, 2000~~ and <u>September 5, 2002</u> ~~August 31, 2000~~, in writing, on forms supplied by the Department;

(ii) provides proof to the Department that he or she was engaged in the alarm contracting business on or before <u>July 1, 1975</u> ~~January 1, 1984~~;

(iii) submits the photographs, fingerprints, proof of insurance, and current license fee required by the Department; ~~and~~

(iv) has not violated Section 25 of this Act<u>; and</u>~~.~~

<u>(v) has held a Permanent Employee Registration Card for a minimum of 12 months.</u>

(d) Locksmith. A person is qualified to receive a license as a locksmith if he or she meets all of the following requirements:

(1) Is at least 18 years of age.

(2) Has not violated any provisions of Section 120 of this Act.

(3) Has not been convicted in any jurisdiction of any felony or at least 10 years have expired from the time of discharge from any sentence imposed for a felony.

(4) Is of good moral character. Good moral character is a continuing requirement of licensure. Convictions of crimes not listed in paragraph (3) of subsection (d) of this Section may be used in determining moral character, but do not operate as an absolute bar to licensure.

(5) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease unless a court has since declared him or her to be competent.

(6) Is not suffering from habitual drunkenness or from narcotic addiction or dependence.

(7) Has not been dishonorably discharged from the armed

services of the United States.

(8) Has passed an examination authorized by the Department in the theory and practice of the profession.

(9) Has submitted to the Department proof of insurance sufficient for the individual's business circumstances. The Department, with input from the Board, shall promulgate rules specifying minimum insurance requirements. This insurance requirement is a continuing requirement for licensure. Failure to maintain insurance shall result in the cancellation of the license by the Department. A locksmith employed by a licensed locksmith agency or employed by a private concern may provide proof that his or her actions as a locksmith are covered by the insurance of his or her employer.

(e) Private detective agency. Upon payment of the required fee and proof that the applicant has a full-time Illinois licensed private detective in charge, which is a continuing requirement for agency certification, the Department shall issue, without examination, a certificate as a private detective agency to any of the following:

(1) An individual who submits an application in writing and who is a licensed private detective under this Act.

(2) A firm or association that submits an application in writing and all of the members of the firm or association are licensed private detectives under this Act.

(3) A duly incorporated or registered corporation allowed to do business in Illinois that is authorized by its articles of incorporation to engage in the business of conducting a detective agency, provided at least one officer or executive employee is licensed as a private detective under this Act and all unlicensed officers and directors of the corporation are determined by the Department to be persons of good moral character.

No private detective may be the private detective in charge for more than one agency. Upon written request by a representative of an agency within 10 days after the loss of a licensee in charge of an agency because of the death of that individual or because of an unanticipated termination of the employment of that individual, the Department shall issue a temporary permit allowing the continuing operation of a previously licensed agency. No temporary permit shall be valid for more than 90 days. An extension of an additional 90 days may be granted by the Department for good cause shown upon written request by the representative of the agency. No more than 2 extensions may be granted to any agency. No temporary permit shall be issued for the loss of the detective in charge because of disciplinary action by the Department.

(f) Private alarm contractor agency. Upon receipt of the required fee and proof that the applicant has a full-time Illinois licensed private alarm contractor in charge, which is a continuing requirement for agency certification, the Department shall issue, without examination, a certificate as a private alarm contractor agency to any of the following:

(1) An individual who submits an application in writing and who is a licensed private alarm contractor under this Act.

(2) A firm or association that submits an application in writing that all of the members of the firm or association are licensed private alarm contractors under this Act.

(3) A duly incorporated or registered corporation allowed to do business in Illinois that is authorized by its articles of incorporation to engage in the business of conducting a private alarm contractor agency, provided at least one officer or executive employee is licensed as a private alarm contractor

under this Act and all unlicensed officers and directors of the corporation are determined by the Department to be persons of good moral character.

No private alarm contractor may be the private alarm contractor in charge for more than one agency. Upon written request by a representative of an agency within 10 days after the loss of a licensed private alarm contractor in charge of an agency because of the death of that individual or because of the unanticipated termination of the employment of that individual, the Department shall issue a temporary permit allowing the continuing operation of a previously licensed agency. No temporary permit shall be valid for more than 90 days. An extension of an additional 90 days may be granted by the Department for good cause shown and upon written request by the representative of the agency. No more than 2 extensions may be granted to any agency. No temporary permit shall be issued for the loss of the licensee in charge because of disciplinary action by the Department.

(g) Private security contractor agency. Upon receipt of the required fee and proof that the applicant has a full-time Illinois licensed private security contractor in charge, which is continuing requirement for agency certification, the Department shall issue, without examination, a certificate as a private security contractor agency to any of the following:

(1) An individual who submits an application in writing and who is a licensed private security contractor under this Act.

(2) A firm or association that submits an application in writing that all of the members are licensed private security contractors under this Act.

(3) A duly incorporated or registered corporation allowed to do business in Illinois that is authorized by its articles of incorporation to engage in the business of conducting a private security contractor agency, provided at least one officer or executive employee is licensed as a private security contractor under this Act and all unlicensed officers and directors of the corporation are determined by the Department to be persons of good moral character.

No private security contractor may be the private security contractor in charge for more than one agency. Upon written request by a representative of the agency within 10 days after the loss of a licensee in charge of an agency because of the death of that individual or because of the unanticipated termination of the employment of that individual, the Department shall issue a temporary permit allowing the continuing operation of a previously licensed agency. No temporary permit shall be valid for more than 90 days. An extension of an additional 90 days may be granted upon written request by the representative of the agency. No more than 2 extensions may be granted to any agency. No temporary permit shall be issued for the loss of the licensee in charge because of disciplinary action by the Department.

(h) Licensed locksmith agency. Upon receipt of the required fee and proof that the applicant is an Illinois licensed locksmith who shall assume full responsibility for the operation of the agency and the directed actions of the agency's employees, which is a continuing requirement for agency licensure, the Department shall issue, without examination, a certificate as a Locksmith Agency to any of the following:

(1) An individual who submits an application in writing and who is a licensed locksmith under this Act.

(2) A firm or association that submits an application in writing and certifies that all of the members of the firm or

association are licensed locksmiths under this Act.

(3) A duly incorporated or registered corporation or limited liability company allowed to do business in Illinois that is authorized by its articles of incorporation or organization to engage in the business of conducting a locksmith agency, provided that at least one officer or executive employee of a corporation or one member of a limited liability company is licensed as a locksmith under this Act, and provided that person agrees in writing on a form acceptable to the Department to assume full responsibility for the operation of the agency and the directed actions of the agency's employees, and further provided that all unlicensed officers and directors of the corporation or members of the limited liability company are determined by the Department to be persons of good moral character.

An individual licensed locksmith operating under a business name other than the licensed locksmith's own name shall not be required to obtain a locksmith agency license if that licensed locksmith does not employ any persons to engage in the practice of locksmithing.

An applicant for licensure as a locksmith agency shall submit to the Department proof of insurance sufficient for the agency's business circumstances. The Department shall promulgate rules specifying minimum insurance requirements. This insurance requirement is a continuing requirement for licensure.

No licensed locksmith may be the licensed locksmith responsible for the operation of more than one agency except for any individual who submits proof to the Department that, on the effective date of this amendatory Act of 1995, he or she is actively responsible for the operations of more than one agency. A licensed private alarm contractor who is responsible for the operation of a licensed private alarm contractor agency and who is a licensed locksmith may also be the licensed locksmith responsible for the operation of a locksmith agency.

Upon written request by a representative of an agency within 10 days after the loss of a responsible licensed locksmith of an agency, because of the death of that individual or because of the unanticipated termination of the employment of that individual, the Department shall issue a temporary permit allowing the continuing operation of a previously licensed locksmith agency. No temporary permit shall be valid for more than 90 days. An extension for an additional 90 days may be granted by the Department for good cause shown and upon written request by a representative of the agency. No more than 2 extensions may be granted to any agency. No temporary permit shall be issued to any agency due to the loss of the responsible locksmith because of disciplinary action by the Department.

(i) Proprietary Security Force. All commercial or industrial operations that employ 5 or more persons as armed security guards and all financial institutions that employ armed security guards shall register their security forces with the Department on forms provided by the Department.

All armed security guard employees of the registered proprietary security force shall be required to complete a 20-hour basic training course and 20-hour firearm training course in accordance with administrative rules.

Each proprietary security force shall be required to apply to the Department, on forms supplied by the Department, for the issuance of a firearm authorization card, in accordance with administrative rules, for each armed employee of the security force.

The Department shall prescribe rules for the administration of

this Section.

(j) Any licensed agency that operates a branch office as defined in this Act shall apply for a branch office license.

(Source: P.A. 90-436, eff. 1-1-98; 90-580, eff. 5-21-98; 90-602, eff. 6-26-98; 91-357, eff. 7-29-99; 91-815, eff. 6-13-00.)

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

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

On motion of Senator Sieben, **Senate Bill No. 1573** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **Senate Bill No. 1576** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1576 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 24-3.4 as follows:

(720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

(a) It is ~~shall be~~ unlawful for any person who holds a license to sell at retail any alcoholic liquor issued by the Illinois Liquor Control Commission or local liquor control commissioner under the Liquor Control Act of 1934 or an agent or employee of the licensee to sell or deliver to any other person a firearm in or on the real property of the establishment where the licensee is licensed to sell alcoholic liquors unless the sale or delivery of the firearm is otherwise lawful under this Article and under the Firearm Owners Identification Card Act.

(b) Sentence. A violation of subsection (a) of this Section is a Class 4 felony.

(Source: P.A. 87-591.)".

Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1576, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 24-3.4 as follows:

(720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

(a) It shall be unlawful for any person or agent or employee of that person who holds a license to sell at retail any alcoholic liquor issued by the Illinois Liquor Control Commission or local liquor control commissioner under the Liquor Control Act of 1934 ~~or an agent or employee of the licensee~~ to sell or deliver to any other person a firearm in or on the real property of the establishment where the licensee is licensed to sell alcoholic liquors unless the licensed seller allows only off premise sales (as defined in subdivision (d)(2) of Section 5-1 of the Liquor Control Act of 1934),

such alcoholic liquor sales account for less than 15% of the sales of all tangible personal property, firearm sales account for less than 15% of the sales of all tangible personal property, and the sale or delivery of the firearm is otherwise lawful under this Article and under the Firearm Owners Identification Card Act.

(b) Sentence. A violation of subsection (a) of this Section is a Class 4 felony.

(Source: P.A. 87-591.)

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 numbered 1 and 2, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Syverson, **Senate Bill No. 1635** having been printed, was taken up and read by title a second time.

Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1635, on page 1, line 5, by replacing "Section 3.1-20-10" with "Sections 3.1-20-10 and 3.1-20-20"; and

on page 2, immediately below line 11, by inserting the following:

"(65 ILCS 5/3.1-20-20) (from Ch. 24, par. 3.1-20-20)

Sec. 3.1-20-20. Aldermen; restrict or reinstate number.

(a) In a city of less than 100,000 inhabitants, a proposition to restrict the number of aldermen to one-half of the total authorized by Section 3.1-20-10, with one alderman representing each ward, shall be certified by the city clerk to the proper election authorities, who shall submit the proposition at an election in accordance with the general election law, if a petition requesting that action is signed by electors of the city numbering not less than 10% of the total vote cast at the last election for mayor of the city and the petition is filed with the city clerk.

The proposition shall be substantially in the following form:

Shall (name of city) restrict the number of aldermen to (state number) (one-half of the total authorized by Section 3.1-20-10 of the Illinois Municipal Code), with one alderman representing each ward?

If a majority of those voting on the proposition vote in favor of it, all existing aldermanic terms shall expire as of the date of the next regular aldermanic election, at which time a full complement of aldermen shall be elected for the full term.

(b) In a city of less than 100,000 inhabitants, a proposition to restrict the number of aldermen to one alderman per ward, with one alderman representing each ward, plus an additional number of aldermen not to exceed the number of wards in the city to be elected at large, shall be certified by the city clerk to the proper election authorities, who shall submit the proposition at an election in accordance with the general election law, if a petition requesting that action is signed by electors of the city numbering not less than 10% of the total vote cast at the last election for mayor of the city and the petition is filed with the city clerk.

The proposition shall be substantially in the following form:

Shall (name of city) restrict the number of aldermen to (number), with one alderman representing each ward, plus an

additional (number) alderman (aldermen) to be elected at large?

If a majority of those voting on the proposition vote in favor of it, all existing aldermanic terms shall expire as of the date of the next regular aldermanic election, at which time a full complement of aldermen shall be elected for the full term.

(c) In a city of less than 100,000 inhabitants where a proposition under subsection (a) or (b) has been successful, a proposition to reinstate the number of aldermen in accordance with Section 3.1-20-10 shall be certified by the city clerk to the proper election authorities, who shall submit the proposition at an election in accordance with the general election law, if a petition requesting that action has been signed by electors of the city numbering not less than 10% of the total vote cast at the last election for mayor of the city and the petition has been filed with the city clerk.

The election authority must submit the proposition in substantially the following form:

Shall (name of city) reinstate the number of aldermen to (number of aldermen allowed by Section 3.1-20-10)?

The election authority must record the votes as "Yes" or "No".

If a majority of the electors voting on the proposition vote in the affirmative, then, if the restriction in the number of aldermen has taken effect, all existing aldermanic terms shall expire as of the date of the next regular aldermanic election, at which time a full complement of aldermen shall be elected for the full term and thereafter terms shall be determined in accordance with Section 3.1-20-35.

(Source: P.A. 87-1119.)".

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. 1641** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, **Senate Bill No. 1687** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1687, after Section 5, by inserting the following:

"Section 10. The Funeral Directors and Embalmers Licensing Code is amended by changing Sections 5-15 and 15-15 as follows:

(225 ILCS 41/5-15)

(Section scheduled to be repealed on December 31, 2002)

Sec. 5-15. Expiration and renewal; inactive status; continuing education. The expiration date and renewal period for each license issued under this Article shall be set by rule. The holder of a license as a licensed funeral director may renew the license during the month preceding the expiration date of the license by paying the required fee. A licensed funeral director whose license has expired may have the license reinstated within 5 years from the date of expiration upon payment of the required reinstatement fee. The reinstatement shall be effective as of the date of reissuance of the license.

Any licensed funeral director whose license has been expired for more than 5 years may have the license restored only by fulfilling the requirements of the Department's rules and by paying the required restoration fee. However, any licensed funeral director whose license has expired while he or she has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America or (2) in training or education under the supervision of the United States preliminary to induction into the military service may have his or her license restored without paying any lapsed renewal fees or restoration fee or without passing any examination if, within 2 years after termination of the service, training or education other than by dishonorable discharge, he or she furnishes the Department with an affidavit to the effect that he or she has been so engaged and that service, training or education has been so terminated.

In addition to any other requirement for renewal of a license or reinstatement of an expired license, beginning with licenses renewed or reinstated in 1993, as a condition for the renewal or reinstatement of a license as a licensed funeral director, each licensee shall provide evidence to the Department of completion of at least 12 hours of continuing education during the 24 months preceding the expiration date of the license, or in the case of reinstatement, during the 24 months preceding application for reinstatement. The continuing education sponsors shall be approved by the Board. In addition, any qualified continuing education course for funeral directors offered by a college, university, the Illinois Funeral Directors Association, Funeral Directors Services Association of Greater Chicago, Cook County Association of Funeral Home Owners, Inc., Illinois Selected Morticians Association, Inc., National Funeral Directors Association, National Foundation of Funeral Service, National Selected Morticians, National Funeral Directors and Morticians Association, Inc., International Order of the Golden Rule, or an Illinois school of mortuary science shall be accepted toward satisfaction of the continuing education requirements.

The Department shall establish by rule a means for verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by licensees, by requiring the filing of continued education certificates with the Department or a qualified organization selected by the Department to maintain these records, or by other means established by the Department.

A person who is licensed as a funeral director under this Act and who has engaged in the practice of funeral directing for at least 40 years shall be exempt from the continuing education requirements of this Section. In addition, the Department shall establish by rule an exemption or exception for funeral directors who, by reason of advanced age, health or other extreme condition should reasonably be excused from the continuing education requirement upon explanation to the Board, the approval of the Director, or both. Those persons, identified above, who cannot attend on-site classes, shall have the opportunity to comply by completing home study courses designed for them by sponsors.

Any funeral director who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on an inactive status and shall be excused from completion of continuing education requirements until he or she notifies the Department in writing of an intent to restore the license to active status. ~~While on inactive status, the licensee shall only be required to pay a single fee, established by the Department, to have~~

~~his or her license placed on inactive status.~~ Any licensee requesting restoration from inactive status shall notify the Department as provided by rule of the Department and pay the fee required by the Department for restoration of the license. Any licensee whose license is on inactive status shall not practice in the State of Illinois.

Practice on a license that has lapsed or been placed in inactive status is practicing without a license and a violation of this Act.
(Source: P.A. 90-50, eff. 1-1-98.)

(225 ILCS 41/15-15)

(Section scheduled to be repealed on December 31, 2002)

Sec. 15-15. Complaints; investigations; hearings. The Department may ~~shall~~ conduct regular inspections of all funeral establishments to determine compliance with the provisions of this Code. The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts that if proved would constitute grounds for refusal, suspension, revocation, or other disciplinary action investigate the action of any person holding or claiming to hold a license under this Code. The Department shall report to the Board, on at least a quarterly basis, the status or disposition of all complaints against, and investigations of, license holders. The Department shall, before refusing to issue or renew, suspending, revoking, or taking any other disciplinary action with respect to any license and at least 30 days before the date set for the hearing, notify in writing the licensee of any charges made and shall direct that person to file a written answer to the Board under oath within 20 days after the service of the notice and inform that person that failure to file an answer may result in default being taken and the person's license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Director may deem proper. The Department shall afford the licensee an opportunity to be heard in person or by counsel in reference to the charges. Written notice may be served by personal delivery to the licensee or by mailing it by registered mail to the last known business address of licensee. In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. The hearing on the charges shall be at a time and place as the Department shall prescribe. The Department may appoint a hearing officer to conduct the hearing. The Department shall notify the Board of the time and place of the hearing and Board members shall be allowed to sit at the hearing. The Department has the power to subpoena and bring before it any person in this State, or take testimony of any person by deposition, with the same fees and mileage, in the same manner as prescribed by law in judicial proceedings in circuit courts of this State in civil cases. If the Department determines that any licensee is guilty of a violation of any of the provisions of this Code, disciplinary action shall be taken against the licensee. The Department may take disciplinary action without a formal hearing subject to Section 10-70 of the Illinois Administrative Procedure Act.
(Source: P.A. 87-966; 88-45.)".

AMENDMENT NO. 2

[Apr. 3, 2002]

AMENDMENT NO. 2. Amend Senate Bill 1687, after Section 5, by inserting the following:

"Section 10. The Funeral Directors and Embalmers Licensing Code is amended by changing Section 5-15 as follows:

(225 ILCS 41/5-15)

(Section scheduled to be repealed on December 31, 2002)

Sec. 5-15. Expiration and renewal; inactive status; continuing education. The expiration date and renewal period for each license issued under this Article shall be set by rule. The holder of a license as a licensed funeral director may renew the license during the month preceding the expiration date of the license by paying the required fee. A licensed funeral director whose license has expired may have the license reinstated within 5 years from the date of expiration upon payment of the required reinstatement fee. The reinstatement shall be effective as of the date of reissuance of the license.

Any licensed funeral director whose license has been expired for more than 5 years may have the license restored only by fulfilling the requirements of the Department's rules and by paying the required restoration fee. However, any licensed funeral director whose license has expired while he or she has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America or (2) in training or education under the supervision of the United States preliminary to induction into the military service may have his or her license restored without paying any lapsed renewal fees or restoration fee or without passing any examination if, within 2 years after termination of the service, training or education other than by dishonorable discharge, he or she furnishes the Department with an affidavit to the effect that he or she has been so engaged and that service, training or education has been so terminated.

In addition to any other requirement for renewal of a license or reinstatement of an expired license, beginning with licenses renewed or reinstated in 1993, as a condition for the renewal or reinstatement of a license as a licensed funeral director, each licensee shall provide evidence to the Department of completion of at least 12 hours of continuing education during the 24 months preceding the expiration date of the license, or in the case of reinstatement, during the 24 months preceding application for reinstatement. The continuing education sponsors shall be approved by the Board. In addition, any qualified continuing education course for funeral directors offered by a college, university, the Illinois Funeral Directors Association, Funeral Directors Services Association of Greater Chicago, Cook County Association of Funeral Home Owners, Inc., Illinois Selected Morticians Association, Inc., National Funeral Directors Association, National Foundation of Funeral Service, National Selected Morticians, National Funeral Directors and Morticians Association, Inc., International Order of the Golden Rule, or an Illinois school of mortuary science shall be accepted toward satisfaction of the continuing education requirements.

The Department shall establish by rule a means for verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by licensees, by requiring the filing of continued education certificates with the Department or a qualified organization selected by the Department to maintain these records, or by other means established by the Department.

A person who is licensed as a funeral director under this Act and who has engaged in the practice of funeral directing for at least 40

years shall be exempt from the continuing education requirements of this Section. In addition, the Department shall establish by rule an exemption or exception for funeral directors who, by reason of advanced age, health or other extreme condition should reasonably be excused from the continuing education requirement upon explanation to the Board, the approval of the Director, or both. Those persons, identified above, who cannot attend on-site classes, shall have the opportunity to comply by completing home study courses designed for them by sponsors.

Any funeral director who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on an inactive status and shall be excused from completion of continuing education requirements until he or she notifies the Department in writing of an intent to restore the license to active status. ~~While on inactive status, the licensee shall only be required to pay a single fee, established by the Department, to have his or her license placed on inactive status.~~ Any licensee requesting restoration from inactive status shall notify the Department as provided by rule of the Department and pay the fee required by the Department for restoration of the license. Any licensee whose license is on inactive status shall not practice in the State of Illinois.

Practice on a license that has lapsed or been placed in inactive status is practicing without a license and a violation of this Act. (Source: P.A. 90-50, eff. 1-1-98.)".

Senator Burzynski offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 1687, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.13 and adding Section 4.23 as follows:

(5 ILCS 80/4.13) (from Ch. 127, par. 1904.13)

Sec. 4.13. Acts repealed on December 31, 2002. The following Acts are repealed on December 31, 2002:

The Environmental Health Practitioner Licensing Act.

The Naprapathic Practice Act.

The Wholesale Drug Distribution Licensing Act.

The Dietetic and Nutrition Services Practice Act.

~~The Funeral Directors and Embalmers Licensing Code.~~

The Professional Counselor and Clinical Professional Counselor Licensing Act.

(Source: P.A. 88-45; 89-61, eff. 6-30-95; revised 8-22-01.)

(5 ILCS 80/4.23 new)

Sec. 4.23. Act repealed on January 1, 2013. The following Act is repealed on January 1, 2013:

The Funeral Directors and Embalmers Licensing Code.

Section 10. The Funeral Directors and Embalmers Licensing Code is amended by changing Section 5-15 as follows:

(225 ILCS 41/5-15)

(Section scheduled to be repealed on December 31, 2002)

Sec. 5-15. Expiration and renewal; inactive status; continuing education. The expiration date and renewal period for each license issued under this Article shall be set by rule. The holder of a license as a licensed funeral director may renew the license during the month preceding the expiration date of the license by paying the required fee. A licensed funeral director whose license has expired may have the license reinstated within 5 years from the date of

expiration upon payment of the required reinstatement fee. The reinstatement shall be effective as of the date of reissuance of the license.

Any licensed funeral director whose license has been expired for more than 5 years may have the license restored only by fulfilling the requirements of the Department's rules and by paying the required restoration fee. However, any licensed funeral director whose license has expired while he or she has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America or (2) in training or education under the supervision of the United States preliminary to induction into the military service may have his or her license restored without paying any lapsed renewal fees or restoration fee or without passing any examination if, within 2 years after termination of the service, training or education other than by dishonorable discharge, he or she furnishes the Department with an affidavit to the effect that he or she has been so engaged and that service, training or education has been so terminated.

In addition to any other requirement for renewal of a license or reinstatement of an expired license, beginning with licenses renewed or reinstated in 1993, as a condition for the renewal or reinstatement of a license as a licensed funeral director, each licensee shall provide evidence to the Department of completion of at least 12 hours of continuing education during the 24 months preceding the expiration date of the license, or in the case of reinstatement, during the 24 months preceding application for reinstatement. The continuing education sponsors shall be approved by the Board. In addition, any qualified continuing education course for funeral directors offered by a college, university, the Illinois Funeral Directors Association, Funeral Directors Services Association of Greater Chicago, Cook County Association of Funeral Home Owners, Inc., Illinois Selected Morticians Association, Inc., National Funeral Directors Association, National Foundation of Funeral Service, National Selected Morticians, National Funeral Directors and Morticians Association, Inc., International Order of the Golden Rule, or an Illinois school of mortuary science shall be accepted toward satisfaction of the continuing education requirements.

The Department shall establish by rule a means for verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by licensees, by requiring the filing of continued education certificates with the Department or a qualified organization selected by the Department to maintain these records, or by other means established by the Department.

A person who is licensed as a funeral director under this Act and who has engaged in the practice of funeral directing for at least 40 years shall be exempt from the continuing education requirements of this Section. In addition, the Department shall establish by rule an exemption or exception for funeral directors who, by reason of advanced age, health or other extreme condition should reasonably be excused from the continuing education requirement upon explanation to the Board, the approval of the Director, or both. Those persons, identified above, who cannot attend on-site classes, shall have the opportunity to comply by completing home study courses designed for them by sponsors.

Any funeral director who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on an inactive status and shall be excused from completion of continuing education requirements until he or she notifies the

Department in writing of an intent to restore the license to active status. ~~While on inactive status, the licensee shall only be required to pay a single fee, established by the Department, to have his or her license placed on inactive status.~~ Any licensee requesting restoration from inactive status shall notify the Department as provided by rule of the Department and pay the fee required by the Department for restoration of the license. Any licensee whose license is on inactive status shall not practice in the State of Illinois.

Practice on a license that has lapsed or been placed in inactive status is practicing without a license and a violation of this Act. (Source: P.A. 90-50, eff. 1-1-98.)

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 Amendments numbered 1, 2 and 3, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1760** 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 1760 on page 1, by replacing lines 6 through 31 with the following:

"(35 ILCS 120/5k) (from Ch. 120, par. 444k)

Sec. 5k. Building materials exemption. Each retailer who makes a qualified sale of building materials to be incorporated into real estate in an enterprise zone established by a county or municipality under the Illinois Enterprise Zone Act by remodeling, rehabilitation or new construction, may deduct receipts from such sales when calculating the tax imposed by this Act. For purposes of this Section, "qualified sale" means a sale of building materials that will be incorporated into real estate as part of a building project for which a Certificate of Eligibility for Sales Tax Exemption has been issued by the administrator of the enterprise zone in which the building project is located. To document the exemption allowed under this Section, the retailer must obtain from the purchaser a copy of the Certificate of Eligibility for Sales Tax Exemption issued by the administrator of the enterprise zone into which the building materials will be incorporated. The Certificate of Eligibility for Sales Tax Exemption must contain:

(1) a statement that the building project identified in the Certificate meets all the requirements for the building material exemption contained in the enterprise zone ordinance of the jurisdiction in which the building project is located;

(2) the location or address of the building project; and

(3) the signature of the administrator of the enterprise zone in which the building project is located.

In addition, the retailer must obtain certification from the purchaser that contains:

(1) a statement that the building materials are being purchased for incorporation into real estate located in an Illinois enterprise zone;

(2) the location or address of the real estate into which the building materials will be incorporated;

(3) the name of the enterprise zone in which that real estate is located;

(4) a description of the building materials being purchased; and

(5) the purchaser's signature and date of purchase.

The deduction allowed by this Section for the sale of building materials may be limited, to the extent authorized by ordinance, adopted after the effective date of this amendatory Act of 1992, by the municipality or county that created the enterprise zone into ~~in~~ which the building materials will be incorporated ~~retailer's place of business is located~~. The ordinance, however, may neither require nor prohibit the purchase of building materials from any retailer or class of retailers in order to qualify for the exemption allowed under this Section. ~~The corporate authorities of any municipality or county that adopts an ordinance or resolution imposing or changing any limitation on the enterprise zone exemption for building materials shall transmit to the Department of Revenue on or not later than 5 days after publication, as provided by law, a certified copy of the ordinance or resolution imposing or changing those limitations, whereupon the Department of Revenue shall proceed to administer and enforce those limitations effective the first day of the second calendar month next following date of receipt by the Department of the certified ordinance or resolution.~~ The provisions of this Section are exempt from Section 2-70.

(Source: P.A. 91-51, eff. 6-30-99; 91-954, eff. 1-1-02; 92-484, eff. 8-23-01.)".

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. 1764** having been printed, was taken up and read by title a second time.

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

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

On motion of Senator Cullerton, **Senate Bill No. 1756** having been printed, was taken up and read by title a second time.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1756 on page 1, in line 15 by inserting after "website" the following:
"that the staff of the public body maintains"; and
on page 1, in line 16 by replacing "72 48" with "48"; and
on page 2, in line 7 by inserting after "a website" the following:
"that the staff of the public body maintains"; and
on page 3, in line 7 by inserting after "a website" the following:
"that the staff of the public body maintains".

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 Bomke, **Senate Bill No. 1779** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1779 on page 3, by replacing lines 11 through 18 with the following:

"(e) (Blank).".

Senator Bomke offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1779, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Section 14-105 as follows:

(40 ILCS 5/14-105) (from Ch. 108 1/2, par. 14-105)

Sec. 14-105. Service credit for which contributions are not required.

(a) Each employee in service on December 31, 1943, or then on leave of absence not in conflict with Civil Service rules, if such leave had not extended for more than one year continuously, or who is otherwise entitled to prior service credit, who becomes a member shall file with the board on a form supplied by it, a detailed statement of all service rendered prior to January 1, 1944, for which credit is claimed.

Upon verification thereof, the board shall issue a prior service certificate certifying length of prior service. A prior service certificate shall be conclusive so long as membership continues, provided, that a member may, within one year from the date of original issuance of the certificate or modification thereof, request the board to modify or correct the certificate.

When membership ceases, a prior service certificate shall become void, and shall be revived only under the conditions specified in this Article.

In the computation of prior service, the following schedule shall govern: 9 months of service or more during any fiscal year constitutes a year of service; 6 to 9 months, 3/4 of a year; 3 to 6 months, 1/2 year; less than 3 months shall not be considered. Credit shall not be allowed for any period of absence without compensation or for less than 15 days service in any month, nor shall more than one year of service be creditable for all service rendered in any one fiscal year.

(b) Any member shall receive credit for military service provided all of the following conditions are met:

(1) the member was a State employee within 6 months immediately prior to entry into military service;

(2) the member returns as a State employee within 15 months after his unconditional discharge other than by dishonorable discharge; and

(3) the member establishes creditable service for State employment immediately prior to and following the military service.

The total amount of creditable military service for any member during his entire term of service shall not exceed 5 years in the aggregate, except that any member who on July 1, 1963, had accrued more than 5 years of such credit shall be entitled to the total amount of such accrued credit.

(c) Any active member of the System who (1) was earning eligible creditable service under subdivision (b)(12) of Section 14-110 on January 1, 1992, and (2) has at least 17 years of creditable service under Article 5, and (3) is eligible to transfer that creditable service to this System under subsection (c) of Section 5-236 of this Code, and (4) applies in writing for transfer of that creditable service to this System within 30 days after the effective date of this amendatory Act of 1993, shall receive eligible creditable service in this System for that creditable service upon receipt by this System of the amounts transferred under Section 5-236. No additional contributions shall be required for the transferred service.

(d) Any active member of the system who (1) was earning eligible creditable service under subdivision (b)(5) of Section 14-110 on January 1, 1992, and (2) has no more than 7 years of creditable service as a municipal conservator of the peace under Article 7, and (3) is eligible to transfer that creditable service to this System under subsection (a) of Section 7-139.7 of this Code, and (4) makes written notification to this System by January 31, 1994, shall receive eligible creditable service in this System for that service upon receipt by this System of the amounts transferred under Section 7-139.7. No additional contributions shall be required for the transferred service.

(e) Any member may establish creditable service and earnings credit for a period of voluntary or involuntary furlough, not exceeding 5 days, beginning on or after January 1, 2002 and ending before July 1, 2002, that is utilized as a means of addressing a State fiscal emergency. To receive this credit, the member must apply in writing to the System or the member's employer before July 1, 2005. No additional contribution is required for this credit.

(Source: P.A. 87-1265.)

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 numbered 1 and 2, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Klemm, **Senate Bill No. 1798** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1798 by replacing everything after the enacting clause with the following:

"Section 5. The Hospital Licensing Act is amended by changing Section 10.4 as follows:

(210 ILCS 85/10.4) (from Ch. 111 1/2, par. 151.4)

Sec. 10.4. Medical staff privileges.

(a) A ~~Any~~ hospital licensed under this Act or any hospital organized under the University of Illinois Hospital Act shall, prior to the granting of any medical staff privileges to an applicant, or renewing a current medical staff member's privileges, request of the Director of Professional Regulation information concerning the licensure status and any disciplinary action taken against the applicant's or medical staff member's license, except for medical personnel who enter a hospital to obtain organs and tissues for

transplant from a deceased donor in accordance with the Uniform Anatomical Gift Act. The Director of Professional Regulation shall transmit, in writing and in a timely fashion, such information regarding the license of the applicant or the medical staff member, including the record of imposition of any periods of supervision or monitoring as a result of alcohol or substance abuse, as provided by Section 23 of the Medical Practice Act of 1987, and such information as may have been submitted to the Department indicating that the application or medical staff member has been denied, or has surrendered, medical staff privileges at a hospital licensed under this Act, or any equivalent facility in another state or territory of the United States. The Director of Professional Regulation shall define by rule the period for timely response to such requests.

No transmittal of information by the Director of Professional Regulation, under this Section shall be to other than the president, chief operating officer, chief administrative officer, or chief of the medical staff of a hospital licensed under this Act, a hospital organized under the University of Illinois Hospital Act, or a hospital operated by the United States, or any of its instrumentalities. The information so transmitted shall be afforded the same status as is information concerning medical studies by Part 21 of Article VIII of the Code of Civil Procedure, as now or hereafter amended.

(b) All hospitals licensed under this Act, except county hospitals as defined in subsection (c) of Section 15-1 of the Illinois Public Aid Code, shall comply with, and the medical staff bylaws of these hospitals shall include rules consistent with, the provisions of this Section in granting, limiting, renewing, or denying medical staff membership and clinical staff privileges. Hospitals that require medical staff members to possess faculty status with a specific institution of higher education are not required to comply with subsection (1) below when the physician does not possess faculty status.

(1) Minimum procedures for pre-applicants and applicants for medical staff membership shall include the following:

(A) Written procedures relating to the acceptance and processing of pre-applicants or applicants for medical staff membership, which should be contained in medical staff bylaws.

(B) Written procedures to be followed in determining a pre-applicant's or an applicant's qualifications for being granted medical staff membership and privileges.

(C) Written criteria to be followed in evaluating a pre-applicant's or an applicant's qualifications.

(D) An evaluation of a pre-applicant's or an applicant's current health status and current license status in Illinois.

(E) A written response to each pre-applicant or applicant that explains the reason or reasons for any adverse decision (including all reasons based in whole or in part on the applicant's medical qualifications or any other basis, including economic factors).

(2) Minimum procedures with respect to medical staff and clinical privilege determinations concerning current members of the medical staff shall include the following:

(A) A written notice of an adverse decision.

(B) An explanation of the reasons for an adverse decision including all reasons based on the quality of medical care or any other basis, including economic factors.

(C) A statement of the medical staff member's right to

request a fair hearing on the adverse decision before a hearing panel whose membership is mutually agreed upon by the medical staff and the hospital governing board. The hearing panel shall have independent authority to recommend action to the hospital governing board. Upon the request of the medical staff member or the hospital governing board, the hearing panel shall make findings concerning the nature of each basis for any adverse decision recommended to and accepted by the hospital governing board.

(i) Nothing in this subparagraph (C) limits a hospital's or medical staff's right to summarily suspend, without a prior hearing, a person's medical staff membership or clinical privileges if the continuation of practice of a medical staff member constitutes an immediate danger to the public, including patients, visitors, and hospital employees and staff. A fair hearing shall be commenced within 15 days after the suspension and completed without delay.

(ii) Nothing in this subparagraph (C) limits a medical staff's right to permit, in the medical staff bylaws, summary suspension of membership or clinical privileges in designated administrative circumstances as specifically approved by the medical staff. This bylaw provision must specifically describe both the administrative circumstance that can result in a summary suspension and the length of the summary suspension. The opportunity for a fair hearing is required for any administrative summary suspension. Any requested hearing must be commenced within 15 days after the summary suspension and completed without delay. Adverse decisions other than suspension or other restrictions on the treatment or admission of patients may be imposed summarily and without a hearing under designated administrative circumstances as specifically provided for in the medical staff bylaws as approved by the medical staff.

(iii) If a hospital exercises its option to enter into an exclusive contract and that contract results in the total or partial termination or reduction of medical staff membership or clinical privileges of a current medical staff member, the hospital shall provide the affected medical staff member 60 days prior notice of the effect on his or her medical staff membership or privileges. An affected medical staff member desiring a hearing under subparagraph (C) of this paragraph (2) must request the hearing within 14 days after the date he or she is so notified. The requested hearing shall be commenced and completed (with a report and recommendation to the affected medical staff member, hospital governing board, and medical staff) within 30 days after the date of the medical staff member's request. If agreed upon by both the medical staff and the hospital governing board, the medical staff bylaws may provide for longer time periods.

(D) A statement of the member's right to inspect all pertinent information in the hospital's possession with respect to the decision.

(E) A statement of the member's right to present witnesses and other evidence at the hearing on the decision.

(F) A written notice and written explanation of the decision resulting from the hearing.

(F-5) A written notice of a final adverse decision by a hospital governing board.

(G) Notice given 15 days before implementation of an adverse medical staff membership or clinical privileges decision based substantially on economic factors. This notice shall be given after the medical staff member exhausts all applicable procedures under this Section, including item (iii) of subparagraph (C) of this paragraph (2), and under the medical staff bylaws in order to allow sufficient time for the orderly provision of patient care.

(H) Nothing in this paragraph (2) of this subsection (b) limits a medical staff member's right to waive, in writing, the rights provided in subparagraphs (A) through (G) of this paragraph (2) of this subsection (b) upon being granted the written exclusive right to provide particular services at a hospital, either individually or as a member of a group. If an exclusive contract is signed by a representative of a group of physicians, a waiver contained in the contract shall apply to all members of the group unless stated otherwise in the contract.

(3) Every adverse medical staff membership and clinical privilege decision based substantially on economic factors shall be reported to the Hospital Licensing Board before the decision takes effect. These reports shall not be disclosed in any form that reveals the identity of any hospital or physician. These reports shall be utilized to study the effects that hospital medical staff membership and clinical privilege decisions based upon economic factors have on access to care and the availability of physician services. The Hospital Licensing Board shall submit an initial study to the Governor and the General Assembly by January 1, 1996, and subsequent reports shall be submitted periodically thereafter.

(4) As used in this Section:

"Adverse decision" means a decision reducing, restricting, suspending, revoking, denying, or not renewing medical staff membership or clinical privileges.

"Economic factor" means any information or reasons for decisions unrelated to quality of care or professional competency.

"Pre-applicant" means a physician licensed to practice medicine in all its branches who requests an application for medical staff membership or privileges.

"Privilege" means permission to provide medical or other patient care services and permission to use hospital resources, including equipment, facilities and personnel that are necessary to effectively provide medical or other patient care services. This definition shall not be construed to require a hospital to acquire additional equipment, facilities, or personnel to accommodate the granting of privileges.

(5) Any amendment to medical staff bylaws required because of this amendatory Act of the 91st General Assembly shall be adopted on or before July 1, 2001.

(c) All hospitals shall consult with the medical staff prior to closing membership in the entire or any portion of the medical staff or a department. If the hospital closes membership in the medical staff, any portion of the medical staff, or the department over the objections of the medical staff, then the hospital shall provide a detailed written explanation for the decision to the medical staff 10

days prior to the effective date of any closure. No applications need to be provided when membership in the medical staff or any relevant portion of the medical staff is closed.
(Source: P.A. 90-14, eff. 7-1-97; 90-149, eff. 1-1-98; 90-655, eff. 7-30-98; 91-166, eff. 1-1-00.)".

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

On motion of Senator Peterson, **Senate Bill No. 1810** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1820** having been printed, was taken up and read by title a second time.

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

Senator Munoz offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1820 by replacing everything after the enacting clause with the following:

"Section 5. The Hospital Licensing Act is amended by adding Section 10.6 as follows:

(210 ILCS 85/10.6 new)

Sec. 10.6. Hospital merger; medical staff bylaws. When one or more hospitals combine or merge in any manner that does not require any of the parties to the transaction to obtain a new license under this Act, the medical staff bylaws of each individual hospital shall remain in effect until such time as the bylaws are amended according to the terms of the bylaws. This Section shall not apply to a county hospital as defined in subsection (c) of Section 15-1 of the Illinois Public Aid Code.

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 Sieben, **Senate Bill No. 1830** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1830 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Restricted Call Registry Act.

Section 5. Definitions. As used in this Act:

(a) "Residential subscriber" means a person or spouse who has subscribed to either residential telephone service from a local exchange company or public mobile services, as defined by Section 13-214 of the Public Utilities Act, a guardian of the person or the person's spouse, or an individual who has power of attorney from or an authorized agent of the person or the person's spouse.

(b) "Established business relationship" means the existence of an oral or written arrangement, agreement, contract, or other legal state of affairs between a person or entity and an existing customer under which both parties have a course of conduct or established pattern of activity for commercial or mercantile purposes and for the benefit or profit of both parties. A pattern of activity does not necessarily mean multiple previous contacts. The established business relationship must exist between the existing customer and the person or entity directly, and does not extend to any related business entity or other business organization of the person or entity or related to the person or entity or the person or entity's agent including but not limited to a parent corporation, subsidiary partnership, company or other corporation or affiliate.

(c) "Existing customer" means an individual who has either:

(1) entered into a transaction, agreement, contract, or other legal state of affairs between a person or entity and a residential subscriber under which the payment or exchange of consideration for any goods or services has taken place within the preceding 18 months or has been arranged to take place at a future time; or

(2) opened or maintained a debit account, credit card account, or other revolving credit or discount program offered by the person or entity and has not requested the person or entity to close such account or terminate such program.

(d) "Registry" means the Restricted Call Registry established under this Act.

(e) "Telephone solicitation" means any voice communication over a telephone line from a live operator, through the use of an autodialer or autodialer system, as defined in Section 5 of the Automatic Telephone Dialers Act, or by other means for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, or for the purposes of soliciting charitable contributions but does not include communications:

(1) to any residential subscriber with that subscriber's prior express invitation or permission when a voluntary 2-way communication between a person or entity and a residential subscriber has occurred with or without an exchange of consideration. A telephone solicitation is presumed not to be made at the express request of a subscriber if one of the following occurs, as applicable:

(A) The telephone solicitation is made 30 business days after the last date on which the subscriber contacted a business with the purpose of inquiring about the potential purchase of goods or services.

(B) The telephone solicitation is made 30 business days after the last date on which the subscriber consented to be contacted.

(C) The telephone solicitation is made 30 business days after a product or service becomes available where the subscriber has made a request to the business for that product or service that is not then available, and requests a call when the product or service becomes available;

(2) by or on behalf of any person or entity with whom a residential subscriber has an established business relationship which has not been terminated in writing by either party and which is related to the nature of the established business relationship;

(3) by or on behalf of any person or entity with whom a residential subscriber is an existing customer, unless the customer has stated to the person or entity or the person or

entity's agent that he or she no longer wishes to receive the telemarketing sales calls of the person or entity, or unless the nature of the call is unrelated to the established business relationship with the existing customer;

(4) by or on behalf of an organization that is exempt from federal income taxation under Section 501 of the Internal Revenue Code, but only if the person making the telephone solicitation immediately discloses all of the following information upon making contact with the consumer:

(A) the caller's true first and last name; and

(B) the name, address, and telephone number of the charitable organization;

(5) by or on behalf of an individual licensed under the Real Estate License Act of 2000 or as an insurance producer under the Illinois Insurance Code who either:

(A) is setting or attempting to set a face to face appointment for actions relating to that small business; or

(B) is encouraging or attempting to encourage the purchase or rental of, or investment in, property, goods, or services, which cannot be completed, and for which payment or authorization of payment is not required, until after a written or electronic agreement is signed by the residential subscriber; or

(6) until July 1, 2005, by or on behalf of any entity over which the Federal Communications Commission or the Illinois Commerce Commission has regulatory authority to the extent that, subject to that authority, the entity is required to maintain a license, permit, or certificate to sell or provide telecommunications service, as defined in Section 13-203 of the Public Utilities Act, while the entity is engaged in telephone solicitation for inter-exchange telecommunications service, as defined in Section 13-205 of the Public Utilities Act, or local exchange telecommunications service, as defined in Section 13-204 of the Public Utilities Act.

Section 10. Prohibited calls. Beginning July 1, 2003, no person or entity may make or cause to be made any telephone solicitation calls to any residential subscriber more than 45 days after the residential subscriber's telephone number or numbers first appear on the Registry.

Section 15. Complaints. The Illinois Commerce Commission shall receive telephone solicitation complaints from residential subscribers to object to such calls. Complaints shall be taken by any means deemed appropriate by the Illinois Commerce Commission.

Section 20. Registry; establishment and maintenance.

(a) The Illinois Commerce Commission shall establish and provide for the operation of a Restricted Call Registry, which shall contain a list of the telephone numbers of residential subscribers who do not wish to receive telephone solicitation calls. The Illinois Commerce Commission may contract with a private vendor to establish and maintain the Registry if the contract requires the vendor to provide the Registry in a printed hard copy format, in an electronic format, and in any other format prescribed by the Illinois Commerce Commission. Any person or entity conducting telephone solicitation calls as defined by Section 5(e) of this Act within the State of Illinois shall purchase the Restricted Call Registry and updates exclusively from the Illinois Commerce Commission. Failure to do so prior to conducting telephone solicitation calls is a violation subject to the penalties provided for in Section 35 of this Act.

(b) No later than January 1, 2003, the Illinois Commerce Commission shall adopt rules consistent with this Act that the

Illinois Commerce Commission deems necessary and appropriate to fully implement this Act. The rules shall include, at a minimum, methods by which any person or entity desiring to make telephone solicitation calls may obtain access to the Registry to avoid calling the telephone numbers of residential subscribers included in the Registry.

(c) The fee for obtaining the Registry and updates shall be set forth in rules adopted by the Illinois Commerce Commission. The fee may not exceed $1,000 annually and may not exceed the costs incurred by the Commission in the preparation, maintenance, production, and distribution of the Registry. All copies requested in a printed hard copy format shall be assessed a per page fee to be determined by rules adopted by the Illinois Commerce Commission.

(d) The Illinois Commerce Commission shall update the Registry and make information in the Registry available on a quarterly basis in an electronic format that can be sorted by individual fields and, if deemed appropriate by the Illinois Commerce Commission, in one or more other formats.

(e) If the Federal Communications Commission or Federal Trade Commission establishes a single national database of telephone numbers of subscribers who object to receiving telephone solicitations under Title 47, Section 227(c)(3) of the United States Code, this State shall discontinue the Registry.

(f) Information in the Registry is confidential and shall be afforded reasonable privacy protection except as necessary for compliance with Sections 10 and 25 and this Section or in a proceeding or action under Section 35 or 40. The information is not a public record under the Freedom of Information Act.

(g) The Illinois Commerce Commission shall periodically obtain subscription listings of residential subscribers in this State who have arranged to be included in any national do-not-call list and add those names to the Registry.

(h) A person or entity that obtains the Registry shall not use the Registry for any purpose other than to comply with this Act. These unlawful purposes include, but are not limited to, causing a subscriber to participate in and be included in the Registry without the subscriber's knowledge or consent, selling or leasing the Registry to a person other than a telephone solicitor, selling or leasing by a telephone solicitor of the Registry, and a telephone solicitor, either directly or indirectly, persuading a subscriber with whom it has an established business relationship to place his or her telephone number in the Registry, if the solicitation has the effect of preventing competitors from contacting that solicitor's customers.

(i) No person or entity that sells, leases, exchanges, or rents telephone solicitation lists, except for directory assistance and telephone directories sold by telephone companies or their affiliates, shall include in those lists those telephone numbers that appear in the current Registry.

Section 25. Enrollment.

(a) The Illinois Commerce Commission shall provide notice to residential subscribers of the establishment of the Registry.

(b) The Illinois Commerce Commission shall establish any method deemed appropriate for a residential subscriber to notify the Illinois Commerce Commission that the residential subscriber wishes to have its telephone number included in the Registry.

(c) The Commission may, by rule, set an initial fee which shall not exceed $5 per residential customer for inclusion on the Restricted Call Registry. The Commission shall review the revenues and expenditures of the Restricted Call Registry on a biennial basis

and shall, by rule, reduce the fee accordingly if revenues exceed expenditures. The Commission may adopt rules and procedures governing the acceptance of payment by credit card and may enter into such agreements as necessary to accept payment by credit card.

(d) A residential subscriber's telephone number shall be deleted from the Registry upon the residential subscriber's written request.

(e) Enrollment in the Registry is effective from the start of the quarter following the date of enrollment until the residential subscriber disconnects or changes his or her telephone number or submits a written request to be deleted from the Registry, whichever occurs first. The residential subscriber is responsible for notifying the Illinois Commerce Commission of any changes in his or her telephone number.

Section 30. Public notification. The Illinois Commerce Commission shall work with local exchange telecommunications companies to disseminate to their customers information about the availability of and instructions for requesting educational literature from the Illinois Commerce Commission. The Illinois Commerce Commission may enter into agreements with those companies for the dissemination of the educational literature. Telecommunications companies shall disseminate the educational literature at least once per year in a message contained in customers' bills or a notice in the information section of all telephone directories distributed to customers and shall include on their website a link to the ICC's web page for the Registry. The Illinois Commerce Commission shall include, on its Internet web site, information to customers regarding their right to be included in the Registry and the various methods, including notice to the Illinois Commerce Commission, of being included in the Registry. The Illinois Commerce Commission shall have this literature developed for dissemination to the public no later than March 1, 2003.

Section 35. Violation; relief.

(a) The Illinois Commerce Commission may initiate administrative proceedings in accordance with rules adopted under this Act relating to a knowing and willful violation of Section 10.

(b) If it is determined after a hearing that a person has knowingly and willfully violated one or more provisions of this Section, the Illinois Commerce Commission may assess a fine not to exceed $1,000 for the first violation and not to exceed $2,500 for a second or subsequent violation. Each individual violation of Section 10 of this Act shall be a separate and distinct offense under this Section. In imposing a penalty under this Section, the Commission shall, at a minimum, consider the following factors:

(1) whether the offense was knowing or willful;

(2) whether the entity committing the offense has a prior history of non-compliance with this Act;

(3) the offender's relative ability to pay a penalty;

(4) whether the offender has or has not cooperated with the Commission in pursuing the investigation; and

(5) such other special, mitigating or aggravating circumstances as the Commission may find to exist.

(c) Any proceeding conducted under this Section is subject to the Illinois Administrative Procedure Act.

(d) Nothing in this Section may be construed to restrict any right that any person may have under any other law or at common law.

(e) No action or proceeding may be brought under this Section:

(1) more than one year after the person bringing the action knew or should have known of the occurrence of the alleged violation; or

(2) more than one year after the termination of any

proceeding or action arising out of the same violation or violations by the State of Illinois, whichever is later.

(f) The remedies, duties, prohibitions, and penalties in this Act are not exclusive and are in addition to all other causes of action, remedies, and penalties provided by law.

(g) There is created in the State Treasury a special fund to be known as the Restricted Call Registry Fund. All fees and fines collected in the administration and enforcement of this Act shall be deposited into the Fund. Moneys in the Fund shall, subject to appropriation, be used by the Illinois Commerce Commission for implementation, administration, and enforcement of this Act.

Section 40. Exemption.

(a) A person or entity may not be held liable for violating this Act if:

(1) the person or entity has obtained copies of the Registry and each updated Registry from the Illinois Commerce Commission and has established and implemented written policies and procedures related to the requirements of this Act;

(2) the person or entity has trained its personnel in the requirements of this Act;

(3) the person or entity maintains records demonstrating compliance with subdivisions (1) and (2) of this Section and the requirements of this Act; and

(4) any subsequent telephone solicitation is the result of unintentional error.

(b) A person or entity that has entered into a contract with another person or entity to make telephone solicitations on its behalf is not liable for a violation of this Act by the person or entity making telephone solicitations under the contract if the person or entity on whose behalf the telephone solicitations were made has provided written notification to the person or entity making telephone solicitations under the contract that it is necessary to comply with the provisions of this Act when making telephone solicitations.

Section 90. The State Finance Act is amended by adding Section 5.570 as follows:

(30 ILCS 105/5.570 new)

Sec. 5.570. The Restricted Call Registry Fund.

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

Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1830 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Restricted Call Registry Act.

Section 5. Definitions. As used in this Act:

(a) "Residential subscriber" means a person or spouse who has subscribed to either residential telephone service from a local exchange company or public mobile services, as defined by Section 13-214 of the Public Utilities Act, a guardian of the person or the person's spouse, or an individual who has power of attorney from or an authorized agent of the person or the person's spouse.

(b) "Established business relationship" means the existence of an oral or written transaction, agreement, contract, or other legal state of affairs involving a person or entity and an existing customer under which both parties have a course of conduct or

established pattern of activity for commercial or mercantile purposes and for the benefit or profit of both parties. A pattern of activity does not necessarily mean multiple previous contacts. The established business relationship must exist between the existing customer and the person or entity directly, and does not extend to any related business entity or other business organization of the person or entity or related to the person or entity or the person or entity's agent including but not limited to a parent corporation, subsidiary partnership, company or other corporation or affiliate.

(c) "Existing customer" means an individual who has either:

(1) entered into a transaction, agreement, contract, or other legal state of affairs between a person or entity and a residential subscriber under which the payment or exchange of consideration for any goods or services has taken place within the preceding 18 months or has been arranged to take place at a future time; or

(2) opened or maintained a debit account, credit card account, or other credit or discount program offered by or in conjunction with the person or entity and has not requested the person or entity to close such account or terminate such program.

(d) "Registry" means the Restricted Call Registry established under this Act.

(e) "Telephone solicitation" means any voice communication over a telephone line from a live operator, through the use of an autodialer or autodialer system, as defined in Section 5 of the Automatic Telephone Dialers Act, or by other means for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, or for the purposes of soliciting charitable contributions but does not include communications:

(1) to any residential subscriber with that subscriber's prior express invitation or permission when a voluntary 2-way communication between a person or entity and a residential subscriber has occurred with or without an exchange of consideration. A telephone solicitation is presumed not to be made at the express request of a subscriber if one of the following occurs, as applicable:

(A) The telephone solicitation is made 30 business days after the last date on which the subscriber contacted a business with the purpose of inquiring about the potential purchase of goods or services.

(B) The telephone solicitation is made 30 business days after the last date on which the subscriber consented to be contacted.

(C) The telephone solicitation is made 30 business days after a product or service becomes available where the subscriber has made a request to the business for that product or service that is not then available, and requests a call when the product or service becomes available;

(2) by or on behalf of any person or entity with whom a residential subscriber has an established business relationship which has not been terminated in writing by either party and which is related to the nature of the established business relationship;

(3) by or on behalf of any person or entity with whom a residential subscriber is an existing customer, unless the customer has stated to the person or entity or the person or entity's agent that he or she no longer wishes to receive the telemarketing sales calls of the person or entity, or unless the nature of the call is unrelated to the established business relationship with the existing customer;

(4) by or on behalf of an organization that is exempt from federal income taxation under Section 501(c) of the Internal Revenue Code, but only if the person making the telephone solicitation immediately discloses all of the following information upon making contact with the consumer:

(A) the caller's true first and last name; and

(B) the name, address, and telephone number of the organization;

(5) by or on behalf of an individual licensed under the Real Estate License Act of 2000 or as an insurance producer under the Illinois Insurance Code who either:

(A) is setting or attempting to set a face to face appointment for actions relating to that individual's real estate or insurance business; or

(B) is encouraging or attempting to encourage the purchase or rental of, or investment in, property, goods, or services, which cannot be completed, and for which payment or authorization of payment is not required, until after a written or electronic agreement is signed by the residential subscriber; or

(6) until July 1, 2005, by or on behalf of any entity over which the Federal Communications Commission or the Illinois Commerce Commission has regulatory authority to the extent that, subject to that authority, the entity is required to maintain a license, permit, or certificate to sell or provide telecommunications service, as defined in Section 13-203 of the Public Utilities Act, while the entity is engaged in telephone solicitation for inter-exchange telecommunications service, as defined in Section 13-205 of the Public Utilities Act, or local exchange telecommunications service, as defined in Section 13-204 of the Public Utilities Act.

Section 10. Prohibited calls. Beginning July 1, 2003, no person or entity may make or cause to be made any telephone solicitation calls to any residential subscriber more than 45 days after the residential subscriber's telephone number or numbers first appear on the Registry.

Section 15. Complaints. The Illinois Commerce Commission shall receive telephone solicitation complaints from residential subscribers to object to such calls. Complaints shall be taken by any means deemed appropriate by the Illinois Commerce Commission.

Section 20. Registry; establishment and maintenance.

(a) The Illinois Commerce Commission shall establish and provide for the operation of a Restricted Call Registry, which shall contain a list of the telephone numbers of residential subscribers who do not wish to receive telephone solicitation calls. The Illinois Commerce Commission may contract with a private vendor to establish and maintain the Registry if the contract requires the vendor to provide the Registry in a printed hard copy format, in an electronic format, and in any other format prescribed by the Illinois Commerce Commission. Any person or entity conducting telephone solicitation calls as defined by Section 5(e) of this Act within the State of Illinois shall purchase the Restricted Call Registry and updates exclusively from the Illinois Commerce Commission. Failure to do so prior to conducting telephone solicitation calls is a violation subject to the penalties provided for in Section 35 of this Act.

(b) No later than January 1, 2003, the Illinois Commerce Commission shall adopt rules consistent with this Act that the Illinois Commerce Commission deems necessary and appropriate to fully implement this Act. The rules shall include, at a minimum, methods by which any person or entity desiring to make telephone solicitation

calls may obtain access to the Registry to avoid calling the telephone numbers of residential subscribers included in the Registry.

(c) The fee for obtaining the Registry and updates shall be set forth in rules adopted by the Illinois Commerce Commission. The fee may not exceed $1,000 annually and may not exceed the costs incurred by the Commission in the preparation, maintenance, production, and distribution of the Registry. All copies requested in a printed hard copy format shall be assessed a per page fee to be determined by rules adopted by the Illinois Commerce Commission.

(d) The Illinois Commerce Commission shall update the Registry and make information in the Registry available on a quarterly basis in an electronic format that can be sorted by individual fields and, if deemed appropriate by the Illinois Commerce Commission, in one or more other formats.

(e) If the Federal Communications Commission or Federal Trade Commission establishes a single national database of telephone numbers of subscribers who object to receiving telephone solicitations, which restricts both inter-state and intra-state calls and at a minimum covers all telephone solicitations covered by this Act, this State shall discontinue the Registry.

(f) Information in the Registry is confidential and shall be afforded reasonable privacy protection except as necessary for compliance with Sections 10 and 25 and this Section or in a proceeding or action under Section 35 or 40. The information is not a public record under the Freedom of Information Act.

(g) The Illinois Commerce Commission shall periodically obtain subscription listings of residential subscribers in this State who have arranged to be included in any national do-not-call list and add those names to the Registry.

(h) A person or entity that obtains the Registry shall not use the Registry for any purpose other than to comply with this Act. These unlawful purposes include, but are not limited to, causing a subscriber to participate in and be included in the Registry without the subscriber's knowledge or consent, selling or leasing the Registry to a person other than a telephone solicitor, selling or leasing by a telephone solicitor of the Registry, and a telephone solicitor, either directly or indirectly, persuading a subscriber with whom it has an established business relationship to place his or her telephone number in the Registry, if the solicitation has the effect of preventing competitors from contacting that solicitor's customers.

(i) No person or entity that sells, leases, exchanges, or rents telephone solicitation lists, except for directory assistance and telephone directories sold by telephone companies or their affiliates, shall include in those lists those telephone numbers that appear in the current Registry.

Section 25. Enrollment.

(a) The Illinois Commerce Commission shall provide notice to residential subscribers of the establishment of the Registry.

(b) The Illinois Commerce Commission shall establish any method deemed appropriate for a residential subscriber to notify the Illinois Commerce Commission that the residential subscriber wishes to have its telephone number included in or remain on the Registry.

(c) The Commission may, by rule, set an initial fee which shall not exceed $5 per residential subscriber for inclusion on the Restricted Call Registry. The Commission shall review the revenues and expenditures of the Restricted Call Registry on a biennial basis and shall, by rule, reduce the fee accordingly if revenues exceed expenditures. The Commission may adopt rules and procedures governing

the acceptance of payment by credit card and may enter into such agreements as necessary to accept payment by credit card.

(d) A residential subscriber's telephone number shall be deleted from the Registry upon the residential subscriber's written request.

(e) Enrollment in the Registry is effective from the start of the quarter following the date of enrollment for a term of 5 years or until the residential subscriber disconnects or changes his or her telephone number, unless the subscriber complies with the notice provision contained in this section, whichever occurs first. The residential subscriber shall be permitted to extend their enrollment for additional 5 year periods and shall not be subject to any fee for this extension. The residential subscriber is responsible for notifying the Illinois Commerce Commission of any changes in his or her telephone number. The Illinois Commerce Commission shall use its best efforts to notify enrolled residential subscribers before the end of the 5-year enrollment term of the option to extend their enrollment. Residential subscribers who do not indicate their desire to extend their enrollment before the end of the 5-year term shall be given a one quarter grace period before being removed from the Registry.

Section 30. Public notification. The Illinois Commerce Commission shall work with local exchange telecommunications companies to disseminate to their customers information about the availability of and instructions for requesting educational literature from the Illinois Commerce Commission. The Illinois Commerce Commission may enter into agreements with those companies for the dissemination of the educational literature. Telecommunications companies shall disseminate the educational literature at least once per year in a message contained in customers' bills or a notice in the information section of all telephone directories distributed to customers and shall include on their website a link to the ICC's web page for the Registry. The Illinois Commerce Commission shall include, on its Internet web site, information to customers regarding their right to be included in the Registry and the various methods, including notice to the Illinois Commerce Commission, of being included in the Registry. The Illinois Commerce Commission shall have this literature developed for dissemination to the public no later than March 1, 2003.

Section 35. Violation; relief.

(a) The Illinois Commerce Commission may initiate administrative proceedings in accordance with rules adopted under this Act relating to a knowing and willful violation of Section 10.

(b) If it is determined after a hearing that a person has knowingly and willfully violated one or more provisions of this Section, the Illinois Commerce Commission may assess a fine not to exceed $1,000 for the first violation and not to exceed $2,500 for a second or subsequent violation. Each individual violation of Section 10 of this Act shall be a separate and distinct offense under this Section. In imposing a penalty under this Section, the Commission shall, at a minimum, consider the following factors:

(1) whether the offense was knowing or willful;

(2) whether the entity committing the offense has a prior history of non-compliance with this Act;

(3) the offender's relative ability to pay a penalty;

(4) whether the offender has or has not cooperated with the Commission in pursuing the investigation; and

(5) such other special, mitigating or aggravating circumstances as the Commission may find to exist.

(c) Any proceeding conducted under this Section is subject to the Illinois Administrative Procedure Act.

(d) Nothing in this Section may be construed to restrict any right that any person may have under any other law or at common law.

(e) No action or proceeding may be brought under this Section:

(1) more than one year after the person bringing the action knew or should have known of the occurrence of the alleged violation; or

(2) more than one year after the termination of any proceeding or action arising out of the same violation or violations by the State of Illinois, whichever is later.

(f) The remedies, duties, prohibitions, and penalties in this Act are not exclusive and are in addition to all other causes of action, remedies, and penalties provided by law.

(g) There is created in the State Treasury a special fund to be known as the Restricted Call Registry Fund. All fees and fines collected in the administration and enforcement of this Act shall be deposited into the Fund. Moneys in the Fund shall, subject to appropriation, be used by the Illinois Commerce Commission for implementation, administration, and enforcement of this Act.

Section 40. Exemption.

(a) A person or entity may not be held liable for violating this Act if:

(1) the person or entity has obtained copies of the Registry and each updated Registry from the Illinois Commerce Commission and has established and implemented written policies and procedures related to the requirements of this Act;

(2) the person or entity has trained its personnel in the requirements of this Act;

(3) the person or entity maintains records demonstrating compliance with subdivisions (1) and (2) of this Section and the requirements of this Act; and

(4) any subsequent telephone solicitation is the result of unintentional error.

(b) A person or entity that has entered into a contract with another person or entity to make telephone solicitations on its behalf is not liable for a violation of this Act by the person or entity making telephone solicitations under the contract if the person or entity on whose behalf the telephone solicitations were made has provided written notification to the person or entity making telephone solicitations under the contract that it is necessary to comply with the provisions of this Act when making telephone solicitations.

Section 90. The State Finance Act is amended by adding Section 5.570 as follows:

(30 ILCS 105/5.570 new)

Sec. 5.570. The Restricted Call Registry Fund.

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

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

Floor Amendment No. 3 was held in the Committee on Judiciary.

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 Bomke, **Senate Bill No. 1859** having been printed, was taken up and read by title a second time.

Senator Bomke offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1859 by replacing everything after the enacting clause with the following:

"Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 8 as follows:

(5 ILCS 375/8) (from Ch. 127, par. 528)

Sec. 8. Eligibility.

(a) Each member eligible under the provisions of this Act and any rules and regulations promulgated and adopted hereunder by the Director shall become immediately eligible and covered for all benefits available under the programs. Members electing coverage for eligible dependents shall have the coverage effective immediately, provided that the election is properly filed in accordance with required filing dates and procedures specified by the Director.

(1) Every member originally eligible to elect dependent coverage, but not electing it during the original eligibility period, may subsequently obtain dependent coverage only in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period.

(2) Members described above being transferred from previous coverage towards which the State has been contributing shall be transferred regardless of preexisting conditions, waiting periods, or other requirements that might jeopardize claim payments to which they would otherwise have been entitled.

(3) Eligible and covered members that are eligible for coverage as dependents except for the fact of being members shall be transferred to, and covered under, dependent status regardless of preexisting conditions, waiting periods, or other requirements that might jeopardize claim payments to which they would otherwise have been entitled upon cessation of member status and the election of dependent coverage by a member eligible to elect that coverage.

(b) New employees shall be immediately insured for the basic group life insurance and covered by the program of health benefits on the first day of active State service. Optional coverages or benefits, if elected during the relevant eligibility period, will become effective on the date of employment. Optional coverages or benefits applied for after the eligibility period will be effective, subject to satisfactory evidence of insurability when applicable, or other necessary qualifications, pursuant to the requirements of the applicable benefit program, unless there is a change in status that would confer new eligibility for change of enrollment under rules established supplementing this Act, in which event application must be made within the new eligibility period.

(c) As to the group health benefits program contracted to begin or continue after June 30, 1973, each retired employee shall become immediately eligible and covered for all benefits available under that program. Retired employees may elect coverage for eligible dependents and shall have the coverage effective immediately, provided that the election is properly filed in accordance with required filing dates and procedures specified by the Director.

Where husband and wife are both eligible members, each shall be enrolled as a member and coverage on their eligible dependent children, if any, may be under the enrollment and election of either.

Regardless of other provisions herein regarding late enrollment or other qualifications, as appropriate, the Director may periodically authorize open enrollment periods for each of the benefit programs at which time each member may elect enrollment or change of enrollment without regard to age, sex, health, or other

qualification under the conditions as may be prescribed in rules and regulations supplementing this Act. Special open enrollment periods may be declared by the Director for certain members only when special circumstances occur that affect only those members.

(d) Beginning with fiscal year 2003 and for all subsequent years, eligible employees may elect not to participate in the program of health benefits as defined in this Act. The election must be made during the annual benefit choice period, subject to the conditions in this subsection.

(1) Employees must furnish proof of health benefit coverage, either comprehensive major medical coverage or comprehensive managed care plan, from a source other than the Department of Central Management Services in order to elect not to participate in the program.

(2) Employees may re-enroll in the Department of Central Management Services program of health benefits upon showing a qualifying change in status, as defined in the U.S. Internal Revenue Code, without evidence of insurability and with no limitations on coverage for pre-existing conditions, provided that there was not a break in coverage of more than 63 days.

(3) Employees may also re-enroll in the program of health benefits during any annual benefit choice period, without evidence of insurability.

(4) Employees who elect not to participate in the program of health benefits shall be furnished a written explanation of the requirements and limitations for the election not to participate in the program and for re-enrolling in the program. The explanation shall also be included in the annual benefit choice options booklets furnished to employees.

(Source: P.A. 91-390, eff. 7-30-99.)

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

On motion of Senator T. Walsh, **Senate Bill No. 1860** 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. 1862** 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. 1873** 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. 1874** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Parker, **Senate Bill No. 1907** having been printed, was taken up and read by title a second time.

Senator Parker offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1907 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 13B-40 as follows:

(625 ILCS 5/13B-40)

Sec. 13B-40. Grievance procedure. Any person aggrieved by a decision regarding the failure of an emissions test or the denial of a waiver may file a petition with the Agency within 30 days after the decision was made, and the Agency shall thereupon investigate the matter. Within 45 days after the ~~its~~ receipt of the petition, the Agency shall submit to the petitioner and any affected inspector or station its written determination of the correctness or incorrectness of the decision complained of. The written determination shall include a statement of the facts relied upon and the legal and technical issues decided by the Agency in making its determination, and may also include an order directing the inspector (i) to issue an emission inspection certificate for the vehicle effective on such date as the Agency may specify, (ii) to reinspect the vehicle, (iii) to apply the standards that the Agency has determined to be applicable, or (iv) to take any other action that the Agency deems to be appropriate. In conducting the investigation, the Agency may require the petitioner to present the vehicle for inspection by the Agency or its designated agent. The written determination of the Agency shall be subject to review in circuit court in accordance with the provisions of the Administrative Review Law, except that no challenge to the validity of a rule adopted by the Board under subsection (a) of Section 13B-20 shall be heard by the circuit court if the challenge could have been raised in a timely petition for review under Section 13B-20.

(Source: P.A. 88-533.)".

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 Luechtefeld, **Senate Bill No. 1924** having been printed, was taken up and read by title a second time.

Senator Luechtefeld offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1924 on page 1, by replacing lines 5 through 31 with "changing Section 12-215 as follows:"; and on page 2, by deleting lines 1 through 14.

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 Burzynski, **Senate Bill No. 1930** having been printed, was taken up and read by title a second time.

Senator Burzynski offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1930 by replacing everything after the enacting clause with the following:

"Section 5. The Local Governmental and Governmental Employees Tort Immunity Act is amended by changing 9-107 as follows:

(745 ILCS 10/9-107) (from Ch. 85, par. 9-107)

Sec. 9-107. Policy; tax levy.

(a) The General Assembly finds that the purpose of this Section is to provide an extraordinary tax for funding expenses relating to tort liability, insurance, and risk management programs. Thus, the tax has been excluded from various limitations otherwise applicable to tax levies. Notwithstanding the extraordinary nature of the tax authorized by this Section, however, it has become apparent that some units of local government are using the tax revenue to fund expenses more properly paid from general operating funds. These uses of the revenue are inconsistent with the limited purpose of the tax authorization.

Therefore, the General Assembly declares, as a matter of policy, that (i) the use of the tax revenue authorized by this Section for purposes not expressly authorized under this Act is improper and (ii) the provisions of this Section shall be strictly construed consistent with this declaration and the Act's express purposes.

(b) A local public entity may annually levy or have levied on its behalf taxes upon all taxable property within its territory at a rate that will produce a sum that will be sufficient to: (i) pay the cost of insurance, individual or joint self-insurance (including reserves thereon), including all operating and administrative costs and expenses directly associated therewith, claims services and risk management directly attributable to loss prevention and loss reduction, legal services directly attributable to the insurance, self-insurance, or joint self-insurance program, and educational, inspectional, and supervisory services directly relating to loss prevention and loss reduction, participation in a reciprocal insurer as provided in Sections 72, 76, and 81 of the Illinois Insurance Code, or participation in a reciprocal insurer, all as provided in settlements or judgments under Section 9-102, including all costs and reserves directly attributable to being a member of an insurance pool, under Section 9-103; (ii) pay the costs of and principal and interest on bonds issued under Section 9-105; (iii) pay judgments and settlements under Section 9-104; and (iv) discharge obligations under Section 34-18.1 of The School Code, as now or hereafter amended, and to pay the cost of risk management programs. Provided it complies with any other applicable statutory requirements, the local public entity may self-insure and establish reserves for expected losses for any property damage or for any liability or loss for which the local public entity is authorized to levy or have levied on its behalf taxes for the purchase of insurance or the payment of judgments or settlements under this Section. The decision of the board to establish a reserve shall be based on reasonable actuarial or insurance underwriting evidence and subject to the limits and reporting provisions in Section 9-103.

If a school district was a member of a joint-self-health-insurance cooperative that had more liability in outstanding claims than revenue to pay those claims, the school board of that district may by resolution make a one-time transfer from the Tort Immunity Fund to the Education Fund of an amount not to exceed the amount of the liability claim that the school district owes to the joint-self-health-insurance cooperative.

Funds raised pursuant to this Section shall only be used for the purposes specified in this Act, including protection against and reduction of any liability or loss described hereinabove and under

Federal or State common or statutory law, the Workers' Compensation Act, the Workers' Occupational Diseases Act and the Unemployment Insurance Act. Funds raised pursuant to this Section may be invested in any manner in which other funds of local public entities may be invested under Section 2 of the Public Funds Investment Act. Interest on such funds shall be used only for purposes for which the funds can be used or, if surplus, must be used for abatement of property taxes levied by the local taxing entity.

A local public entity may enter into intergovernmental contracts with a term of not to exceed 12 years for the provision of joint self-insurance which contracts may include an obligation to pay a proportional share of a general obligation or revenue bond or other debt instrument issued by a local public entity which is a party to the intergovernmental contract and is authorized by the terms of the contract to issue the bond or other debt instrument. Funds due under such contracts shall not be considered debt under any constitutional or statutory limitation and the local public entity may levy or have levied on its behalf taxes to pay for its proportional share under the contract. Funds raised pursuant to intergovernmental contracts for the provision of joint self-insurance may only be used for the payment of any cost, liability or loss against which a local public entity may protect itself or self-insure pursuant to Section 9-103 or for the payment of which such entity may levy a tax pursuant to this Section, including tort judgments or settlements, costs associated with the issuance, retirement or refinancing of the bonds or other debt instruments, the repayment of the principal or interest of the bonds or other debt instruments, the costs of the administration of the joint self-insurance fund, consultant, and risk care management programs or the costs of insurance. Any surplus returned to the local public entity under the terms of the intergovernmental contract shall be used only for purposes set forth in subsection (a) of Section 9-103 and Section 9-107 or for abatement of property taxes levied by the local taxing entity.

Any tax levied under this Section shall be levied and collected in like manner with the general taxes of the entity and shall be exclusive of and in addition to the amount of tax that entity is now or may hereafter be authorized to levy for general purposes under any statute which may limit the amount of tax which that entity may levy for general purposes. The county clerk of the county in which any part of the territory of the local taxing entity is located, in reducing tax levies under the provisions of any Act concerning the levy and extension of taxes, shall not consider any tax provided for by this Section as a part of the general tax levy for the purposes of the entity nor include such tax within any limitation of the percent of the assessed valuation upon which taxes are required to be extended for such entity.

With respect to taxes levied under this Section, either before, on, or after the effective date of this amendatory Act of 1994:

(1) Those taxes are excepted from and shall not be included within the rate limitation imposed by law on taxes levied for general corporate purposes by the local public entity authorized to levy a tax under this Section.

(2) Those taxes that a local public entity has levied in reliance on this Section and that are excepted under paragraph (1) from the rate limitation imposed by law on taxes levied for general corporate purposes by the local public entity are not invalid because of any provision of the law authorizing the local public entity's tax levy for general corporate purposes that may be construed or may have been construed to restrict or limit those taxes levied, and those taxes are hereby validated. This

validation of taxes levied applies to all cases pending on or after the effective date of this amendatory Act of 1994.

(3) Paragraphs (1) and (2) do not apply to a hospital organized under Article 170 or 175 of the Township Code, under the Town Hospital Act, or under the Township Non-Sectarian Hospital Act and do not give any authority to levy taxes on behalf of such a hospital in excess of the rate limitation imposed by law on taxes levied for general corporate purposes. A hospital organized under Article 170 or 175 of the Township Code, under the Town Hospital Act, or under the Township Non-Sectarian Hospital Act is not prohibited from levying taxes in support of tort liability bonds if the taxes do not cause the hospital's aggregate tax rate from exceeding the rate limitation imposed by law on taxes levied for general corporate purposes.

Revenues derived from such tax shall be paid to the treasurer of the local taxing entity as collected and used for the purposes of this Section and of Section 9-102, 9-103, 9-104 or 9-105, as the case may be. If payments on account of such taxes are insufficient during any year to meet such purposes, the entity may issue tax anticipation warrants against the current tax levy in the manner provided by statute.

(Source: P.A. 91-628, eff. 1-1-00.)

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. 1934** having been printed, was taken up and read by title a second time.

Senator Roskam offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1934 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Sections 9-104 and 9-107 and by adding Section 9-107.5 as follows:

(735 ILCS 5/9-104) (from Ch. 110, par. 9-104)

Sec. 9-104. Demand - Notice - Return. The demand required by Section 9-102 of this Act may be made by delivering a copy thereof to the tenant, or by leaving such a copy with some person of the age of 13 years or upwards, residing on, or being in charge of, the premises; or in case no one is in the actual possession of the premises, then by posting the same on the premises; or if those in possession are unknown occupants who are not parties to any written lease, rental agreement, or right to possession agreement for the premises, then by delivering a copy of the notice, directed to "unknown occupants", to the occupant or by leaving a copy of the notice with some person of the age of 13 years or upwards occupying the premises, or by posting a copy of the notice on the premises directed to "unknown occupants". When such demand is made by an officer authorized to serve process, his or her return is prima facie evidence of the facts therein stated, and if such demand is made by any person not an officer, the return may be sworn to by the person serving the same, and is then prima facie evidence of the facts therein stated. The demand for possession may be in the following

form: To ....

I hereby demand immediate possession of the following described premises: (describing the same.)

The demand shall be signed by the person claiming such possession, his or her agent, or attorney.

(Source: P.A. 83-1362.)

(735 ILCS 5/9-107) (from Ch. 110, par. 9-107)

Sec. 9-107. Constructive service. If the plaintiff, his or her agent, or attorney files a forcible detainer action, with or without joinder of a claim for rent in the complaint, and is unable to obtain personal service on the defendant or unknown occupant and a summons duly issued in such action is returned without service stating that service can not be obtained, then the plaintiff, his or her agent or attorney may file an affidavit stating that the defendant or unknown occupant is not a resident of this State, or has departed from this State, or on due inquiry cannot be found, or is concealed within this State so that process cannot be served upon him or her, and also stating the place of residence of the defendant or unknown occupant, if known, or if not known, that upon diligent inquiry the affiant has not been able to ascertain the defendant's or unknown occupant's place of residence, then in all such forcible detainer cases whether or not a claim for rent is joined with the complaint for possession, the defendant or unknown occupant may be notified by posting and mailing of notices; or by publication and mailing, as provided for in Section 2-206 of this Act. However, in cases where the defendant or unknown occupant is notified by posting and mailing of notices or by publication and mailing, and the defendant or unknown occupant does not appear generally, the court may rule only on the portion of the complaint which seeks judgment for possession, and the court shall not enter judgment as to any rent claim joined in the complaint or enter personal judgment for any amount owed by a unit owner for his or her proportionate share of the common expenses, however, an in rem judgment may be entered against the unit for the amount of common expenses due, any other expenses lawfully agreed upon or the amount of any unpaid fine, together with reasonable attorney fees, if any, and costs. The claim for rent may remain pending until such time as the defendant or unknown occupant appears generally or is served with summons, but the order for possession shall be final, enforceable and appealable if the court makes an express written finding that there is no just reason for delaying enforcement or appeal, as provided by Supreme Court rule of this State.

Such notice shall be in the name of the clerk of the court, be directed to the defendant or unknown occupant, shall state the nature of the cause against the defendant or unknown occupant and at whose instance issued and the time and place for trial, and shall also state that unless the defendant or unknown occupant appears at the time and place fixed for trial, judgment will be entered by default, and shall specify the character of the judgment that will be entered in such cause. The sheriff shall post 3 copies of the notice in 3 public places in the neighborhood of the court where the cause is to be tried, at least 10 days prior to the day set for the appearance, and, if the place of residence of the defendant or unknown occupant is stated in any affidavit on file, shall at the same time mail one copy of the notice addressed to such defendant or unknown occupant at such place of residence shown in such affidavit. On or before the day set for the appearance, the sheriff shall file the notice with an endorsement thereon stating the time when and places where the sheriff posted and to whom and at what address he or she mailed copies as required by this Section. For want of sufficient notice any cause may be continued from time to time until the court has

jurisdiction of the defendant or unknown occupant.
(Source: P.A. 83-1528.)

(735 ILCS 5/9-107.5 new)

Sec. 9-107.5. Notice to unknown occupants.

(a) Service of process upon an unknown occupant may be had by delivering a copy of the summons and complaint naming "unknown occupants" to the tenant or any unknown occupant or person of the age of 13 or upwards occupying the premises.

(b) If unknown occupants are not named in the initial summons and complaint and a judgment for possession in favor of the plaintiff is entered, but the order does not include unknown occupants and the sheriff determines when executing the judgment for possession that persons not included in the order are in possession of the premises, then the sheriff shall leave with a person of the age of 13 years or upwards occupying the premises, a copy of the order, or if no one is present in the premises to accept the order or refuses to accept the order, then by posting a copy of the order on the premises. In addition to leaving a copy of the order or posting of the order, the sheriff shall also leave or post a notice addressed to "unknown occupants" that states unless any unknown occupants file a written petition with the clerk that sets forth the unknown occupant's legal claim for possession within 5 days of the date the notice is posted or left with any unknown occupant, the unknown occupants shall be evicted from the premises. If any unknown occupants file such a petition, a hearing on the merits of the unknown occupant's petition shall be held by the court within 7 days of the filing of the petition with the clerk. The unknown occupants shall have the burden of proof in establishing a legal right to continued possession.

(c) The plaintiff may obtain a judgment for possession only and not for rent as to any unknown occupants.

(d) Nothing in this Section may be construed so as to vest any rights to persons who are criminal trespassers, nor may this Section be construed in any way that interferes with the ability of law enforcement officials removing persons or property from the premises when there is a criminal trespass.

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. 1948** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Roskam, **Senate Bill No. 1949** having been printed, was taken up and read by title a second time.

Senator Roskam offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1949 by replacing everything after the enacting clause with the following:

"Section 5. The Probate Act of 1975 is amended by changing Section 13-5 as follows:

(755 ILCS 5/13-5) (from Ch. 110 1/2, par. 13-5)

Sec. 13-5. Powers and duties of public guardian.) The court may

appoint the public guardian as the guardian of any disabled adult who is in need of a public guardian and whose estate exceeds $25,000. When a disabled adult who has a smaller estate is in need of guardianship services, the court shall appoint the State guardian pursuant to Section 30 of the Guardianship and Advocacy Act. If the public guardian is appointed guardian of a disabled adult and the estate of the disabled adult is thereafter reduced to less than $25,000, the court may, upon the petition of the public guardian and the approval by the court of a final accounting of the disabled adult's estate, discharge the public guardian and transfer the guardianship to the State guardian. The public guardian shall serve not less than 14 days' notice to the State guardian of the hearing date regarding the transfer. When appointed by the court, the public guardian has the same powers and duties as other guardians appointed under this Act, with the following additions and modifications:

(a) The public guardian shall monitor the ward and his care and progress on a continuous basis. Monitoring shall at minimum consist of monthly contact with the ward, and the receipt of periodic reports from all individuals and agencies, public or private, providing care or related services to the ward.

(b) Placement of a ward outside of the ward's home may be made only after the public guardian or his representative has visited the facility in which placement is proposed.

(c) The public guardian shall prepare an inventory of the ward's belongings and assets and shall maintain insurance on all of the ward's real and personal property. No personal property shall be removed from the ward's possession except for storage pending final placement or for liquidation in accordance with this Act.

(d) The public guardian shall make no substantial distribution of the ward's estate without a court order.

(e) The public guardian may liquidate assets of the ward to pay for the costs of the ward's care and for storage of the ward's personal property only after notice of such pending action is given to all potential heirs at law, unless notice is waived by the court; provided, however, that a person who has been so notified may elect to pay for care or storage or to pay fair market value of the asset or assets sought to be sold in lieu of liquidation.

(f) Real property of the ward may be sold at fair market value after an appraisal of the property has been made by a licensed appraiser; provided, however, that the ward's residence may be sold only if the court finds that the ward is not likely to be able to return home at a future date.

(g) The public guardian shall, at such intervals as the court may direct, submit to the court an affidavit setting forth in detail the services he has provided for the benefit of the ward. The court shall set reasonable and appropriate fees for such services. The public guardian may petition the court for the payment of reasonable and appropriate fees on not less than a quarterly basis, or sooner as approved by the court.

(h) Upon the death of the ward, the public guardian shall turn over to the court-appointed administrator all of the ward's assets and an account of his receipt and administration of the ward's property. A guardian ad litem shall be appointed for an accounting when the estate exceeds the amount set in Section 25-1 of this Act for administration of small estates.

(i) (1) On petition of any person who appears to have an interest in the estate, the court by temporary order may restrain the public guardian from performing specified acts of administration, disbursement or distribution, or from exercise of any powers or discharge of any duties of his office, or make any

other order to secure proper performance of his duty, if it appears to the court that the public guardian might otherwise take some action contrary to the best interests of the ward. Persons with whom the public guardian may transact business may be made parties.

(2) The matter shall be set for hearing within 10 days unless the parties otherwise agree or unless for good cause shown the court determines that additional time is required. Notice as the court directs shall be given to the public guardian and his attorney of record, if any, and to any other parties named defendant in the petition.

(j) On petition of the public guardian, the court in its discretion may for good cause shown transfer guardianship to the State guardian.

(k) No later than January 31 of each year, the public guardian shall file an annual report with the clerk of the Circuit Court, indicating, with respect to the period covered by the report, the number of cases which he has handled, the date on which each case was assigned, the date of termination of each case which has been closed during the period, the disposition of each terminated case, and the total amount of fees collected during the period from each ward.

(l) When the public guardian is appointed temporary guardian of a disabled adult pursuant to an emergency petition under circumstances where the court finds that the immediate establishment of a temporary guardianship is necessary to protect the disabled adult's health, welfare, or estate, the public guardian shall be entitled to reasonable and appropriate fees, as determined by the court, for the period of the temporary guardianship, including fees directly associated with establishing the temporary guardianship.

(Source: P.A. 87-287.)

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 Rauschenberger, **Senate Bill No. 1978** having been printed, was taken up and read by title a second time.

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

Senator Rauschenberger offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1978 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 adding Section 5-5.04 as follows:

(305 ILCS 5/5-5.04 new)

Sec. 5-5.04. Medicaid Hospital and Physician Payment Task Force.

(a) The General Assembly finds:

(1) Through the Medicaid program, the Illinois Department of Public Aid insures approximately 1,500,000 people, or about one out of every 8 Illinois residents.

(2) The Illinois Department of Public Aid pays for 2 out of every 5 births in this State.

(3) The average Illinois hospital receives 12% of its patient revenue from Medicaid, with some hospitals far more dependent on the Medicaid program.

(4) Hospitals are required by State and federal law to examine and stabilize or appropriately transfer all persons who come to the emergency room, regardless of their ability to pay.

(5) A number of Illinois residents do not have health insurance and do not qualify for Medicaid, causing hospitals to provide care for which they are not paid.

(6) Illinois hospitals are significant contributors to the Illinois economy and employ over 200,000 people.

(7) A Medicaid program that pays reasonably for services promotes and enhances a strong health care system, thereby improving access to quality health care for all the people of Illinois.

(b) There is established within the Illinois Department of Public Aid a Medicaid Hospital and Physician Payment Task Force (the "Task Force"). The Task Force shall have the following members:

(1) The Director of Public Aid, ex officio, or his or her designee.

(2) The Director of Public Health, ex officio, or his or her designee.

(3) Four members of the General Assembly, appointed one each by 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 members appointed by the President of the Senate and the Speaker of the House of Representatives shall serve as co-chairs of the Task Force.

(4) Nine members appointed by the Director of Public Aid as follows: 3 members recommended by the Illinois Hospital Association; one member recommended by the Illinois Rural Health Association; one member recommended by the Illinois State Chamber of Commerce; one member recommended by the Cook County Bureau of Health Services; 2 members recommended by the Illinois State Medical Society; and one member recommended by an advocacy organization representing Medicaid recipients.

(c) The Illinois Department of Public Aid shall provide technical and staff support to the Task Force.

(d) The Task Force shall conduct a comprehensive study of the Medicaid program to ascertain the adequacy of rates for inpatient and outpatient hospital care to ensure the continued availability of hospital care in this State and to ascertain the adequacy of rates for physician services.

(e) The Task Force shall report its findings and recommendations to the Governor and the General Assembly on or before January 1, 2003. The Task Force's report shall include, but need not be limited to, an evaluation of the adequacy of Medicaid hospital and physician payment rates by examining the following:

(1) Payment-to-cost comparisons for Medicaid inpatient and outpatient hospital services.

(2) The impact of Medicaid hospital payments on hospital patient care margins.

(3) Comparison of Illinois Medicaid hospital and physician payments to Medicaid hospital and physician payments in other states.

(4) The impact of Medicaid hospital and physician payment rates on access to health care for Illinois residents.

(5) The impact of Medicaid hospital and physician payment rates on the quality of health care available to Illinois

residents.

(6) The impact of Medicaid hospital and physician payment rates on the cost of health care for Illinois residents.

(7) Recommendations for changes in the Medicaid payment system for hospitals and physicians.

(f) The Task Force shall retain independent experts, with experience in health care finance and economics, to assist it in conducting its study and preparing its report.

(g) This Section is repealed on January 1, 2004.

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 Petka, **Senate Bill No. 2023** having been printed, was taken up and read by title a second time.

Senator Petka offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2023 as follows:
on page 2, line 18, by changing "6 months" to "2 years".

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

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

On motion of Senator Dillard, **Senate Bill No. 2024** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2024 as follows:
on page 5, by replacing lines 14 through 16 with the following:
"11-6, 11-9.1, 11-11, ~~11-15.1, 11-17.1,~~ 11-18.1, or ~~11-19.1, 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15,~~ 12-16, ~~or 12-33~~ of the Criminal Code of 1961, or"; and
by replacing lines 24 through 34 on page 5 and lines 1 through 27 on page 6 with the following:

(3) (Blank), ~~or Any violation of paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 when the sentencing court, upon a motion by the State's Attorney or Attorney General, makes a finding that the child luring involved an intent to commit sexual penetration or sexual conduct as defined in Section 12-12 of the Criminal Code of 1961, or~~

(4) Any ~~violation or~~ inchoate violation of Section 9-3.1, 11-9.3, ~~12-3.3, 12-4.2, 12-4.3,~~ 12-7.3, or 12-7.4, ~~18-5, 19-3, 20-1.1, or 20.5-5~~ of the Criminal Code of 1961.

(g-5) (Blank). ~~The Department of State Police is not required to provide equipment to collect or to accept or process blood specimens from individuals convicted of any offense listed in paragraph (1.1) or (4) of subsection (g), until acquisition of the resources necessary to process such blood specimens, or in the case~~

~~of paragraph (1.1) of subsection (g) until July 1, 2003, whichever is earlier.~~

~~Upon acquisition of necessary resources, including an appropriation for the purpose of implementing this amendatory Act of the 91st General Assembly, but in the case of paragraph (1.1) of subsection (g) no later than July 1, 2003, the Department of State Police shall notify the Department of Corrections, the Administrative Office of the Illinois Courts, and any other entity deemed appropriate by the Department of State Police, to begin blood specimen collection from individuals convicted of offenses enumerated in paragraphs (1.1) and (4) of subsection (g) that the Department is prepared to provide collection equipment and receive and process blood specimens from individuals convicted of offenses enumerated in paragraph (1.1) of subsection (g).~~

~~Until the Department of State Police provides notification, designated collection agencies are not required to collect blood specimen from individuals convicted of offenses enumerated in paragraphs (1.1) and (4) of subsection (g).~~".

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2024 as follows:
on page 5, line 6, by inserting after "agencies." the following:
"The genetic marker grouping analysis information obtained pursuant to this Act shall be used only for the investigation of crime.".

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

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

On motion of Senator Petka, **Senate Bill No. 2029** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Petka, **Senate Bill No. 2030** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2030 as follows:
by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Sections 12-2, 12-4, and 31-1 as follows:

(720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

Sec. 12-2. Aggravated assault.

(a) A person commits an aggravated assault, when, in committing an assault, he:

(1) Uses a deadly weapon or any device manufactured and designed to be substantially similar in appearance to a firearm, other than by discharging a firearm in the direction of another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer or a fireman or in the direction of a vehicle occupied by another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer or a fireman while the officer or fireman is engaged in

the execution of any of his official duties, or to prevent the officer or fireman from performing his official duties, or in retaliation for the officer or fireman performing his official duties;

(2) Is hooded, robed or masked in such manner as to conceal his identity or any device manufactured and designed to be substantially similar in appearance to a firearm;

(3) Knows the individual assaulted to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;

(4) Knows the individual assaulted to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;

(5) Knows the individual assaulted to be a caseworker, investigator, or other person employed by the State Department of Public Aid, a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient or any other person being interviewed or investigated in the employees' discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;

(6) Knows the individual assaulted to be a peace officer, or a community policing volunteer, or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer, community policing volunteer, or fireman from performing his official duties, or in retaliation for the officer, community policing volunteer, or fireman performing his official duties, and the assault is committed other than by the discharge of a firearm in the direction of the officer or fireman or in the direction of a vehicle occupied by the officer or fireman;

(7) Knows the individual assaulted to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid personnel employed by a municipality or other governmental unit engaged in the execution of any of his official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his official duties, or in retaliation for the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his official duties;

(8) Knows the individual assaulted to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding,

departure, or transfer location;

(9) Or the individual assaulted is on or about a public way, public property, or public place of accommodation or amusement;

(10) Knows the individual assaulted to be an employee of the State of Illinois, a municipal corporation therein or a political subdivision thereof, engaged in the performance of his authorized duties as such employee;

(11) Knowingly and without legal justification, commits an assault on a physically handicapped person;

(12) Knowingly and without legal justification, commits an assault on a person 60 years of age or older;

(13) Discharges a firearm;

(14) Knows the individual assaulted to be a correctional officer, while the officer is engaged in the execution of any of his or her official duties, or to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties; or

(15) Knows the individual assaulted to be a correctional employee or an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, while the employee is engaged in the execution of any of his or her official duties, or to prevent the employee from performing his or her official duties, or in retaliation for the employee performing his or her official duties, and the assault is committed other than by the discharge of a firearm in the direction of the employee or in the direction of a vehicle occupied by the employee.

(a-5) A person commits an aggravated assault when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes near or in the immediate vicinity of any person.

(b) Sentence.

Aggravated assault as defined in paragraphs (1) through (5) and (7) through (12) of subsection (a) of this Section is a Class A misdemeanor. Aggravated assault as defined in paragraphs (13), (14), and (15) of subsection (a) of this Section and as defined in subsection (a-5) of this Section is a Class 4 felony. Aggravated assault as defined in paragraph (6) of subsection (a) of this Section is a Class A misdemeanor if a firearm is not used in the commission of the assault. Aggravated assault as defined in paragraph (6) of subsection (a) of this Section is a Class 4 felony if a firearm is used in the commission of the assault.

(Source: P.A. 90-406, eff. 8-15-97; 90-651, eff. 1-1-99; 91-672, eff. 1-1-00.)

(720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

Sec. 12-4. Aggravated Battery.

(a) A person who, in committing a battery, intentionally or knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated battery.

(b) In committing a battery, a person commits aggravated battery if he or she:

(1) Uses a deadly weapon other than by the discharge of a firearm;

(2) Is hooded, robed or masked, in such manner as to conceal his identity;

(3) Knows the individual harmed to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or

is in any part of a building used for school purposes;

(4) Knows the individual harmed to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;

(5) Knows the individual harmed to be a caseworker, investigator, or other person employed by the State Department of Public Aid, a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient, or any other person being interviewed or investigated in the employee's discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;

(6) Knows the individual harmed to be a peace officer, a community policing volunteer, a correctional institution employee, <u>an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons,</u> or a fireman while such officer, volunteer, employee or fireman is engaged in the execution of any official duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee or fireman from performing official duties, or in retaliation for the officer, volunteer, employee or fireman performing official duties, and the battery is committed other than by the discharge of a firearm;

(7) Knows the individual harmed to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital emergency room personnel engaged in the performance of any of his or her official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital emergency room personnel from performing official duties, or in retaliation for performing official duties;

(8) Is, or the person battered is, on or about a public way, public property or public place of accommodation or amusement;

(9) Knows the individual harmed to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

(10) Knowingly and without legal justification and by any means causes bodily harm to an individual of 60 years of age or older;

(11) Knows the individual harmed is pregnant;

(12) Knows the individual harmed to be a judge whom the person intended to harm as a result of the judge's performance of his or her official duties as a judge;

(13) Knows the individual harmed to be an employee of the

Illinois Department of Children and Family Services engaged in the performance of his authorized duties as such employee;

(14) Knows the individual harmed to be a person who is physically handicapped;

(15) Knowingly and without legal justification and by any means causes bodily harm to a merchant who detains the person for an alleged commission of retail theft under Section 16A-5 of this Code. In this item (15), "merchant" has the meaning ascribed to it in Section 16A-2.4 of this Code; or

(16) Is, or the person battered is, in any building or other structure used to provide shelter or other services to victims or to the dependent children of victims of domestic violence pursuant to the Illinois Domestic Violence Act of 1986 or the Domestic Violence Shelters Act, or the person battered is within 500 feet of such a building or other structure while going to or from such a building or other structure. "Domestic violence" has the meaning ascribed to it in Section 103 of the Illinois Domestic Violence Act of 1986. "Building or other structure used to provide shelter" has the meaning ascribed to "shelter" in Section 1 of the Domestic Violence Shelters Act.

For the purpose of paragraph (14) of subsection (b) of this Section, a physically handicapped person is a person who suffers from a permanent and disabling physical characteristic, resulting from disease, injury, functional disorder or congenital condition.

(c) A person who administers to an individual or causes him to take, without his consent or by threat or deception, and for other than medical purposes, any intoxicating, poisonous, stupefying, narcotic, anesthetic, or controlled substance commits aggravated battery.

(d) A person who knowingly gives to another person any food that contains any substance or object that is intended to cause physical injury if eaten, commits aggravated battery.

(d-3) A person commits aggravated battery when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes upon or against the person of another.

(d-5) An inmate of a penal institution <u>or a sexually dangerous person or a sexually violent person in the custody of the Department of Human Services</u> who causes or attempts to cause a correctional employee of the penal institution <u>or an employee of the Department of Human Services</u> to come into contact with blood, seminal fluid, urine, or feces, by throwing, tossing, or expelling that fluid or material commits aggravated battery. For purposes of this subsection (d-5), "correctional employee" means a person who is employed by a penal institution.

(e) Sentence.

Aggravated battery is a Class 3 felony<u>, except a violation of subsection (a) is a Class 2 felony when the person knows the individual harmed to be a peace officer engaged in the execution of any of his or her official duties, or the battery is to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties</u>.

(Source: P.A. 91-357, eff. 7-29-99; 91-488, eff. 1-1-00; 91-619, eff. 1-1-00; 91-672, eff. 1-1-00; 92-16, eff. 6-28-01; 92-516, eff. 1-1-02.)

(720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

Sec. 31-1. Resisting or obstructing a peace officer or correctional institution employee.

(a) A person who knowingly resists or obstructs the performance

by one known to the person to be a peace officer or correctional institution employee of any authorized act within his official capacity commits a Class A misdemeanor.

(a-5) In addition to any other sentence that may be imposed, a court shall order any person convicted of resisting or obstructing a peace officer to be sentenced to a minimum of 48 consecutive hours of imprisonment or ordered to perform community service for not less than 100 hours as may be determined by the court. The imprisonment or community service under this subsection (a-5) shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence of imprisonment or community service.

(b) For purposes of this Section, "correctional institution employee" means any person employed to supervise and control inmates incarcerated in a penitentiary, State farm, reformatory, prison, jail, house of correction, police detention area, half-way house, or other institution or place for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, or a violation of mandatory supervised release, or awaiting a bail setting hearing or preliminary hearing, or who are sexually dangerous persons or who are sexually violent persons.

(Source: P.A. 87-1198.)

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

Senator Petka offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2030, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 10, by replacing lines 9 through 13 with the following:

"be determined by the court. The person shall not be eligible for probation in order to reduce the sentence of imprisonment or community service.

(a-7) A person convicted for a violation of this Section whose violation was the proximate cause of an injury to a peace officer is guilty of a Class 4 felony.".

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 Viverito, **Senate Bill No. 2074** having been printed, was taken up and read by title a second time.

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

Senator Viverito offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2074 as follows:

on page 1, line 19, by changing "and cost" to ", costs, fees, and penalties"; and

on page 1, lines 20 and 21 by replacing "and costs" with ", costs, fees, and penalties"; and

on page 1, by replacing line 22 with the following:

"fines, costs, fees, and penalties that remain unpaid after 90 days. Notice to those parties affected may be made by signage posting or

publication. The clerk"; and
on page 1, line 25, by inserting after the period the following:
"The additional delinquency amounts collected under this Section shall be used to defray additional administrative costs incurred by the clerk of the court in collecting unpaid fines, costs, fees, and penalties.".

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 Bomke, **Senate Bill No. 2113** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, **Senate Bill No. 2130** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2130 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Curator of the Executive Mansion Act.".

Senator Philip offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2130, AS AMENDED, by replacing the title with the following:

"AN ACT concerning historic preservation."; and
by replacing everything after the enacting clause with the following:

"Section 5. The Illinois State Agency Historic Resources Preservation Act is amended by changing Section 5 as follows:

(20 ILCS 3420/5) (from Ch. 127, par. 133c25)

Sec. 5. Responsibilities of the Historic Preservation Agency, Division of Preservation Services.

(a) The Director shall include in the Agency's annual report an outline of State agency actions on which comment was requested or issued under this Act.

(b) The Director shall maintain a current list of all historic resources owned, operated, or leased by the State and appropriate maps indicating the location of all such resources. These maps shall be in a form available to the public and State agencies, except that the location of archaeological resources shall be excluded.

(c) The Director shall make rules and issue appropriate guidelines to implement this Act. These shall include, but not be limited to, regulations for holding on-site inspections, public information meetings and procedures for consultation, mediation, and resolutions by the Committee pursuant to subsections (e) and (f) of Section 4.

(d) The Director shall (1) assist, to the fullest extent possible, the State agencies in their identification of properties for inclusion in an inventory of historic resources, including provision of criteria for evaluation; (2) provide information concerning professional methods and techniques for preserving,

improving, restoring, and maintaining historic resources when requested by State agencies; and (3) help facilitate State agency compliance with this Act.

(e) The Director shall monitor the implementation of actions of each State agency which have an effect, either adverse or beneficial, on an historic resource.

(f) The Agency shall manage and control the preservation, conservation, inventory, and analysis of fine and decorative arts, furnishings, and artifacts of the Illinois Executive Mansion in Springfield, the Governor's offices in the Capitol in Springfield and the James R. Thompson Center in Chicago, and the Hayes House in DuQuoin. The Agency shall manage the preservation and conservation of the buildings and grounds of the Illinois Executive Mansion in Springfield. The Governor, with the advice and consent of the Senate, shall appoint a Curator of the Executive Mansion to assist the Agency in carrying out the duties under this item (f). The person appointed Curator must have experience in historic preservation or as a curator. The Curator shall serve a term of 5 years. A vacancy in the office of Curator shall be filled, in the same manner as the original appointment, for the remainder of the term. A person appointed Curator when the Senate is not in session shall serve as temporary Curator until his or her appointment is acted upon by the Senate. A person may serve as Curator more than once. The Governor shall determine the compensation of the Curator, which shall not be diminished during the term of appointment.

(Source: P.A. 86-707.)

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 numbered 1 and 2, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator L. Walsh, **Senate Bill No. 2132** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2132 on page 2, by replacing lines 1 and 2 with "vehicle.".

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2132, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 15-109.1 as follows:

(625 ILCS 5/15-109.1) (from Ch. 95 1/2, par. 15-109.1)

Sec. 15-109.1. Covers or tarpaulins required for certain loads.

(a) No person shall operate or cause to be operated, on a highway, any second division vehicle loaded with dirt, aggregate, garbage, refuse, or other similar material, when any portion of the load is falling, sifting, blowing, dropping or in any way escaping from the vehicle.

(b) No person shall operate or cause to be operated, on a

highway, any second division vehicle having a gross vehicle weight rating of 8,000 pounds or more loaded with dirt, aggregate, garbage, refuse, or other similar material in or on any part of the vehicle other than in the cargo area. In addition, no person shall operate on any highway, such vehicle unless the tailgate on the vehicle is in good repair and operating condition and closes securely so as to prevent any load, residue, or other material from escaping.

(c) This Section does ~~shall~~ not apply to the operation of highway maintenance vehicles engaged in removing snow and ice from the roadway, nor to implements of husbandry or other farm vehicles while transporting agricultural products to or from the original place of production.

(d) For the purpose of this Section "aggregate" shall include all ores, minerals, sand, gravel, shale, coal, clay, limestone or any other ore or mineral which may be mined.

(e) Notwithstanding any other penalty, whenever a police officer determines that the operator of a vehicle is in violation of this Section, as evidenced by the issuance of a citation for a violation of Section 15-109.1 of this Code, or where a police officer determines that a dangerous condition exists whereby any portion of the load may fall, sift, blow, drop, or in any way escape or fall from the vehicle, the police officer shall require the operator to stop the vehicle in a suitable place and keep such vehicle stationary until the load has either been reduced, secured, or covered with a cover or tarpaulin of sufficient size to prevent any further violation of this Section.

(f) Any violation of the provisions of this Section shall be a petty offense punishable by a fine not to exceed $250.
(Source: P.A. 91-858, eff. 1-1-01.)".

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

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

On motion of Senator T. Walsh, **Senate Bill No. 2147** having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was held in the Committee on Insurance and Pensions.

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

On motion of Senator Rauschenberger, **Senate Bill No. 2149** 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 2149 by replacing everything after the enacting clause with the following:

"Section 5. The Downstate Forest Preserve District Act is amended by changing Sections 6, 6d and 6e as follows:

(70 ILCS 805/6) (from Ch. 96 1/2, par. 6309)

Sec. 6. Acquisition of property. Any such District shall have power to acquire lands and grounds for the aforesaid purposes by lease, or in fee simple by gift, grant, legacy, purchase or condemnation, or to acquire easements in land, and to construct, lay out, improve and maintain wells, power plants, comfort stations, shelter houses, paths, driveways, public roads, roadways and other

improvements and facilities in and through such forest preserves as they shall deem necessary or desirable for the use of such forest preserves by the public and may acquire, develop, improve and maintain waterways in conjunction with the district. No district with a population less than 400,000 ~~600,000~~ shall have the power to purchase, condemn, lease or acquire an easement in property within a municipality without the concurrence of the governing body of the municipality, except where such district is acquiring land for a linear park or trail not to exceed 100 yards in width or is acquiring land contiguous to an existing park or forest preserve, and no municipality shall annex any land for the purpose of defeating a District acquisition once the District has given notice of intent to acquire a specified parcel of land. No district with a population of less than 400,000 ~~500,000~~ shall (i) have the power to condemn property for a linear park or trail within a municipality without the concurrence of the governing body of the municipality or (ii) have the power to condemn property for a linear park or trail in an unincorporated area without the concurrence of the governing body of the township within which the property is located or (iii) once having commenced a proceeding to acquire land by condemnation, dismiss or abandon that proceeding without the consent of the property owners. No district shall establish a trail surface within 50 feet of an occupied dwelling which was in existence prior to the approval of the acquisition by the district without obtaining permission of the owners of the premises or the concurrence of the governing body of the municipality or township within which the property is located. All acquisitions of land by a district with a population less than 400,000 ~~600,000~~ within 1 1/2 miles of a municipality shall be preceded by a conference with the mayor or president of the municipality or his designated agent. If a forest preserve district is in negotiations for acquisition of land with owners of land adjacent to a municipality, the annexation of that land shall be deferred for 6 months. The district shall have no power to acquire an interest in real estate situated outside the district by the exercise of the right of eminent domain, by purchase or by lease, but shall have the power to acquire any such property, or an easement in any such property, which is contiguous to the district by gift, legacy, grant, or lease by the State of Illinois, subject to approval of the county board of the county, and of any forest preserve district or conservation district, within which the property is located. The district shall have the same control of and power over land, an interest in which it has so acquired, as over forest preserves within the district. If any of the powers to acquire lands and hold or improve the same given to Forest Preserve Districts, by Sections 5 and 6 of this Act should be held invalid, such invalidity shall not invalidate the remainder of this Act or any of the other powers herein given and conferred upon the Forest Preserve Districts. Such Forest Preserve Districts shall also have power to lease not to exceed 40 acres of the lands and grounds acquired by it, for a term of not more than 99 years to veterans' organizations as grounds for convalescing sick and disabled veterans, and as a place upon which to construct rehabilitation quarters, or to a county as grounds for a county nursing home or convalescent home. Any such Forest Preserve District shall also have power to grant licenses, easements and rights-of-way for the construction, operation and maintenance upon, under or across any property of such District of facilities for water, sewage, telephone, telegraph, electric, gas or other public service, subject to such terms and conditions as may be determined by such District.

Any such District may purchase, but not condemn, a parcel of land

and sell a portion thereof for not less than fair market value pursuant to resolution of the Board. Such resolution shall be passed by the affirmative vote of at least 2/3 of all members of the board within 30 days after acquisition by the district of such parcel.

Whenever the board of any forest preserve district determines that the public interest will be subserved by vacating any street, roadway, or driveway, or part thereof, located within a forest preserve, it may vacate that street, roadway, or driveway, or part thereof, by an ordinance passed by the affirmative vote of at least 3/4 of all the members of the board. This vote shall be taken by ayes and nays and entered in the records of the board.

The determination of the board that the nature and extent of the public use or public interest to be subserved is such as to warrant the vacation of any street, roadway, or driveway, or part thereof, is conclusive, and the passage of such an ordinance is sufficient evidence of that determination, whether so recited in the ordinance or not. The relief to the public from further burden and responsibility of maintaining any street, roadway or driveway, or part thereof, constitutes a public use or public interest authorizing the vacation.

Nothing contained in this Section shall be construed to authorize the board of any forest preserve district to vacate any street, roadway, or driveway, or part thereof, that is part of any State or county highway.

When property is damaged by the vacation or closing of any street, roadway, or driveway, or part thereof, damage shall be ascertained and paid as provided by law.

Except in cases where the deed, or other instrument dedicating a street, roadway, or driveway, or part thereof, has expressly provided for a specific devolution of the title thereto upon the abandonment or vacation thereof, and except where such street, roadway or driveway, or part thereof, is held by the district by lease, or where the district holds an easement in the land included within the street, roadway or driveway, whenever any street, roadway, or driveway, or part thereof is vacated under or by virtue of any ordinance of any forest preserve district, the title to the land in fee simple included within the street, roadway, or driveway, or part thereof, so vacated vests in the forest preserve district.

The board of any forest preserve district is authorized to sell at fair market price, gravel, sand, earth and any other material obtained from the lands and waters owned by the district.

For the purposes of this Section, "acquiring land" includes acquiring a fee simple, lease or easement in land.

(Source: P.A. 91-384, eff. 7-30-99.)

(70 ILCS 805/6d) (from Ch. 96 1/2, par. 6311.2)

Sec. 6d. Trading parcels of land. The board of a forest preserve district within a county which has a population of no more than 500,000 ~~360,000~~ may trade any one or more parcels of land owned by the district for one or more parcels of land owned by one or more individuals or any public or private entity whenever the board determines the trade to be advantageous to the district. The board shall approve such trade by unanimous vote of the members of the board. No trade shall be approved by the board unless all parcels of land involved in the trade have been appraised by an MAI appraiser or a State certified real estate appraiser within one year before the date the trade is to take effect.

(Source: P.A. 87-709; 88-503.)

(70 ILCS 805/6e)

Sec. 6e. Counties under 500,000 ~~400,000~~; sales of land. The board of a forest preserve district located in a county that has a

population of no more than 500,000 ~~400,000~~ may sell any one or more parcels of land owned by the district that are less than one acre in size whenever the board determines the sale to be advantageous to the district. The board shall approve the sale by a two-thirds vote of the members of the board then holding office. A sale may not be approved by the board unless all parcels of land involved in the sale have been appraised by an MAI appraiser or a State-certified real estate appraiser within one year before the date the sale is to take effect. The net proceeds of the sale of any parcel of land under this Section shall be set aside for the district's future land acquisitions and may not be utilized for any other purpose.".
(Source: P.A. 89-89, eff. 6-30-95; 89-654, eff. 8-14-96.)

Senator Rauschenberger offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2149, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Downstate Forest Preserve District Act is amended by changing Sections 6d and 6e as follows:

(70 ILCS 805/6d) (from Ch. 96 1/2, par. 6311.2)

Sec. 6d. Trading parcels of land. The board of a forest preserve district within a county which has a population of no more than 550,000 ~~360,000~~ may trade any one or more parcels of land owned by the district for one or more parcels of land owned by one or more individuals or any public or private entity whenever the board determines the trade to be advantageous to the district. The board shall approve such trade by unanimous vote of the members of the board. No trade shall be approved by the board unless all parcels of land involved in the trade have been appraised by an MAI appraiser or a State certified real estate appraiser within one year before the date the trade is to take effect.
(Source: P.A. 87-709; 88-503.)

(70 ILCS 805/6e)

Sec. 6e. Counties under 550,000 ~~400,000~~; sales of land. The board of a forest preserve district located in a county that has a population of no more than 550,000 ~~400,000~~ may sell any one or more parcels of land owned by the district that are less than one acre in size whenever the board determines the sale to be advantageous to the district. The board shall approve the sale by a two-thirds vote of the members of the board then holding office. A sale may not be approved by the board unless all parcels of land involved in the sale have been appraised by an MAI appraiser or a State-certified real estate appraiser within one year before the date the sale is to take effect. The net proceeds of the sale of any parcel of land under this Section shall be set aside for the district's future land acquisitions and may not be utilized for any other purpose.".
(Source: P.A. 89-89, eff. 6-30-95; 89-654, eff. 8-14-96.)

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

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

On motion of Senator Burzynski, **Senate Bill No. 2155** having been printed, was taken up and read by title a second time.

Senator Burzynski offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2155 as follows:
on page 1, line 12, by replacing "as but not limited to" with "as, but not limited to,"; and
on page 1, line 16, by replacing "side by side" with "side-by-side"; and
on page 1, line 20, after "for", by inserting "off-highway motorcycles"; and
on page 2, line 1, by replacing "2002," with "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 Klemm, **Senate Bill No. 2159** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Karpiel, **Senate Bill No. 2185** 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. 2191** 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 2191 on page 12, by replacing lines 11 through 13 with the following:

"Section 45. The Environmental Protection Act is amended by changing Section 22.23 as follows:

(415 ILCS 5/22.23) (from Ch. 111 1/2, par. 1022.23)

Sec. 22.23. Batteries.

(a) Beginning September 1, 1990, any person selling lead-acid batteries at retail or offering lead-acid batteries for retail sale in this State shall:

(1) accept for recycling used lead-acid batteries from customers, at the point of transfer, in a quantity equal to the number of new batteries purchased; and

(2) post in a conspicuous place a written notice at least 8.5 by 11 inches in size that includes the universal recycling symbol and the following statements: "DO NOT put motor vehicle batteries in the trash."; "Recycle your used batteries."; and "State law requires us to accept motor vehicle batteries for recycling, in exchange for new batteries purchased.".

(b) Any person selling lead-acid batteries at retail in this State may either charge a recycling fee on each new lead-acid battery sold for which the customer does not return a used battery to the retailer, or provide a recycling credit to each customer who returns a used battery for recycling at the time of purchasing a new one.

(c) Beginning September 1, 1990, no lead-acid battery retailer may dispose of a used lead-acid battery except by delivering it (1) to a battery wholesaler or its agent, (2) to a battery manufacturer, (3) to a collection or recycling facility, or (4) to a secondary lead smelter permitted by either a state or federal environmental agency.

(d) Any person selling lead-acid batteries at wholesale or offering lead-acid batteries for sale at wholesale shall accept for

recycling used lead-acid batteries from customers, at the point of transfer, in a quantity equal to the number of new batteries purchased. Such used batteries shall be disposed of as provided in subsection (c).

(e) A person who accepts used lead-acid batteries for recycling pursuant to subsection (a) or (d) shall not allow such batteries to accumulate for periods of more than 90 days.

(f) Beginning September 1, 1990, no person may knowingly cause or allow:

(1) the placing of a lead-acid battery into any container intended for collection and disposal at a municipal waste sanitary landfill; or

(2) the disposal of any lead-acid battery in any municipal waste sanitary landfill or incinerator.

(g) (Blank). ~~The Department of Commerce and Community Affairs shall identify and assist in developing alternative processing and recycling options for used batteries.~~

(h) For the purpose of this Section:

"Lead-acid battery" means a battery containing lead and sulfuric acid that has a nominal voltage of at least 6 volts and is intended for use in motor vehicles.

"Motor vehicle" includes automobiles, vans, trucks, tractors, motorcycles and motorboats.

(i) (Blank). ~~The Department shall study the problems associated with household batteries that are processed or disposed of as part of mixed solid waste, and shall develop and implement a pilot project to collect and recycle used household batteries. The Department shall report its findings to the Governor and the General Assembly, together with any recommendations for legislation, by November 1, 1991.~~

(j) Knowing violation of this Section shall be a petty offense punishable by a fine of $100.

(Source: P.A. 89-445, eff. 2-7-96.)".

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

On motion of Senator T. Walsh, **Senate Bill No. 2192** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Klemm, **Senate Bill No. 2194** having been printed, was taken up and read by title a second time.

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

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

On motion of Senator Peterson, **Senate Bill No. 2210** having been printed, was taken up and read by title a second time.

Senator Peterson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2210 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by changing Section 2505-275 as follows:

(20 ILCS 2505/2505-275) (was 20 ILCS 2505/39e)

Sec. 2505-275. Tax overpayments. In the case of overpayment of any tax liability arising from an Act administered by the Department, the Department may credit the amount of the overpayment and any interest thereon against any final tax liability arising under that or any other Act administered by the Department. The Department may enter into agreements with the Secretary of the Treasury of the United States (or his or her delegate) to offset all or part of an overpayment of such a tax liability against any liability arising from a tax imposed under Title 26 of the United States Code. The Department may collect a fee from the Secretary of the Treasury of the United States (or his or her delegate) to cover the full cost of offsets taken, to the extent allowed by federal law, or, if not allowed by federal law, from the taxpayer by offset of the overpayment.

(Source: P.A. 91-239, eff. 1-1-00; 92-492, eff. 1-1-02.)

Section 10. The Illinois Income Tax Act is amended by changing Sections 601, 911.2, 1102, 1103, and 1105 and by adding Section 911.3 as follows:

(35 ILCS 5/601) (from Ch. 120, par. 6-601)

Sec. 601. Payment on Due Date of Return.

(a) In general. Every taxpayer required to file a return under this Act shall, without assessment, notice or demand, pay any tax due thereon to the Department, at the place fixed for filing, on or before the date fixed for filing such return (determined without regard to any extension of time for filing the return) pursuant to regulations prescribed by the Department. If, however, the due date for payment of a taxpayer's federal income tax liability for a tax year (as provided in the Internal Revenue Code or by Treasury regulation, or as extended by the Internal Revenue Service) is later than the date fixed for filing the taxpayer's Illinois income tax return for that tax year, the Department may, by rule, prescribe a due date for payment that is not later than the due date for payment of the taxpayer's federal income tax liability. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to prescribe a later due date for payment shall be deemed an emergency and necessary for the public interest, safety, and welfare.

(b) Amount payable. In making payment as provided in this section there shall remain payable only the balance of such tax remaining due after giving effect to the following:

(1) Withheld tax. Any amount withheld during any calendar year pursuant to Article 7 from compensation paid to a taxpayer shall be deemed to have been paid on account of any tax imposed by subsections 201(a) and (b) of this Act on such taxpayer for his taxable year beginning in such calendar year. If more than one taxable year begins in a calendar year, such amount shall be deemed to have been paid on account of such tax for the last taxable year so beginning.

(2) Estimated and tentative tax payments. Any amount of estimated tax paid by a taxpayer pursuant to Article 8 for a taxable year shall be deemed to have been paid on account of the tax imposed by this Act for such taxable year.

(3) Foreign tax. The aggregate amount of tax which is imposed upon or measured by income and which is paid by a resident for a taxable year to another state or states on income which is also subject to the tax imposed by subsections 201(a) and (b) of this Act shall be credited against the tax imposed by subsections 201(a) and (b) otherwise due under this Act for such taxable year. The aggregate credit provided under this paragraph shall not exceed that amount which bears the same ratio to the tax imposed by subsections 201(a) and (b) otherwise due under this Act as the amount of the taxpayer's

base income subject to tax both by such other state or states and by this State bears to his total base income subject to tax by this State for the taxable year. For purposes of this subsection, no compensation received by a resident which qualifies as compensation paid in this State as determined under Section 304(a)(2)(B) shall be considered income subject to tax by another state or states. The credit provided by this paragraph shall not be allowed if any creditable tax was deducted in determining base income for the taxable year. Any person claiming such credit shall attach a statement in support thereof and shall notify the Director of any refund or reductions in the amount of tax claimed as a credit hereunder all in such manner and at such time as the Department shall by regulations prescribe.

(4) Accumulation and capital gain distributions. If the net income of a taxpayer includes amounts included in his base income by reason of Section 668 or 669 of the Internal Revenue Code (relating to accumulation and capital gain distributions by a trust, respectively), the tax imposed on such taxpayer by this Act shall be credited with his pro rata portion of the taxes imposed by this Act on such trust for preceding taxable years which would not have been payable for such preceding years if the trust had in fact made distributions to its beneficiaries at the times and in the amounts specified in Sections 666 and 669 of the Internal Revenue Code. The credit provided by this paragraph shall not reduce the tax otherwise due from the taxpayer to an amount less than that which would be due if the amounts included by reason of Sections 668 and 669 of the Internal Revenue Code were excluded from his base income.

(c) Cross reference. For application against tax due of overpayments of tax for a prior year, see Section 909.

(Source: P.A. 85-731.)

(35 ILCS 5/911.2)

Sec. 911.2. Refunds withheld; tax claims of other states.

(a) Definitions. In this Section the following terms have the meanings indicated.

"Claimant state" means any state or the District of Columbia that requests the withholding of a refund pursuant to this Section and that extends a like comity for the collection of taxes owed to this State.

"Income tax" means any amount of income tax imposed on taxpayers under the laws of the State of Illinois or the claimant state, including additions to tax for penalties and interest.

"Refund" means a refund of overpaid income taxes imposed by the State of Illinois or the claimant state.

"Tax officer" means a unit or official of the claimant state, or the duly authorized agent of that unit or official, charged with the imposition, assessment, or collection of state income taxes.

"Taxpayer" means any individual person identified by a claimant state under this Section as owing taxes to that claimant state, and in the case of a refund arising from the filing of a joint return, the taxpayer's spouse.

(b) In general. Except as provided in subsection (c) of this Section, a tax officer may:

(1) certify to the Director the existence of a taxpayer's delinquent income tax liability; and

(2) request the Director to withhold any refund to which the taxpayer is entitled.

(c) Comity. A tax officer may not certify or request the Director to withhold a refund unless the laws of the claimant state:

(1) allow the Director to certify an income tax liability;

(2) allow the Director to request the tax officer to

withhold the taxpayer's tax refund; and

(3) provide for the payment of the refund to the State of Illinois.

(d) Certification. A certification by a tax officer to the Director shall include:

(1) the full name and address of the taxpayer and any other names known to be used by the taxpayer;

(2) the social security number or federal tax identification number of the taxpayer;

(3) the amount of the income tax liability; and

(4) a statement that all administrative and judicial remedies and appeals have been exhausted or have lapsed and that the assessment of tax, interest, and penalty has become final.

(e) Notification. As to any taxpayer due a refund, the Director shall:

(1) notify the taxpayer that a claimant state has provided certification of the existence of an income tax liability;

(2) inform the taxpayer of the tax liability certified, including a detailed statement for each taxable year showing tax, interest, and penalty;

(3) inform the taxpayer that failure to file a protest in accordance with subsection (f) of this Section shall constitute a waiver of any demand against this State for the amount certified;

(3.5) inform the taxpayer that the refund has been withheld and that the tax liability has been paid to the claimant state as provided in subsection (i) of this Section ~~and will result in payment to the claimant state as provided in subsection (i) of this Section~~;

(4) provide the taxpayer with notice of an opportunity to request a hearing to challenge the certification; and

(5) inform the taxpayer that the hearing may be requested (i) pursuant to Section 910 of this Act, or (ii) with the tax officer, in accordance with the laws of the claimant state.

(f) Protest of withholding. A taxpayer may protest the withholding of a refund pursuant to Section 910 of this Act (except that the protest shall be filed within 30 days after the date of the Director's notice of certification pursuant to subsection (e) of this Section). ~~If a taxpayer files a timely protest, the Director shall:~~

~~(1) suspend the proposed withholding and impound the claimed amount of the refund;~~

~~(2) pay to the taxpayer the unclaimed amount of the refund, if any;~~

~~(3) send a copy of the protest to the claimant state for determination of the protest on its merits in accordance with the laws of that state; and~~

~~(4) pay over to the taxpayer the impounded amount if the claimant state shall fail, within 45 days after the date of the protest, to re-certify to the Director (i) that the claimant state has reviewed the issues raised by taxpayer, (ii) that all administrative and judicial remedies provided under the laws of that state have been exhausted, and (iii) the amount of the income tax liability finally determined to be due.~~

(g) Certification as prima facie evidence. If the taxpayer requests a hearing pursuant to Section 910 of this Act, the certification of the tax officer shall be prima facie evidence of the correctness of the taxpayer's delinquent income tax liability to the certifying state.

(h) Rights of spouses to refunds from joint returns. If a certification is based upon the tax debt of only one taxpayer and if the refund is based upon a joint personal income tax return, the

nondebtor spouse shall have the right to:

(1) notification, as provided in subsection (e) of this Section;

(2) protest, as to the withholding of such spouse's share of the refund, as provided in subsection (f) of this Section; and

(3) payment of his or her share of the refund, provided the amount of the overpayment refunded to the spouse shall not exceed the amount of the joint overpayment.

(i) Withholding and payment of refund. ~~Subject to the taxpayer's rights of notice and protest,~~ Upon receipt of a request for withholding in accordance with subsection (b) of this Section, the Director shall:

(1) withhold any refund that is certified by the tax officer;

(2) pay to the claimant state the entire refund or the amount certified, whichever is less;

(3) pay any refund in excess of the amount certified to the taxpayer; and

(4) if a refund is less than the amount certified, withhold amounts from subsequent refunds due the taxpayer, if the laws of the claimant state provide that the claimant state shall withhold subsequent refunds of taxpayers certified to that state by the Director.

(j) Determination that withholding cannot be made. After receiving a certification from a tax officer, the Director shall notify the claimant state if the Director determines that a withholding cannot be made.

(k) Director's authority. The Director shall have the authority to enter into agreements with the tax officers of claimant state relating to:

(1) procedures and methods to be employed by a claimant state with respect to the operation of this Section;

(2) safeguards against the disclosure or inappropriate use of any information obtained or maintained pursuant to this Section that identifies, directly or indirectly, a particular taxpayer;

(3) a minimum tax debt, amounts below which, in light of administrative expenses and efficiency, shall, in the Director's discretion, not be subject to the withholding procedures set forth in this Section.

(l) Remedy not exclusive. The collection procedures prescribed by this Section are in addition to, and not in substitution for, any other remedy available by law.

(Source: P.A. 92-492, eff. 1-1-02.)

(35 ILCS 5/911.3 new)

Sec. 911.3 Refunds withheld; order of honoring requests. The Department shall honor refund withholding requests in the following order:

(1) a refund withholding request to collect an unpaid State tax;

(2) a refund withholding request to collect certified past due child support amounts under Section 2505-650 of the Department of Revenue Law of the Civil Administrative Code of Illinois;

(3) a refund withholding request to collect any debt owed to the State;

(4) a refund withholding request made by the Secretary of the Treasury of the United States, or his or her delegate, to collect any tax liability arising from Title 26 of the United States Code; and

(5) a refund withholding request pursuant to Section 911.2 of this Act.

(35 ILCS 5/1102) (from Ch. 120, par. 11-1102)

Sec. 1102. Jeopardy Assessments.

(a) Jeopardy assessment and lien.

(1) Assessment. If the Department finds that a taxpayer is about to depart from the State, or to conceal himself or his property, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect any amount of tax or penalties imposed under this Act unless court proceedings are brought without delay, or if the Department finds that the collection of such amount will be jeopardized by delay, the Department shall give the taxpayer notice of such findings and shall make demand for immediate return and payment of such amount, whereupon such amount shall be deemed assessed and shall become immediately due and payable.

(2) Filing of lien. If the taxpayer, within 5 days after such notice (or within such extension of time as the Department may grant), does not comply with such notice or show to the Department that the findings in such notice are erroneous, the Department may file a notice of jeopardy assessment lien in the office of the recorder of the county in which any property of the taxpayer may be located and shall notify the taxpayer of such filing. Such jeopardy assessment lien shall have the same scope and effect as a statutory lien under this Act. The taxpayer is liable for the filing fee incurred by the Department for filing the lien and the filing fee incurred by the Department to file the release of that lien. The filing fees shall be paid to the Department in addition to payment of the tax, penalty, and interest included in the amount of the lien.

(b) Termination of taxable year. In the case of a tax for a current taxable year, the Director shall declare the taxable period of the taxpayer immediately terminated and his notice and demand for a return and immediate payment of the tax shall relate to the period declared terminated, including therein income accrued and deductions incurred up to the date of termination if not otherwise properly includible or deductible in respect of such taxable year.

(c) Protest. If the taxpayer believes that he does not owe some or all of the amount for which the jeopardy assessment lien against him has been filed, or that no jeopardy to the revenue in fact exists, he may protest within 20 days after being notified by the Department of the filing of such jeopardy assessment lien and request a hearing, whereupon the Department shall hold a hearing in conformity with the provisions of section 908 and, pursuant thereto, shall notify the taxpayer of its decision as to whether or not such jeopardy assessment lien will be released.

(Source: P.A. 83-358.)

(35 ILCS 5/1103) (from Ch. 120, par. 11-1103)

Sec. 1103. Filing and Priority of Liens. (a) Filing with Recorder. Nothing in this Article shall be construed to give the Department a preference over the rights of any bona fide purchaser, holder of a security interest, mechanics lienor, mortgagee, or judgment lien creditor arising prior to the filing of a regular notice of lien or a notice of jeopardy assessment lien in the office of the recorder in the county in which the property subject to the lien is located. For purposes of this section, the term "bona fide," shall not include any mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as trustee for unsecured creditors of the taxpayer mentioned in the notice of lien who executed such chattel or

real property mortgage or the document evidencing such credit transaction. Such lien shall be inferior to the lien of general taxes, special assessments and special taxes heretofore or hereafter levied by any political subdivision of this State.

(b) Filing with Registrar. In case title to land to be affected by the notice of lien or notice of jeopardy assessment lien is registered under the provisions of "An Act concerning land titles," approved May 1, 1897, as amended, such notice shall be filed in the office of the Registrar of Titles of the county within which the property subject to the lien is situated and shall be entered upon the register of titles as a memorial of charge upon each folium of the register of titles affected by such notice, and the Department shall not have a preference over the rights of any bona fide purchaser, mortgagee, judgment creditor or other lien holder arising prior to the registration of such notice.

(c) Index. The recorder of each county shall procure a file labeled "State Tax Lien Notices" and an index book labeled "State Tax Lien Index." When notice of any lien or jeopardy assessment lien is presented to him for filing, he shall file it in numerical order in the file and shall enter it alphabetically in the index. The entry shall show the name and last known address of the person named in the notice, the serial number of the notice, the date and hour of filing, whether it is a regular lien or a jeopardy assessment lien, and the amount of tax and penalty due and unpaid, plus the amount of interest due at the time when the notice of lien or jeopardy assessment is filed.

(d) No recorder or registrar of titles of any county shall require that the Department pay any costs or fees in connection with recordation of any notice or other document filed by the Department under this Act at the time such notice or other document is presented for recordation. The recorder or registrar of each county, in order to receive payment for fees or costs incurred by the Department, shall present the Department with monthly statements indicating the amount of fees and costs incurred by the Department and for which no payment has been received. This amendatory Act of 1987 applies to all liens heretofore or hereafter filed.

(e) The taxpayer is liable for the filing fee incurred by the Department for filing the lien and the filing fee incurred by the Department to file the release of that lien. The filing fees shall be paid to the Department in addition to payment of the tax, penalty, and interest included in the amount of the lien.

(Source: P.A. 86-905.)

(35 ILCS 5/1105) (from Ch. 120, par. 11-1105)

Sec. 1105. Release of Liens.

(a) In general. Upon payment by the taxpayer to the Department in cash or by guaranteed remittance of an amount representing the filing fees and charges for the lien and the filing fees and charges for the release of that lien, the Department shall release all or any portion of the property subject to any lien provided for in this Act and file that complete or partial release of lien with the recorder of the county where that lien was filed if it determines that the release will not endanger or jeopardize the collection of the amount secured thereby.

(b) Judicial determination. If on judicial review the final judgment of the court is that the taxpayer does not owe some or all of the amount secured by the lien against him, or that no jeopardy to the revenue exists, the Department shall release its lien to the extent of such finding of nonliability, or to the extent of such finding of no jeopardy to the revenue. The taxpayer shall, however, be liable for the filing fee paid by the Department to file the lien

and the filing fee required to file a release of the lien. The filing fees shall be paid to the Department.

(c) Payment. The Department shall also release its jeopardy assessment lien against the taxpayer whenever the tax and penalty covered by such lien, plus any interest which may be due and an amount representing the filing fee to file the lien and the filing fee required to file a release of that lien, are paid by the taxpayer to the Department in cash or by guaranteed remittance.

(d) Certificate of release. The Department shall issue a certificate of complete or partial release of the lien upon payment by the taxpayer to the Department in cash or by guaranteed remittance of an amount representing the filing fee paid by the Department to file the lien and the filing fee required to file the release of that lien:

(1) To the extent that the fair market value of any property subject to the lien exceeds the amount of the lien plus the amount of all prior liens upon such property;

(2) To the extent that such lien shall become unenforceable;

(3) To the extent that the amount of such lien is paid by the person whose property is subject to such lien, together with any interest and penalty which may become due under this Act between the date when the notice of lien is filed and the date when the amount of such lien is paid;

(4) To the extent that there is furnished to the Department on a form to be approved and with a surety or sureties satisfactory to the Department a bond that is conditioned upon the payment of the amount of such lien, together with any interest which may become due under this Act after the notice of lien is filed, but before the amount thereof is fully paid;

(5) To the extent and under the circumstances specified in this section. A certificate of complete or partial release of any lien shall be held conclusive that the lien upon the property covered by the certificate is extinguished to the extent indicated by such certificate.

Such release of lien shall be issued to the person, or his agent, against whom the lien was obtained and shall contain in legible letters a statement as follows:

FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL
BE FILED WITH THE RECORDER OR THE REGISTRAR
OF TITLES, IN WHOSE OFFICE, THE LIEN WAS FILED.

(e) Filing. When a certificate of complete or partial release of lien issued by the Department is presented for filing in the office of the recorder or Registrar of Titles where a notice of lien or notice of jeopardy assessment lien was filed:

(1) The recorder, in the case of nonregistered property, shall permanently attach the certificate of release to the notice of lien or notice of jeopardy assessment lien and shall enter the certificate of release and the date in the "State Tax Lien Index" on the line where the notice of lien or notice of jeopardy assessment lien is entered; and

(2) In the case of registered property, the Registrar of Titles shall file and enter upon each folium of the register of titles affected thereby a memorial of the certificate of release which memorial when so entered shall act as a release pro tanto of any memorial of such notice of lien or notice of jeopardy assessment lien previously filed and registered.

(Source: P.A. 85-731.)

Section 15. The Retailers' Occupation Tax Act is amended by changing Sections 5a, 5b, and 5c as follows:

(35 ILCS 120/5a) (from Ch. 120, par. 444a)

Sec. 5a. The Department shall have a lien for the tax herein imposed or any portion thereof, or for any penalty provided for in this Act, or for any amount of interest which may be due as provided for in Section 5 of this Act, upon all the real and personal property of any person to whom a final assessment or revised final assessment has been issued as provided in this Act, or whenever a return is filed without payment of the tax or penalty shown therein to be due, including all such property of such persons acquired after receipt of such assessment or filing of such return. The taxpayer is liable for the filing fee incurred by the Department for filing the lien and the filing fee incurred by the Department to file the release of that lien. The filing fees shall be paid to the Department in addition to payment of the tax, penalty, and interest included in the amount of the lien.

However, where the lien arises because of the issuance of a final assessment or revised final assessment by the Department, such lien shall not attach and the notice hereinafter referred to in this Section shall not be filed until all proceedings in court for review of such final assessment or revised final assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted.

Upon the granting of a rehearing or departmental review pursuant to Section 4 or Section 5 of this Act after a lien has attached, such lien shall remain in full force except to the extent to which the final assessment may be reduced by a revised final assessment following such rehearing or review.

The lien created by the issuance of a final assessment shall terminate unless a notice of lien is filed, as provided in Section 5b hereof, within 3 years from the date all proceedings in court for the review of such final assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted, or (in the case of a revised final assessment issued pursuant to a rehearing or departmental review) within 3 years from the date all proceedings in court for the review of such revised final assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted; and where the lien results from the filing of a return without payment of the tax or penalty shown therein to be due, the lien shall terminate unless a notice of lien is filed, as provided in Section 5b hereof, within 3 years from the date when such return is filed with the Department: Provided that the time limitation period on the Department's right to file a notice of lien shall not run during any period of time in which the order of any court has the effect of enjoining or restraining the Department from filing such notice of lien.

If the Department finds that a taxpayer is about to depart from the State, or to conceal himself or his property, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect such tax unless such proceedings are brought without delay, or if the Department finds that the collection of the amount due from any taxpayer will be jeopardized by delay, the Department shall give the taxpayer notice of such findings and shall make demand for immediate return and payment of such tax, whereupon such tax shall become immediately due and payable. If the taxpayer, within 5 days after such notice (or within such extension of time as the Department may grant), does not comply with such notice or show to the Department that the findings in such notice are erroneous, the Department may file a notice of jeopardy assessment lien in the office of the recorder of the county in which any property of the taxpayer may be located and shall notify the taxpayer of such filing. Such jeopardy assessment lien shall have the same scope and effect as

the statutory lien hereinbefore provided for in this Section.

If the taxpayer believes that he does not owe some or all of the tax for which the jeopardy assessment lien against him has been filed, or that no jeopardy to the revenue in fact exists, he may protest within 20 days after being notified by the Department of the filing of such jeopardy assessment lien and request a hearing, whereupon the Department shall hold a hearing in conformity with the provisions of this Act and, pursuant thereto, shall notify the taxpayer of its findings as to whether or not such jeopardy assessment lien will be released. If not, and if the taxpayer is aggrieved by this decision, he may file an action for judicial review of such final determination of the Department in accordance with Section 12 of this Act and the Administrative Review Law.

If, pursuant to such hearing (or after an independent determination of the facts by the Department without a hearing), the Department determines that some or all of the tax covered by the jeopardy assessment lien is not owed by the taxpayer, or that no jeopardy to the revenue exists, or if on judicial review the final judgment of the court is that the taxpayer does not owe some or all of the tax covered by the jeopardy assessment lien against him, or that no jeopardy to the revenue exists, the Department shall release its jeopardy assessment lien to the extent of such finding of nonliability for the tax, or to the extent of such finding of no jeopardy to the revenue.

The Department shall also release its jeopardy assessment lien against the taxpayer whenever the tax and penalty covered by such lien, plus any interest which may be due, are paid <u>and the taxpayer has paid the Department in cash or by guaranteed remittance an amount representing the filing fee for the lien and the filing fee for the release of that lien. The Department shall file that release of lien with the recorder of the county where that lien was filed</u>.

Nothing in this Section shall be construed to give the Department a preference over the rights of any bona fide purchaser, holder of a security interest, mechanics lienholder, mortgagee, or judgment lien creditor arising prior to the filing of a regular notice of lien or a notice of jeopardy assessment lien in the office of the recorder in the county in which the property subject to the lien is located: Provided, however, that the word "bona fide", as used in this Section shall not include any mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as trustee for unsecured creditors of the taxpayer mentioned in the notice of lien who executed such chattel or real property mortgage or the document evidencing such credit transaction. Such lien shall be inferior to the lien of general taxes, special assessments and special taxes heretofore or hereafter levied by any political subdivision of this State.

In case title to land to be affected by the notice of lien or notice of jeopardy assessment lien is registered under the provisions of "An Act concerning land titles", approved May 1, 1897, as amended, such notice shall be filed in the office of the Registrar of Titles of the county within which the property subject to the lien is situated and shall be entered upon the register of titles as a memorial or charge upon each folium of the register of titles affected by such notice, and the Department shall not have a preference over the rights of any bona fide purchaser, mortgagee, judgment creditor or other lien holder arising prior to the registration of such notice: Provided, however, that the word "bona fide" shall not include any mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as trustee for unsecured creditors of

the taxpayer mentioned in the notice of lien who executed such chattel or real property mortgage or the document evidencing such credit transaction.

Such regular lien or jeopardy assessment lien shall not be effective against any purchaser with respect to any item in a retailer's stock in trade purchased from the retailer in the usual course of such retailer's business.

(Source: P.A. 86-905.)

(35 ILCS 120/5b) (from Ch. 120, par. 444b)

Sec. 5b. The recorder of each county shall procure a file labeled "State Tax Lien Notices" and an index book labeled "State Tax Lien Index". When notice of any lien or jeopardy assessment lien is presented to him for filing, he shall file it in numerical order in the file and shall enter it alphabetically in the index. The entry shall show the name and last known business address of the person named in the notice, the serial number of the notice, the date and hour of filing, whether it is a regular lien or a jeopardy assessment lien, and the amount of tax and penalty due and unpaid, plus the amount of interest due under Section 5 of this Act at the time when the notice of lien or jeopardy assessment lien is filed.

No recorder or registrar of titles of any county shall require that the Department pay any costs or fees in connection with recordation of any notice or other document filed by the Department under this Act at the time such notice or other document is presented for recordation. The recorder or registrar of each county, in order to receive payment for fees or costs incurred by the Department, shall present the Department with monthly statements indicating the amount of fees and costs incurred by the Department and for which no payment has been received.

A notice of lien may be filed after the issuance of a revised final assessment pursuant to a rehearing or departmental review under Section 4 or Section 5 of this Act.

When the lien obtained pursuant to this Act has been satisfied and the taxpayer has paid the Department in cash or by guaranteed remittance an amount representing the filing fee for the lien and the filing fee for the release of that lien, the Department shall issue a release of lien and file that release of lien with the recorder of the county where that lien was filed. The ~~to the person, or his agent, against whom the lien was obtained and such~~ release of lien shall contain in legible letters a statement as follows:

FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL
BE FILED WITH THE RECORDER OR THE REGISTRAR
OF TITLES, IN WHOSE OFFICE, THE LIEN WAS FILED.

When a certificate of complete or partial release of lien issued by the Department is presented for filing in the office of the recorder or Registrar of Titles where a notice of lien or notice of jeopardy assessment lien was filed, the recorder, in the case of nonregistered property, shall permanently attach the certificate of release to the notice of lien or notice of jeopardy assessment lien and shall enter the certificate of release and the date in the "State Tax Lien Index" on the line where the notice of lien or notice of jeopardy assessment lien is entered.

In the case of registered property, the Registrar of Titles shall file and enter upon each folium of the register of titles affected thereby a memorial of the certificate of release which memorial when so entered shall act as a release pro tanto of any memorial of such notice of lien or notice of jeopardy assessment lien previously filed and registered.

(Source: P.A. 84-221.)

(35 ILCS 120/5c) (from Ch. 120, par. 444c)

Sec. 5c. Upon payment by the taxpayer to the Department in cash or by guaranteed remittance of an amount representing the filing fee for the lien and the filing fee for the release of that lien, the Department shall issue a certificate of complete or partial release of the lien and file that complete or partial release of lien with the recorder of the county where the lien was filed:

(a) To the extent that the fair market value of any property subject to the lien exceeds the amount of the lien plus the amount of all prior liens upon such property;

(b) To the extent that such lien shall become unenforceable;

(c) To the extent that the amount of such lien is paid by the retailer whose property is subject to such lien, together with any interest which may become due under Section 5 of this Act between the date when the notice of lien is filed and the date when the amount of such lien is paid;

(d) To the extent that there is furnished to the Department on a form to be approved and with a surety or sureties satisfactory to the Department a bond that is conditioned upon the payment of the amount of such lien, together with any interest which may become due under Section 5 of this Act after the notice of lien is filed, but before the amount thereof is fully paid;

(e) To the extent and under the circumstances specified in Section 5a of this Act in the case of jeopardy assessment liens;

(f) To the extent to which an assessment is reduced pursuant to a rehearing or departmental review under Section 4 or Section 5 of this Act.

A certificate of complete or partial release of any lien shall be held conclusive that the lien upon the property covered by the certificate is extinguished to the extent indicated by such certificate.

(Source: Laws 1965, p. 531.)

Section 99. Effective date. This Act takes effect upon becoming law, except that the changes to Sections 1102, 1103, and 1105 of the Illinois Income Tax Act and Sections 5a, 5b, and 5c of the Retailer's Occupation Tax Act take effect on January 1, 2003.".

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 Mahar, **Senate Bill No. 2221** 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 2221 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Sections 4-202, 4-203, and 5-202 as follows:

(220 ILCS 5/4-202) (from Ch. 111 2/3, par. 4-202)

Sec. 4-202. Action for injunction. Whenever the Commission shall be of the opinion that any public utility is failing or omitting or about to fail or omit, to do anything required of it by law, or by any order, decision, rule, regulation, direction, or requirement of the Commission, issued or made under authority of this Act, or is doing anything or about to do anything or permitting anything or about to permit anything to be done, contrary to or in violation of

law or any order, decision, rule, regulation, direction, or requirement of the Commission, issued or made under authority of this Act, the Commission shall file an action or proceeding in the circuit court in and for the county in which the case or some part thereof arose, or in which the person or corporation complained of, if any, has its principal place of business, or in which the person complained of, if any, resides, in the name of the People of the State of Illinois, for the purpose of having the violation or threatened violation stopped and prevented, either by mandamus or injunction.

The Commission may express its opinion in a resolution based upon whatever facts and evidence have come to its attention and may issue the resolution ex parte and without holding any administrative hearing before bringing suit. Except in cases involving an imminent threat to the public health or public safety, no such resolution shall be adopted until 48 hours after the public utility has been given notice of (i) the substance of the alleged violation, including a citation to the law or order, decision, rule, regulation, or direction of the Commission alleged to have been violated and (ii) the time and date of the meeting at which such resolution will first be before the Commission for consideration.

The Commission shall file the action or proceeding by complaint in the circuit court, alleging the violation or threatened violation complained of, and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the court to specify a time, not exceeding 20 days after the service of the copy of the complaint, within which the public utility complained of must answer the complaint, and in the meantime said public utility may be restrained. In case of default in answer, or after answer, the court shall immediately inquire into the facts and circumstances of the case. Such corporation or persons as the court may deem necessary or proper to be joined as parties, in order to make its judgment, or order effective, may be joined as parties. The final judgment in any action or proceeding shall either dismiss the action or proceeding or grant relief by mandamus or injunction or be made permanent as prayed for in the complaint, or in such modified or other form as will afford appropriate relief. An appeal may be taken from such final judgment as in other civil cases.

(Source: P.A. 84-617.)

(220 ILCS 5/4-203) (from Ch. 111 2/3, par. 4-203)

Sec. 4-203. Action to recover penalties.

(a) All civil penalties established under this Act shall be assessed and collected by the Commission. Except for the penalties provided under Section 2-202, civil penalties may be assessed only after notice and opportunity to be heard. Any such civil penalty may be compromised by the Commission. In determining the amount of the penalty, or the amount agreed to in compromise, the Commission shall consider the appropriateness of the penalty to the size of the business of the public utility, corporation other than a public utility, or person acting as a public utility charged, the gravity of the violation, and the good faith of the public utility, corporation other than a public utility, or person acting as a public utility charged in attempting to achieve compliance after notification of a violation. Nothing in this Section, however, increases or decreases any minimum or maximum penalty prescribed elsewhere in this Act.

(b) If timely judicial review of a Commission order that imposes a civil penalty is taken by the public utility, corporation other than a public utility, or person acting as a public utility on which the civil penalty has been imposed, the reviewing court shall enter a judgment on all amounts upon affirmance of the Commission order. If

timely judicial review is not taken and the civil penalty remains unpaid for 60 days after service of the order, the Commission in its discretion may either begin revocation proceedings or bring suit to recover the penalties. Unless stayed by a reviewing court, interest shall accrue from 60 days after the date of service of the Commission order.

(c) Actions to recover delinquent civil penalties under this Act shall be brought in the name of the People of the State of Illinois in the circuit court in and for the county in which the cause, or some part thereof, arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides. The action shall be commenced and prosecuted to final judgment by the Commission. In any such action, all interest incurred up to the time of final court judgment may be sued for and recovered in that action. In all such actions, the procedure and rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. All fines and penalties recovered by the State in any such action shall be paid into the State treasury to the credit of the General Revenue Fund. Any such action may be compromised or discontinued on application of the Commission upon such terms as the court shall approve and order.

(d) Civil penalties related to the late filing of reports, taxes, or other filings shall be paid into the State Treasury to the credit of the Public Utility Fund. Except as otherwise provided in this Act, all other fines and civil penalties shall be paid into the State Treasury to the credit of the General Revenue Fund. ~~Except as otherwise provided in this Act, actions to recover penalties under this Act shall be brought in the name of the People of the State of Illinois in the circuit court in and for the county in which the cause, or some part thereof, arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides. The action shall be commenced and prosecuted to final judgment by the Commission. In any such action, all penalties incurred up to the time of commencing the same may be sued for and recovered. In all such actions, the procedure and rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. All fines and penalties recovered by such action shall be paid into the State treasury to the credit of the general fund. Any such action may be compromised or discontinued on application of the Commission upon such terms as the court shall approve and order.~~
(Source: P.A. 84-617.)

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

Sec. 5-202. Violations; penalty. Any public utility, ~~or~~ any corporation other than a public utility, or any person acting as a public utility, that ~~which~~ violates or fails to comply with any provisions of this Act, ~~or~~ that ~~which~~ fails to obey, observe, ~~or~~ comply with any order, decision, rule, regulation, direction, or requirement, ~~or~~ any part or provision thereof, of the Commission, made or issued under authority of this Act, in a case in which a penalty is not otherwise provided for in this Act, shall be subject to a civil penalty imposed in the manner provided in Section 4-203. A small public utility, as defined in subsection (b) of Section 4-502 of this Act, is subject to a civil penalty of not less than $500 nor more than $2,000 for each and every offense. All other public utilities, corporations other than a public utility, and persons acting as a public utility are subject to a civil penalty of up to $30,000 for each and every offense.

Every violation of the provisions of this Act or of any order, decision, rule, regulation, direction, or requirement of the

Commission, or any part or portion thereof, by any corporation or person, is a separate and distinct offense, and in case of a continuing violation, each day's continuance thereof shall be a separate and distinct offense; provided, however, that the cumulative penalty for any continuing violation shall not exceed $500,000.

In construing and enforcing the provisions of this Act relating to penalties, the act, omission, or failure of any officer, agent, or employee of any public utility, corporation other than a public utility, or person acting as a public utility, that is acting within the scope of his official duties or employment, shall in every case be deemed to be the act, omission, or failure of such public utility, corporation other than a public utility, or person acting as a public utility.

If the party who has violated or failed to comply with this Act or an order, decision, rule, regulation, direction, or requirement of the Commission, or any part or provision thereof, fails to seek review pursuant to Sections 10-113 and 10-201 of this Act within 30 days after of service of the order, the party shall, upon expiration of the 30 days, be subject to the civil penalty provision of this Section.

~~No penalties shall accrue under this provision until 15 days after the mailing of a notice to such party or parties that they are in violation of or have failed to comply with the Act or order, decision, rule, regulation, direction, or requirement of the Commission or any part or provision thereof.~~

(Source: P.A. 87-164.)

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

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

On motion of Senator Sieben, **Senate Bill No. 2227** 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 2227 by replacing everything after the enacting clause with the following:

"Section 5. The County Economic Development Project Area Property Tax Allocation Act is amended by changing Sections 4 and 5 as follows:

(55 ILCS 85/4) (from Ch. 34, par. 7004)

Sec. 4. Establishment of economic development project area; ordinance; joint review board; notice; hearing; changes in economic development plan; annual reporting requirements. Economic development project areas shall be established as follows:

(a) The corporate authorities of Whiteside a County, ~~with more than 200,000 and less than 300,000 inhabitants and which is adjacent to the Mississippi River,~~ may by ordinance propose the establishment of an economic development project area and fix a time and place for a public hearing, and shall submit a certified copy of the ordinance as adopted to the Department.

(b) Any county which adopts an ordinance which fixes a date, time and place for a public hearing shall convene a joint review board as hereinafter provided. Not less than 45 days prior to the date fixed for the public hearing, the county shall give notice by mailing to the chief executive officer of each affected taxing

district having taxable property included in the proposed economic development project area that such chief executive officer or his designee is invited to participate in a joint review board. The designee shall serve at the discretion of the chief executive officer of the taxing district for a term not to exceed 2 years. Such notice shall advise each chief executive officer of the date, time and place of the first meeting of such joint review board, which shall occur not less than 30 days prior to the date of the public hearing. Such notice by mail shall be given by depositing such notice in the United States Postal Service by certified mail.

At or prior to the first meeting of such joint review board the county shall furnish to any member of such joint review board copies of the proposed economic development plan and any related documents which such member shall reasonably request. A majority of the members of such joint review board present at any meeting shall constitute a quorum. Additional meetings may be called by any member of a joint review board upon the giving of notice not less than 72 hours prior to the date of any additional meeting to all members of the joint review board. The joint review board shall review such information and material as its members reasonably deem relevant to the county's proposals to approve economic development plans and economic development projects and to designate economic development project areas. The county shall provide such information and material promptly upon the request of the joint review board and may also provide administrative support and facilities as the joint review board may reasonably require.

Within 30 days of its first meeting, a joint review board shall provide the county with a written report of its review of any proposal to approve an economic development plan and economic development project and to designate an economic development project area. Such written report shall include such information and advisory, nonbinding recommendations as a majority of the members of the joint review board shall deem relevant. Written reports of joint review boards may include information and advisory, nonbinding recommendations provided by a minority of the members thereof. Any joint review board which does not provide such written report within such 30-day period shall be deemed to have recommended that the county proceed with a proposal to approve an economic development plan and economic development project and to designate an economic development project area.

(c) Notice of the public hearing shall be given by publication and mailing.

(1) Notice by publication shall be given by publication at least twice, the first publication to be not more than 30 nor less than 10 days prior to the hearing in a newspaper of general circulation within the taxing districts having property in the proposed economic development project area. Notice by mailing shall be given by depositing such notice together with a copy of the proposed economic development plan in the United States Postal Service by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the proposed economic development project area. The notice shall be mailed not less than 10 days prior to the dates set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding 3 years as the owners of the property.

(2) The notices issued pursuant to this Section shall include the following:

(A) The time and place of public hearing;

(B) The boundaries of the proposed economic development project area by legal description and by street location where possible;

(C) A notification that all interested persons will be given an opportunity to be heard at the public hearing;

(D) An invitation for any person to submit alternative proposals or bids for any proposed conveyance, lease, mortgage or other disposition of land within the proposed economic development project area;

(E) A description of the economic development plan or economic development project if a plan or project is a subject matter of the hearing; and

(F) Such other matters as the county may deem appropriate.

(3) Not less than 45 days prior to the date set for hearing, the county shall give notice by mail as provided in this subsection (c) to all taxing districts of which taxable property is included in the economic development project area, and to the Department. In addition to the other requirements under this subsection (c), the notice shall include an invitation to the Department and each taxing district to submit comments to the county concerning the subject matter of the hearing prior to the date of the hearing.

(d) At the public hearing any interested person, the Department or any affected taxing district may file written objections with the county clerk and may be heard orally with respect to any issues embodied in the notice. The county shall hear and determine all alternate proposals or bids for any proposed conveyance, lease, mortgage or other disposition of land and all protests and objections at the hearing, and the hearing may be adjourned to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the adjourned hearing. Public hearings with regard to an economic development plan, economic development project area, or economic development project may be held simultaneously.

(e) At the public hearing, or at any time prior to the adoption by the county of an ordinance approving an economic development plan, the county may make changes in the economic development plan. Changes which (1) alter the exterior boundaries of the proposed economic development project area, (2) substantially affect the general land uses established in the proposed economic development plan, (3) substantially change the nature of the proposed economic development plan, (4) change the general description of any proposed developer, user or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved within the economic development project area shall be made only after review by joint review board, notice and hearing pursuant to the procedures set forth in this Section. Changes which do not (1) alter the exterior boundaries of a proposed economic development project area, (2) substantially affect the general land uses established in the proposed plan, (3) substantially change the nature of the proposed economic development plan, (4) change the general description of any proposed developer, user or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved within the economic development project area may be made

without further notice or hearing, provided that the county shall give notice of its changes by mail to the Department and to each affected taxing district and by publication in a newspaper or newspapers of general circulation with the affected taxing districts. Such notice by mail and by publication shall each occur not later than 10 days following the adoption by ordinance of such changes.

(f) At any time within 90 days of the final adjournment of the public hearing, a county may, by ordinance, approve the economic development plan, establish the economic development project area, and authorize property tax allocation financing for such economic development project area. Any ordinance adopted which approves the economic development plan shall contain findings that the economic development project is reasonably expected to create or retain not less than 500 ~~1,000~~ full-time equivalent jobs, that private investment in an amount not less than $25,000,000 ~~$50,000,000~~ is reasonably expected to occur in the economic development project area, that the economic development project will encourage the increase of commerce and industry within the State, thereby reducing the evils attendant upon unemployment and increasing opportunities for personal income, and that the economic development project will increase or maintain the property, sales and income tax bases of the county and of the State. Any ordinance adopted which establishes an economic development project area shall contain the boundaries of such area by legal description and, where possible, by street location. Any ordinance adopted which authorizes property tax allocation financing shall provide that the ad valorem taxes, if any, arising from the levies upon taxable real property in such economic development project area by taxing districts and tax rates determined in the manner provided in subsection (b) of Section 6 of this Act each year after the effective date of the ordinance until economic development project costs and all county obligations financing economic development project costs incurred under this Act have been paid shall be divided as follows:

(1) That portion of taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the economic development project area shall be allocated to, and when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of property tax allocation financing.

(2) That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the economic development project area over and above the initial equalized assessed value of each property in the economic development project area shall be allocated to and when collected shall be paid to the county treasurer who shall deposit those taxes into a special fund called the special tax allocation fund of the county for the purpose of paying economic development project costs and obligations incurred in the payment thereof.

(g) After a county has by ordinance approved an economic development plan and established an economic development project area, the plan may be amended and the boundaries of the area may be altered only as herein provided. Amendments which (1) alter the exterior boundaries of an economic development project area, (2) substantially affect the general land uses established pursuant to the economic development plan, (3) substantially change the nature of the economic development plan, (4) change the general description of

any proposed developer, user, or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved shall be made only after review by a joint review board, notice and hearing pursuant to the procedures set forth in this Section. Amendments which do not (1) alter the exterior boundaries of an economic development project area, (2) substantially affect the general land uses established in the economic development plan, (3) substantially change the nature of the economic development plan, (4) change the description of any proposed developer, user, or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved within the economic development project area may be made without further hearing or notice, provided that the county shall give notice of any amendment by mail to the Department and to each taxing district and by publication in a newspaper or newspapers of general circulation within the affected taxing districts. Such notices by mail and by publication shall each occur not later than 10 days following the adoption by ordinance of such amendments.

(h) After the adoption of an ordinance adopting property tax allocation financing for an economic development project area, the county shall annually report to each taxing district having taxable property within such economic development project area (i) any increase or decrease in the equalized assessed value of the real property located within such economic development project area above or below the initial equalized assessed value of such real property, (ii) that portion, if any, of the ad valorem taxes arising from the levies upon taxable real property in such economic development project area by the taxing districts which is attributable to the increase in the current equalized assessed valuation of each lot, block, tract or parcel of real property in the economic development project area over and above the initial equalized value of each property and which has been allocated to the county in the current year, and (iii) such other information as the county may deem relevant.

(i) The county shall give notice by mail as provided in this Section and shall reconvene the joint review board not less than annually for each of the 2 years following its adoption of an ordinance adopting property tax allocation financing for an economic development project area and not less than once in each 3-year period thereafter. The county shall provide such information, and may provide administrative support and facilities as the joint review board may reasonably require for each of such meetings.

(Source: P.A. 86-1388.)

(55 ILCS 85/5) (from Ch. 34, par. 7005)

Sec. 5. Submission to Department; certification by Department.

(a) The county shall submit certified copies of any ordinances adopted approving a proposed economic development plan, establishing an economic development project area, and authorizing tax increment allocation financing to the Department, together with (1) a map of the economic development project area, (2) a copy of the economic development plan as approved, (3) an analysis, and any supporting documents and statistics, demonstrating that the economic development project is reasonably expected to create or retain not less than <u>500</u> ~~1,000~~ full-time equivalent jobs and that private investment in the amount of not less than <u>$25,000,000</u> ~~$50,000,000~~ is reasonably expected to occur in the economic development project area, (4) an

estimate of the economic impact of the economic development plan and the use of property tax allocation financing upon the revenues of the county and the affected taxing districts, (5) a record of all public hearings held in connection with the establishment of the economic development project area, and (6) such other information as the Department by regulation may require.

(b) Upon receipt of an application from a county the Department shall review the application to determine whether the economic development project area qualifies as an economic development project area under this Act. At its discretion, the Department may accept or reject the application or may request such additional information as it deems necessary or advisable to aid its review. If any such area is found to be qualified to be an economic development project area, the Department shall approve and certify such economic development project area and shall provide written notice of its approval and certification to the county and to the county clerk. In determining whether an economic development project area shall be approved and certified, the Department shall consider (1) whether, without public intervention, the State would suffer substantial economic dislocation, such as relocation of a commercial business or industrial or manufacturing facility to another state, territory or country, or would not otherwise benefit from private investment offering substantial employment opportunities and economic growth, and (2) the impact on the revenues of the county and the affected taxing districts of the use of tax increment allocation financing in connection with the economic development project.

(c) On or before July 1, 2006 ~~1994~~, the Department shall submit to the General Assembly a report detailing the number of economic development project areas it has approved and certified, the number and type of jobs created or retained therein, the aggregate amount of private investment therein, the impact in the revenues of counties and affected taxing districts of the use of property tax allocation financing therein, and such additional information as the Department may determine to be relevant. On July 1, 2008 ~~1996~~ the authority granted hereunder to counties to establish economic development project areas and to adopt property tax allocation financing in connection therewith and to the Department to approve and certify economic development project areas shall expire unless the General Assembly shall have authorized counties and the Department to continue to exercise the powers granted to them under this Act.
(Source: P.A. 87-18; 88-688, eff. 1-24-95.)

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

Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2227, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 6, line 25, after the period, by inserting the following:
"The ordinance shall also state that the economic development project area shall not include parcels to be used for purposes of residential development.".

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.

[Apr. 3, 2002]

On motion of Senator Klemm, **Senate Bill No. 2232** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2232 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Wildlife Population Control 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 T. Walsh, **Senate Bill No. 2243** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, **Senate Bill No. 2252** 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. 2254** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, **Senate Bill No. 2256** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, **Senate Bill No. 2257** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, **Senate Bill No. 2258** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Karpiel, **Senate Bill No. 2268** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2268 by replacing everything after the enacting clause with the following:

"Section 5. The Public Officer Prohibited Activities Act is amended by changing Section 1 as follows:

(50 ILCS 105/1) (from Ch. 102, par. 1)

Sec. 1. County board. No member of a county board, during the term of office for which he or she is elected, may be appointed to, accept, or hold any office other than (i) chairman of the county board or member of the regional planning commission by appointment or election of the board of which he or she is a member or (ii) alderman of a city or member of the board of trustees of a village or incorporated town if the city, village, or incorporated town has fewer than 1,000 inhabitants and is located in a county having fewer than 50,000 inhabitants, unless he or she first resigns from the office of county board member or unless the holding of another office

is authorized by law. Any such prohibited appointment or election is void. This Section shall not preclude a member of the county board or the county board chairman from being selected or from serving as a member of a County Extension Board as provided in Section 7 of the County Cooperative Extension Law, as a member of an Emergency Telephone System Board as provided in Section 15.4 of the Emergency Telephone System Act, as a member of the Metropolitan Airport Authority Board of Commissioners as provided in Section 3.1 of the Airport Authorities Act, or as appointed members of the board of review as provided in Section 6-30 of the Property Tax Code. Nothing in this Act shall be construed to prohibit an elected county official from holding elected office in another unit of local government so long as there is no contractual relationship between the county and the other unit of local government. This amendatory Act of 1995 is declarative of existing law and is not a new enactment.
(Source: P.A. 91-732, eff. 1-1-01; 92-111, eff. 1-1-02.)

Section 10. The Counties Code is amended by changing Section 5-104.5 as follows:

(55 ILCS 5/5-1014.5)

Sec. 5-1014.5. County board chairman; veto; procedure. In counties with a population between 700,000 and 3,000,000, (i) each county appropriation ordinance that is passed that includes appropriations for the county or multiple-county health department and (ii) each appropriation ordinance that is passed by a Metropolitan Airport Authority located within the county shall be presented immediately to the county board chairman. If the county board chairman approves the ordinance, he or she shall sign it and it shall become law. The county board chairman may reduce or veto any item of appropriations for the county or multiple-county health department or for a Metropolitan Airport Authority in the ordinance and shall return the item vetoed or reduced with his or her objections to the county board. A copy of the veto shall also be delivered to the body for which the appropriation is intended. Portions of an ordinance not reduced or vetoed shall become law. Any ordinance not so returned by the county board chairman within 30 calendar days after it is presented to him or her shall become law. If, within 30 calendar days after the veto has been delivered to the county board and the body for which the appropriation is intended, the county board restores an item that has been reduced or overrides the veto of an item by a record vote of three-fifths of the members elected, the item shall become law. If a reduced item is not so restored, it shall become law in the reduced amount. However, if the county board chairman is a commissioner of the Metropolitan Airport Authority, then the county board chairman shall not have the power to veto or reduce any line item in the Metropolitan Airport Authority's appropriation ordinance.
(Source: P.A. 89-402, eff. 8-20-95.)

Section 15. The Airport Authorities Act is amended by changing Sections 3.1, 5, and 13 as follows:

(70 ILCS 5/3.1) (from Ch. 15 1/2, par. 68.3a)

Sec. 3.1. Boards of commissioners; Appointment. The Boards of Commissioners of Authorities shall be appointed as follows:

(1) In case there are one or more municipalities having a population of 5,000 or more within the Authority, the commissioners shall be appointed as follows:

(a) Where there is only one such municipality, 3 commissioners shall be appointed from such municipality, and 2 commissioners shall be appointed at large.

(b) Where there are 2 or more such municipalities, one commissioner shall be appointed from each such municipality, one

commissioner shall be appointed from the areas within the authority located outside of such municipalities, and 2 commissioners shall be appointed at large; except that when the physical facilities of the airport of the Authority are located wholly within a single county with a population between 600,000 and 3,000,000 there shall be one commissioner appointed from each municipality within the corporate limits of the Authority having 5,000 or more population and 5 commissioners appointed at large. If the Authority is located wholly within the corporate limits of such municipalities, 2 commissioners shall be appointed from the one of such municipalities having the largest population, and one commissioner shall be appointed from each of the other such municipalities, and 2 commissioners shall be appointed at large.

(c) Commissioners representing the area within an Authority located outside of any municipality having 5,000 or more population and commissioners appointed at large when the authority is wholly contained within a single county shall be appointed by the presiding officer of the county board with the advice and consent of the county board, and when the physical facilities of the airport of the Authority are located wholly within a single county with a population between 600,000 and 3,000,000 the commissioners appointed at large shall be appointed by the chairman of the county board of such county, and any commissioner representing the area within any such municipality shall be appointed by its mayor or the presiding officer of its governing body. If however the district is located in more than one county other than a county with a population between 600,000 and 3,000,000, the members of the General Assembly whose legislative districts encompass any portion of the Authority shall appoint the commissioners representing the area within an Authority located outside of any municipality having 5,000 or more population and commissioners at large but any commissioner representing the area within any such municipality shall be appointed by its mayor or the presiding officer of its governing body.

(d) A commissioner representing the area within any such municipality shall reside within its corporate limits. A commissioner representing the area within an authority and located outside of any such municipality shall reside within such area. A commissioner appointed at large may reside either within or without any such municipality but must reside within the territory of the authority. Should any commissioner cease to reside within that part of the territory he represents, or should the territory in which he resides cease to be a part of the authority, then his office shall be deemed vacated, and shall be filled by appointment for the remainder of the term as hereinafter provided.

(2) In case there are no municipalities having a population of 5,000 or more within such authority located wholly within a single county, such order shall so find, and in such case the Board shall consist of 5 commissioners who shall be appointed at large by the presiding officer of the county board with the advice and consent of the county board. If however the district is located in more than one county, the members of the General Assembly whose legislative districts encompass any portion of the Authority shall appoint the commissioners at large.

(3) Should a municipality which is wholly within an authority attain, or should such a municipality be established, having a population of 5,000 or more after the entry of said order by the circuit court, the presiding officer of such municipality may

petition the circuit court for an order finding and determining the population of such municipality and, if it is found and determined upon the hearing of said petition that the population of such municipality is 5,000 or more, the board of commissioners of such authority as previously established shall be increased by one commissioner who shall reside within the corporate limits of such municipality and shall be appointed by its presiding officer. The initial commissioner so appointed shall serve for a term of 1, 2, 3, 4 or 5 years, as may be determined by lot, and his successors shall be similarly appointed and shall serve for terms of 5 years. All provisions of this section applicable to commissioners representing municipal areas shall apply to any such commissioner. Each such commissioner shall reside within the authority and shall continue to reside therein.

(4) Notwithstanding any other provision of this Section, the Board of Commissioners of a Metropolitan Airport Authority shall consist of 9 commissioners.

Seven commissioners shall be residents of the county with a population between 600,000 and 3,000,000 within which the Metropolitan Airport Authority was established. These commissioners shall be appointed by the county board chairman of the county with a population between 600,000 and 3,000,000 within which the Metropolitan Airport Authority was established, with the advice and consent of the county board of that county. Notwithstanding any other provision of this Act, the county board chairman may appoint himself or herself as a commissioner to serve without compensation.

Two commissioners shall be residents of the territory of the Authority located outside the county with a population between 600,000 and 3,000,000. These commissioners shall be appointed jointly by the mayors of the municipalities having a population over 5,000 that are located outside the county with a population between 600,000 and 3,000,000, with the advice and consent of the governing bodies of those municipalities.

The transition from the pre-existing composition of the Metropolitan Airport Authority Board of Commissioners to the composition specified in this amendatory Act of 1991 shall be accomplished as follows:

(A) The appointee who was required to be a resident of the area outside of the county with a population between 600,000 and 3,000,000 may serve until his or her term expires. The replacement shall be one of the 2 appointees who shall be residents of the territory of the Authority located outside the county with a population between 600,000 and 3,000,000.

(B) The other 8 commissioners may serve until their terms expire. Upon the occurrence of the second vacancy among these 8 commissioners after the effective date of this amendatory Act of 1991, the replacement shall be the second of the 2 appointees who shall be residents of the territory of the Authority located outside of the county with a population between 600,000 and 3,000,000. Upon the expiration of the terms of the other 7 commissioners, the replacements shall be residents of the county with a population between 600,000 and 3,000,000.

(C) All commissioners appointed after the effective date of this amendatory Act of 1991, and their successors, shall be appointed in the manner set forth in this amendatory Act of 1991.

(Source: P.A. 87-699.)

(70 ILCS 5/5) (from Ch. 15 1/2, par. 68.5)

Sec. 5. Qualifications of commissioners and removal from office. No person shall be appointed to the Board of Commissioners of any Airport Authority who has any financial interest in the establishment or continued existence thereof or who is a member of the governing body or an officer or employee of a municipality, a county, or any other unit of local government, or an elected official of State or federal government, except when the authority is wholly located within a single county with a population of less than 40,000, an individual employed by a local school district may serve as a commissioner, and except as otherwise authorized by this Act.

Should it appear to the Department of Transportation that any member of the Board of Commissioners of an airport authority may be disqualified, or guilty of misconduct or malfeasance in office or unwilling or unable to act, it shall notify the Board of Commissioners of that fact in writing and it shall then be the duty of the Board of Commissioners to require such board member to show cause why he should not be removed from office. Any such person shall be given a hearing by the Board of Commissioners and, after such hearing, if the Board of Commissioners finds such a charge should be sustained, it shall remove the person so charged from office, and a vacancy shall thereupon exist for the unexpired term of such office. (Source: P.A. 88-109; 89-174, eff. 7-19-95.)

(70 ILCS 5/13) (from Ch. 15 1/2, par. 68.13)

Sec. 13. Annual appropriations and tax levy. Every Authority created under this Act is hereby empowered to levy and collect a general tax on all of the taxable property within the corporate limits of such Authority for the purpose of paying the cost of operating and maintaining any public airport or public airport facility of the Authority, and any other corporate expenses of the Authority. However, a tax levy imposed by a Metropolitan Airport Authority does not apply to any township, municipality, or unincorporated territory that has been statutorily removed from the jurisdiction of the Authority, has opted out of the Authority, or is currently being taxed by another airport authority. The aggregate amount of such tax for one year, exclusive of the amount levied for bonded indebtedness or interest thereon, shall not exceed the rate of .075% upon the aggregate valuation of all taxable property within the Authority, as equalized or assessed by the Department of Revenue. If there is in effect in the Authority a maximum tax rate established pursuant to Section 2.1a or 13.1, the aggregate amount of such tax for one year, exclusive of the amount levied for bonded indebtedness or interest thereon, shall not exceed the maximum tax rate so established, and in no event shall such maximum tax rate exceed the rate of .075% as hereinbefore set forth.

The Board of Commissioners of any Airport Authority shall establish the beginning and ending of its fiscal year and annually within the first quarter of the fiscal year shall adopt an appropriation ordinance appropriating such sums of money as are deemed necessary to pay the costs of operating and maintaining any public airport or airports located within the corporate limits of the Authority and under the jurisdiction thereof and other expenses of the Authority and specifying the purpose of each appropriation made.

An appropriation ordinance adopted by an Authority created under this Act in a county with a population between 700,000 and 3,000,000 shall be immediately presented to the county board chairman. The chairman of the county board has the power to veto or reduce any line item in the ordinance as provided in Section 5-1014.5 of the Counties Code. However, if the county board chairman is a commissioner of the Authority, then the county board chairman shall not have the power to veto or reduce any line item in the Authority's appropriation

ordinance.

After the adoption of the appropriation ordinance and on or before the second Tuesday in August of each year, the board of commissioners shall ascertain the total amount of the appropriations legally made which are to be provided for from the tax levy for that year. Then, by an ordinance specifying in detail the purposes for which such appropriations have been made and the amounts appropriated for such purposes, the board of commissioners shall levy not to exceed the total amount so ascertained upon all the property subject to taxation within the authority as the same is assessed and equalized for state and county purposes for the current year.

The limits of the tax rate and the authority to levy as set forth in this Section do not include the rate of or authority to levy taxes required for lease payments to any Public Building Commission. The tax rate necessary and the authority to levy taxes for such lease payments are in addition to such limits and are without limitation as to rate or amount.

(Source: P.A. 88-101; 89-402, eff. 8-20-95.)".

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

On motion of Senator Petka, **Senate Bill No. 2269** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Petka, **Senate Bill No. 2271** having been printed, was taken up and read by title a second time.

Senator Petka offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2271 as follows:

by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 16G-15 as follows:

(720 ILCS 5/16G-15)

Sec. 16G-15. Financial identity theft.

(a) A person commits the offense of financial identity theft when he or she knowingly uses any personal identifying information or personal identification document of another person to fraudulently obtain credit, money, goods, services, or other property ~~in the name of the other person~~.

(b) Knowledge shall be determined by an evaluation of all circumstances surrounding the use of the other person's identifying information or document.

(c) When a charge of financial identity theft of credit, money, goods, services, or other property exceeding a specified value is brought the value of the credit, money, goods, services, or other property is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(d) Sentence.

(1) Financial identity theft of credit, money, goods, services, or other property not exceeding $300 in value is a Class A misdemeanor. A person who has been previously convicted of financial identity theft of less than $300 who is convicted of a second or subsequent offense of financial identity theft of less than $300 is guilty of a Class 4 felony. A person who has been convicted of financial identity theft of less than $300 who

has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, home repair fraud, aggravated home repair fraud, or financial exploitation of an elderly or disabled person is guilty of a Class 4 felony. When a person has any such prior conviction, the information or indictment charging that person shall state the prior conviction so as to give notice of the State's intention to treat the charge as a felony. The fact of the prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during the trial.

(2) Financial identity theft of credit, money, goods, services, or other property exceeding $300 and not exceeding $2,000 in value is a Class 4 felony.

(3) Financial identity theft of credit, money, goods, services, or other property exceeding $2,000 and not exceeding $10,000 in value is a Class 3 felony.

(4) Financial identity theft of credit, money, goods, services, or other property exceeding $10,000 and not exceeding $100,000 in value is a Class 2 felony.

(5) Financial identity theft of credit, money, goods, services, or other property exceeding $100,000 in value is a Class 1 felony.

(Source: P.A. 91-517, eff. 8-13-99.)

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

On motion of Senator Philip, **Senate Bill No. 2272** 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. 2293** 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 2293 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by changing Section 30-25 as follows:

(30 ILCS 500/30-25)

Sec. 30-25. Retention of a percentage of contract price. ~~Whenever~~ Any contract entered into by the Capital Development Board a ~~construction--agency~~ for the repair, remodeling, renovation, or construction of a building or structure, for the construction or maintenance of a highway, as those terms are defined in Article 2 of the Illinois Highway Code, or for the reclamation of abandoned lands as those terms are defined in Article I of the Abandoned Mined Lands and Water Reclamation Act may provide ~~provides~~ for the retention of a percentage not to exceed 5% of the contract price until final completion and acceptance of the work., Upon the request of the contractor and with the approval of the Capital Development Board ~~construction-agency~~ the amount so retained may be deposited under a

trust agreement with an Illinois bank or financial institution of the contractor's choice and subject to the approval of the Capital Development Board ~~construction-agency~~. The contractor shall receive any interest on the deposited amount. Upon application by the contractor, the trust agreement must contain, at a minimum, the following provisions:

(1) the amount to be deposited subject to the trust;

(2) the terms and conditions of payment in case of default by the contractor;

(3) the termination of the trust agreement upon completion of the contract; and

(4) the contractor shall be responsible for obtaining the written consent of the bank trustee and for any costs or service fees.

The trust agreement may, at the discretion of the Capital Development Board ~~construction--agency~~ and upon request of the contractor, become effective at the time of the first partial payment in accordance with existing statutes and rules.
(Source: P.A. 90-572, eff. date - See Sec. 99-5.)".

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 Klemm, **Senate Bill No. 2294** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2294 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Section 7-103 and adding Section 7-103.97 as follows:

(735 ILCS 5/7-103) (from Ch. 110, par. 7-103)

Sec. 7-103. "Quick-take".

(a) This Section applies only to proceedings under this Article that are authorized in the Sections following this Section and preceding Section 7-104.

(a-5) A unit of local government that proposes to acquire property in a proceeding to which this Section applies must comply with all of the following procedures:

(1) The unit of local government must notify each owner of an interest in the property, by certified mail, of the unit of local government's intention to request approval of legislation by the General Assembly authorizing the unit of local government to acquire the property in a proceeding to which this Section applies.

(2) The unit of local government must cause notice of its intention to request authorization to acquire the property in such a proceeding to be published in a newspaper of general circulation in the territory sought to be acquired by the unit of local government.

(3) Following the notices required under paragraphs (1) and (2), the unit of local government must hold at least one public hearing, at the place where the unit of local government normally holds its business meetings, on the question of the unit of local government's acquisition of the property in a proceeding to which

this Section applies.

(4) Following the public hearing or hearings held under paragraph (3), the unit of local government must adopt, by recorded vote, a resolution to request approval of legislation by the General Assembly authorizing the unit of local government to acquire the property in a proceeding to which this Section applies. The resolution must include a statement of the time period within which the unit of local government requests authority to exercise "quick-take" powers under this Section, which may not exceed one year.

(5) Following the public hearing or hearings held under paragraph (3), and not less than 30 days following the notice to the property owner or owners required under paragraph (1), the chief elected official of the unit of local government must submit to the Chairmen and Minority Spokespersons of the appropriate Senate and House Committees a sworn, notarized affidavit that states all of the following:

(A) The legal description of the property.

(B) The street address of the property.

(C) The name of each State Senator and State Representative who represents the territory under the unit of local government's jurisdiction.

(D) The date or dates on which the unit of local government contacted each such State Senator and State Representative concerning the unit of local government's intention to request approval of legislation by the General Assembly authorizing the unit of local government to acquire the property in a proceeding to which this Section applies.

(E) The current name, address, and telephone number of each owner of an interest in the property.

(F) A summary of all negotiations between the unit of local government and the owner or owners of the property concerning the sale of the property to the unit of local government.

(G) A statement of the date and location of each public hearing held under paragraph (3).

(H) A statement of the public purpose for which the unit of local government seeks to acquire the property.

The affidavit must also contain the chief elected official's certification that (i) the property is located within the territory under the unit of local government's jurisdiction and (ii) the unit of local government seeks to acquire the property for a public purpose.

(6) Together with the affidavit submitted under paragraph (5), the chief elected official of the unit of local government must submit the following items to the Chairmen and Minority Spokespersons of the appropriate Senate and House Committees:

(A) A map of the area in which the property to be acquired is located, showing the location of the property.

(B) Photographs of the property.

(C) An appraisal of the property by a real estate appraiser who is certified or licensed under the Real Estate Appraiser Licensing Act.

(D) A copy of the resolution adopted by the unit of local government under paragraph (4).

(E) Documentation of the public purpose for which the unit of local government seeks to acquire the property.

(F) A copy of each notice sent to an owner of an interest in the property under paragraph (1) of this subsection (a-5).

(7) Every affidavit submitted by a unit of local government under this subsection (a-5), together with all documents and other items submitted with the affidavit, must be made available to any person upon request for inspection and copying.

Nothing in this subsection (a-5) applies to quick-take authority granted before the effective date of this amendatory Act of the 92nd General Assembly.

(b) In a proceeding subject to this Section, the plaintiff, at any time after the complaint has been filed and before judgment is entered in the proceeding, may file a written motion requesting that, immediately or at some specified later date, the plaintiff either be vested with the fee simple title (or such lesser estate, interest or easement, as may be required) to the real property, or specified portion thereof, which is the subject of the proceeding, and be authorized to take possession of and use such property; or only be authorized to take possession of and to use such property, if such possession and use, without the vesting of title, are sufficient to permit the plaintiff to proceed with the project until the final ascertainment of compensation; however, no land or interests therein now or hereafter owned, leased, controlled or operated and used by, or necessary for the actual operation of, any common carrier engaged in interstate commerce, or any other public utility subject to the jurisdiction of the Illinois Commerce Commission, shall be taken or appropriated hereunder by the State of Illinois, the Illinois Toll Highway Authority, the sanitary district, the St. Louis Metropolitan Area Airport Authority or the Board of Trustees of the University of Illinois without first securing the approval of such Commission.

Except as hereinafter stated, the motion for taking shall state: (1) an accurate description of the property to which the motion relates and the estate or interest sought to be acquired therein; (2) the formally adopted schedule or plan of operation for the execution of the plaintiff's project; (3) the situation of the property to which the motion relates, with respect to the schedule or plan; (4) the necessity for taking such property in the manner requested in the motion; and (5) if the property (except property described in Section 3 of the Sports Stadium Act, or property described as Site B in Section 2 of the Metropolitan Pier and Exposition Authority Act) to be taken is owned, leased, controlled or operated and used by, or necessary for the actual operation of, any interstate common carrier or other public utility subject to the jurisdiction of the Illinois Commerce Commission, a statement to the effect that the approval of such proposed taking has been secured from such Commission, and attaching to such motion a certified copy of the order of such Commission granting such approval. If the schedule or plan of operation is not set forth fully in the motion, a copy of such schedule or plan shall be attached to the motion.

(Source: P.A. 91-357, eff. 7-29-99; 91-367, eff. 7-30-99; 92-16, eff. 6-28-01.)

(735 ILCS 5/7-103.97 new)

Sec. 7-103.97. Quick-take; Village of Baylis. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 92nd General Assembly by the Village of Baylis for the acquisition of the following described property for the purpose of constructing a sewer project:

A part of the North One-Half of the Northwest Quarter of the Southeast Quarter of Section Seven (7), Township Four (4) South, Range Four (4) West of the New Salem Township, Pike County, Illinois specifically described as follows:

COMMENCING: At a point of beginning 540.35 feet South 00 degrees

33 minutes 30 seconds West of center of Section Seven (7), Township Four (4) South, Range Four (4) West of the New Salem Township, Pike County, Illinois, Thence 1,481.74 feet North 64 degrees 56 minutes 58 seconds East Thence 800.0 feet North 90 degrees 00 minutes 00 seconds West Thence 172.61 feet North 00 degrees 33 minutes 30 seconds East to the point of beginning, said area to contain 15.00 acres.

PROPOSED ACCESS RIGHT OF WAY: Fifty (50) feet wide by Three hundred eighty six and 77 hundreds feet, said area containing 0.44 Acres more or less.

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

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

On motion of Senator Rauschenberger, **Senate Bill No. 2295** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, **Senate Bill No. 2300** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, **Senate Bill No. 2311** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, **Senate Bill No. 2312** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2312 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by changing Section 2505-425 as follows:

(20 ILCS 2505/2505-425)

Sec. 2505-425. Public list of delinquent State taxes.

(a) The Director shall ~~may--annually~~ disclose a list of all taxpayers, including but not limited to individuals, trusts, partnerships, corporations, and other taxable entities, that are delinquent in the payment of tax liabilities collected by the Department. The list shall include only those taxpayers with total final liabilities for all taxes collected by the Department (including penalties and interest) in an amount greater than $1,000 (or a greater amount as established by the Department by rule) for a period of 6 months (or a longer period as established by the Department by rule) from the time that the taxes were assessed or became final, as provided in the statute imposing the tax. The list shall contain the name, address, types of taxes, month and year in which each tax liability was assessed or became final, the amount of each tax outstanding of each delinquent taxpayer.~~,-and,~~ In the case of a corporate taxpayer currently in active status with the Department or the Illinois Secretary of State, the list shall include the name of the current president of record of the corporation. In the case of a partnership, the list shall include the names of the

partners. In the case of a sole proprietorship, the list shall include the name of the sole proprietor.

(b) At least 90 days before the disclosure of the name of any delinquent taxpayer prescribed in subsection (a), the Director shall mail a written notice to each delinquent taxpayer by certified mail addressed to the delinquent taxpayer at his or her last or usual place of business or abode detailing the amount and nature of the delinquency and the intended disclosure of the delinquency. Except as provided in subsection (c), if the delinquent tax has not been paid 60 days after the notice was delivered or the Department has been notified that delivery was refused or unclaimed, ~~and the taxpayer has not, since the mailing of the notice, either entered into a written agreement with the Department for payment of the delinquency or corrected a default in an existing agreement to the satisfaction of the Director,~~ the Director ~~may~~ shall disclose the tax in the list of delinquent taxpayers.

(c) Notwithstanding the provisions of subsection (b), unpaid taxes shall not be deemed to be ~~delinquent and~~ subject to disclosure if the delinquent taxpayer has not previously had a tax delinquency as described in this Section and (i) ~~(i) a written agreement for payment exists without default between the taxpayer and the Department or (ii)~~ the tax liability is the subject of an administrative hearing, administrative review, or judicial review~~.~~; or (ii) the taxpayer enters into a written agreement with the Department for payment of the delinquency within 12 months after entering into the written agreement.

If a delinquent taxpayer whose name is not disclosed in accordance with item (ii) of this subdivision (c) is delinquent in paying a tax liability 12 months after entering into the written agreement for payment or at any time thereafter, that taxpayer shall be included in the list.

(d) The list shall be available for public inspection at the Department or by other means of publication, including the Internet.

(e) The Department shall prescribe reasonable rules for the administration and implementation of this Section.

(f) Any disclosure made by the Director in a good faith effort to comply with this Section shall not be considered a violation of any statute prohibiting disclosure of taxpayer information.

(Source: P.A. 91-239, eff. 1-1-00; 92-197, eff. 8-1-01.

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

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

On motion of Senator Philip, **Senate Bill No. 2313** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, **Senate Bill No. 2314** having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 5:40 o'clock p.m., Senator Donahue presiding.

On motion of Senator Dudycz, **Senate Bill No. 1571** 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. 1838** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1838 by replacing line 29 on page 7 through line 1 on page 8 with the following:

"sergeant, lieutenant, or captain~~, or major, or as a Special Agent, Special Agent Sergeant, Special Agent Master Sergeant, Special Agent Lieutenant, Special Agent Captain or Special Agent Major~~. The Director may use other additional designations for State Police officers to reflect special duties or training. Any individual having been promoted to the rank of major prior to the effective date of this amendatory Act of the 92nd General Assembly shall retain the rank of major until retirement, separation from service, or otherwise provided by a personnel action governed by the Department of State Police Merit Board.".

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 5:41 o'clock p.m., Senator Dudycz presiding.

On motion of Senator Philip, **Senate Bill No. 2301** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2301 by replacing the title with the following:

"AN ACT to create the Banking Development District Act."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Banking Development District Act.

Section 5. Banking development district programs. There is hereby created a banking development district program, the purpose of which is to encourage the establishment of branches in geographic locations where there is a demonstrated need for banking services. The State Treasurer shall, in consultation with the Office of Banks and Real Estate, promulgate rules, after public hearing and comment, that set forth the criteria for the establishment of banking development districts. The criteria shall include, but not be limited to, the following:

(1) the location, number, and proximity of sites where banking services are available within the district;

(2) the identification of consumer needs for banking services within the district;

(3) the economic viability and local credit needs of the community within the district;

(4) the existing commercial development within the district;

(5) the impact additional banking services would have on potential economic development in the district; and

(6) any other criteria that the State Treasurer deems appropriate.

Section 10. Definitions. For the purposes of this Act, the term "local government" means a county if in an unincorporated area or a

municipality if in an incorporated area.

The terms "alteration", "construction", "installation", and "improvement" do not include ordinary maintenance and repairs.

For the purpose of this Act, the term "bank" means a state bank, national bank, savings bank, federal savings bank, savings and loan association, federal savings and loan association, or trust company.

Section 15. Application. A local government, in conjunction with a bank, may submit an application to the State Treasurer for the designation of a banking development district. The State Treasurer shall issue a determination on the application within 60 days after receiving the application. If an application is approved, the State Treasurer shall transmit notification of the approval to the applicants, the Commissioner of the Office of Banks and Real Estate, the Governor, the State Comptroller, the Director of Commerce and Community Affairs, the President of the Senate, and the Speaker of the House of Representatives.

Section 20. Existing facilities. Notwithstanding any other provision of law, an application may be submitted by a local government in conjunction with a bank that has already opened a branch within the area of the proposed district. In considering the criteria authorized under Section 5, the Treasurer must also take into account the importance and benefits of preserving the banking services offered by the existing branch.

Section 25. Banking development districts.

(a) The general taxes and special assessments of the local government on real property that is altered, constructed, or improved for use as a branch of a bank in an area designated as a banking development district by the Treasurer, in accordance with this Act, shall be abated for a period of 10 years as provided in this Section, if the governing board of the local government imposing the taxes or special assessments, after a public hearing, adopts an ordinance or resolution providing for the abatement.

(b) Where the ordinance or resolution has been adopted, the general taxes and special assessments of the local government on real property that is used to establish a branch of a bank in a banking development district shall be abated for a period of one year in the amount of 50% of the "abatement base", determined under subsection (c) of this Section, and the abatement shall be decreased by 5% each year during the additional period. A copy of the ordinance or resolution shall be filed with the State Treasurer and the county clerk.

(c) The "abatement base" is the increase in general taxes and special assessments resulting from an increase in any assessed value attributable to the alteration, construction, installation, or improvement as determined in the initial year for which an application for the abatement is made. The following table sets forth the method of computing the abatement:

Year of abatement	Percentage of abatement
1	50
2	45
3	40
4	35
5	30
6	25
7	20
8	15
9	10
10	5

(d) No abatement may be granted under this Section, unless:

(1) the alteration, construction, installation, or

improvement commenced on or after either the date the banking development district was designated by the State Treasurer or, if specified in the ordinance or resolution adopted under subsection (a) of this Section, the effective date of the resolution or ordinance; and

(2) the property is located in a banking development district designated by the State Treasurer.

(e) The abatement may be granted only upon a written application of the owner of the real property on a form prescribed by the Treasurer. The application must be filed with the governing board of the local government no later than one year after the date of completion of the alteration, construction, installation, or improvement.

(f) If the governing board of the local government is satisfied that the applicant is entitled to an abatement under this Section, the board must approve the application and the general taxes and special assessments on the real property shall be abated as provided in this Act.

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

Senator Philip offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2301, AS AMENDED, by replacing the title with the following:

"AN ACT concerning banking."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This act may be cited as the Banking Development District Act.

Section 5. Banking development district program. There is hereby created a banking development district program, the purpose of which is to encourage the establishment of banking branches in geographic locations where there is a demonstrated need for banking services. The State Treasurer shall, in consultation with the Office of Banks and Real Estate, adopt rules in accordance with the Administrative Procedure Act that set forth the criteria for the establishment of banking development districts. The criteria shall include, but not be limited to, the following:

(1) the location, number, and proximity of sites where banking services are available within the district;

(2) the identification of consumer needs for banking services within the district;

(3) the economic viability and local credit needs of the community within the district;

(4) the existing commercial development within the district;

(5) the impact additional banking services would have on potential economic development in the district; and

(6) any other criteria that the State Treasurer deems appropriate.

Section 10. Definitions. As used in this Act:

"Improvement" does not include ordinary maintenance and repairs.

"Bank" means a state bank, national bank, savings bank, federal savings bank, savings and loan association, federal savings and loan association, or trust company.

"Local government" means a county if the proposed banking branch is in an unincorporated area or a municipality if the proposed banking branch is in an incorporated area.

Section 15. Application. The governing board of a local government, in conjunction with a bank, may submit an application to the State Treasurer for the designation of a banking development district. The boundaries of the proposed banking development district shall include property on which the bank plans to make improvements to establish a banking branch. The application shall include the legal description of the property to be designated.

The State Treasurer shall issue a determination on the application within 60 days after receiving the application. If an application is approved, the State Treasurer shall transmit notification of the approval and a copy of all application materials to the applicants, the Commissioner of the Office of Banks and Real Estate, the Governor, the State Comptroller, the Director of Commerce and Community Affairs, the President of the Senate, the Speaker of the House of Representatives, and the clerk of the county in which the property is located.

Section 20. Existing facilities. Notwithstanding any other provision of law, an application may be submitted by a local government in conjunction with a bank that has already opened a branch within the area of the proposed district. In considering the criteria authorized under Section 5, the State Treasurer must also take into account the importance and benefits of preserving the banking services offered by the existing branch.

Section 25. Abatement under the Property Tax Code. Upon designation of the banking development district by the State Treasurer, the property of a bank located within a banking development district may be eligible for a tax abatement under Section 18-167 of the Property Tax Code.

Section 905. The Property Tax Code is amended by adding Section 18-167 as follows:

(35 ILCS 200/18-167 new)

Sec. 18-167. Abatement of taxes in a banking district.

(a) Definitions. For purposes of this Section, "bank" means that term as defined in the Banking Development District Act.

(b) Any taxing district, upon a majority vote of its governing authority, may, after the determination of the assessed valuation of its property, adopt an ordinance or resolution ordering the clerk of the county or counties in which the taxing district is located to abate a portion of the taxing district's taxes on property of a bank that is used as a banking branch in an area designated as a banking development district under the Banking Development District Act. Before ordering the abatement, the taxing district must hold a public hearing regarding the proposed abatement.

(1) The base amount of the abatement shall be the taxes arising from the new improvements or the renovation or rehabilitation of existing improvements since the designation of the banking development district, based on the equalized assessed value attributable to the new improvements or the renovation or rehabilitation of existing improvements for the first year they were assessed as completed as of January 1 of that tax year. Taxes attributable to increases in assessment due to ordinary maintenance and repair shall not be abated under this Section.

A copy of an abatement order adopted under this Section shall be delivered to the county clerk and to the board of review not later than July 1 of the assessment year to be first affected by the order. If it is delivered on or after that date, it will first affect the taxes extended on the assessment of the following year. The board of review shall, in the first year of the abatement, notify the bank to be affected and the taxing district granting the abatement of the list of parcels affected

by an abatement under this Section and the assessed value attributable to the new improvements or the renovation or rehabilitation of existing improvements for the first year they were assessed as completed as of January 1 of that tax year. The affected bank or taxing district may file a complaint regarding the list of parcels and computation within 15 days after the mailing of the notification, and shall be given an opportunity to be heard. The board of review shall, in the first year of the abatement, upon delivering the assessment books to the county clerk, also deliver a list of parcels affected by an abatement under this Section and the assessed value attributable to new improvements or to the renovation or rehabilitation of existing improvements for the first year they were assessed as completed as of January 1 of that tax year.

The county clerk shall abate the base amount as follows:

YEAR OF ABATEMENT	PERCENTAGE OF BASE AMOUNT ABATED
1	50%
2	45%
3	40%
4	35%
5	30%
6	25%
7	20%
8	15%
9	10%
10	5%

(ii) The governing authority of a taxing district may abate the property taxes on a banking branch that was already in existence when the banking development district was created under the Banking Development District Act. The county clerk shall abate the taxes in an amount that shall be determined by the governing authority of the taxing district. The abatement shall not exceed a period of 10 years in duration and 50% of the taxes attributable to the improvements in amount.

(c) If property approved for an abatement under this Section ceases to be used as a banking branch, that property is no longer eligible for abatement of taxes. If an abatement is discontinued under this Section, the taxing district shall notify the county clerk of the discontinuation in writing no later than July 1 of the assessment year to be first affected by the change. If an abatement of taxes is again allowed under this Section for the same property, the property shall be eligible for only that portion of the abatement not already used.

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 numbered 1 and 2, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

SENATE BILLS RECALLED

On motion of Senator Rauschenberger, **Senate Bill No. 1565** 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 1565, on page 2, line 11, after "the", by inserting "purchase and installation of any energy efficiency measure having a financial payback of no more than 7 years, including but not limited to the".

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 Rauschenberger, **Senate Bill No. 1569** 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 Rauschenberger offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 1569, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 3, line 25 by replacing "utilities" with "municipalities, utilities"; and
on page 3, line 29, by replacing "subsection." with "subsection; provided, however, proprietary or confidential information shall not be disclosed publicly.".

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

Senator Rauschenberger offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend Senate Bill 1569, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 3, line 10 by replacing "organizations" with "organizations and through aggregation of consumer purchases of electricity from renewable energy sources".

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 Philip, **Senate Bill No. 1583** was recalled from the order of third reading to the order of second reading.

Senator Philip offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1583, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 21, after "person", by inserting "on active duty"; and
on page 2, line 12, by changing "60" to "30"; and
on page 2, by replacing lines 16 through 18 with the following:

"(d) For purposes of this Section, the term "active duty" means: (i) when used in reference to the Illinois National Guard, a period

of active duty in excess of 30"; and
on page 2, by replacing lines 22 through 24 with the following:
"of this State; and (ii) when used in reference to federal military personnel, the same thing as "military service" as defined in".

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. 1637** 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 1637 by replacing everything after the enacting clause with the following:
"Section 5. The Telephone Solicitations Act is amended by changing Section 25 as follows:
(815 ILCS 413/25)
Sec. 25. Violations.
(a) It is a violation of this Act to make or cause to be made telephone calls to any emergency telephone number as defined in Section 5 of this Act. It is a violation of this Act to make or cause to be made telephone calls in a manner that does not comply with Section 15. It is a violation of this Act to make or cause to be made a telephone solicitation call to any cellular phone unless the solicitor knows that the person receiving the call will not have to pay any charges or fees for receiving the call.
(b) It is a violation of this Act to continue with a solicitation placed by a live operator without the consent of the called party.
(c) It is an unlawful act or practice and a violation of this Act for any person engaged in telephone solicitation to obtain or submit for payment a check, draft, or other form of negotiable paper drawn on a person's checking, savings, or other account or on a bond without the person's express written consent.
(d) Enforcement by customer. Any customer injured by a violation of this Act may bring an action for the recovery of damages. Judgment may be entered for 3 times the amount at which the actual damages are assessed, plus costs and reasonable attorney fees.
(e) Enforcement by Attorney General. Violation of any of the provisions of this Act is an unlawful practice under Section 2Z of the Consumer Fraud and Deceptive Business Practices Act. All remedies, penalties, and authority granted to the Attorney General by that Act shall be available to him for the enforcement of this Act. In any action brought by the Attorney General to enforce this Act, the court may order that persons who incurred actual damages be awarded the amount at which actual damages are assessed.
(Source: P.A. 91-182, eff. 1-1-00; 91-761, eff. 1-1-01.)
Section 99. Effective date. This Act takes effect on January 1, 2003.".

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.

READING A BILL OF THE SENATE A THIRD TIME

On motion of Senator Rauschenberger, **Senate Bill No. 1645**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

The following voted in the affirmative:

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

[Apr. 3, 2002]

Weaver
Welch
Woolard
Mr. President

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

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

SENATE BILLS RECALLED

On motion of Senator Cullerton, **Senate Bill No. 1666** 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 1666, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 15-10, 21-310, 21-315, 21-320, 21-325, 21-330, and 21-335 and by adding Section 21-251 as follows:

(35 ILCS 200/15-10)

Sec. 15-10. Exempt property; procedures for certification. All property granted an exemption by the Department pursuant to the requirements of Section 15-5 and described in the Sections following Section 15-30 and preceding Section 16-5, to the extent therein limited, is exempt from taxation. In order to maintain that exempt status, the titleholder or the owner of the beneficial interest of any property that is exempt must file with the chief county assessment officer, on or before January 31 of each year (May 31 in the case of property exempted by Section 15-170), an affidavit stating whether there has been any change in the ownership or use of the property or the status of the owner-resident, or that a disabled veteran who qualifies under Section 15-165 owned and used the property as of January 1 of that year. The nature of any change shall be stated in the affidavit. Failure to file an affidavit shall, in the discretion of the assessment officer, constitute cause to terminate the exemption of that property, notwithstanding any other provision of this Code. Owners of 5 or more such exempt parcels within a county may file a single annual affidavit in lieu of an affidavit for each parcel. The assessment officer, upon request, shall furnish an affidavit form to the owners, in which the owner may state whether there has been any change in the ownership or use of the property or status of the owner or resident as of January 1 of that year. The owner of 5 or more exempt parcels shall list all the properties giving the same information for each parcel as required of owners who file individual affidavits.

However, titleholders or owners of the beneficial interest in any property exempted under any of the following provisions are not required to submit an annual filing under this Section:

(1) Section 15-45 (burial grounds) in counties of less than 3,000,000 inhabitants and owned by a not-for-profit organization.

(2) Section 15-40.

(3) Section 15-50 (United States property).

~~(4) As is otherwise provided in Sections 15-170 and 15-175 (senior and general homestead exemptions).~~

If there is a change in use or ownership, however, notice must be filed pursuant to Section 15-20.

Annual application for homestead exemptions shall be filed as provided in Section 15-170 (senior citizens homestead exemption), Section 15-172 (senior citizens assessment freeze homestead exemption), and Section 15-175 (general homestead exemption), respectively.

(Source: P.A. 92-333, eff. 8-10-01.)

(35 ILCS 200/21-251 new)

Sec. 21-251. Registry of owners of certificates of purchase.

(a) The county clerk of each county shall create and maintain a registry system that permanently records the names, addresses, and telephone numbers of owners or assignees of certificates of purchase issued pursuant to any tax sale conducted under this Code. The registry may consist of a single record or a combination of records maintained in paper or electronic form and may include copies of records kept by the county treasurer for other purposes, all to be used as the county clerk deems appropriate to carry out the purposes of this Section. The information in the registry shall be made available to the public.

(b) The county clerk of each county is authorized to promulgate reasonable rules, procedures, and forms for purposes of creating and maintaining the registry and for access to the registry information by members of the public. In counties with 3,000,000 or more inhabitants, any owner of a certificate of purchase pursuant to assignment may elect whether to register that assignment as provided in this Section, but all owners of certificates of purchase shall be subject to the provisions of subsection (d) of this Section. In counties with less than 3,000,000 inhabitants, the county clerk shall provide by rule whether registration of assignments of certificates of purchase shall be elective or mandatory.

(c) The owner of a certificate of purchase pursuant to assignment, in order to register that assignment, shall submit to the county clerk the owner's name, address, and telephone number in accordance with any rules, procedures, and forms promulgated by the clerk. Any registered owner of a certificate of purchase may update the registration at any time without charge by submitting to the county clerk any lawful change of name, address, or telephone number.

(d) If notice is required to be given to the owner of the certificate of purchase in any proceeding, whether judicial or administrative, affecting a tax sale conducted under any provision of this Code, the notice may be directed to the most recent owner of the certificate of purchase appearing in the county clerk's registry under this Section. Any notice that has been directed as provided in this Section shall be conclusively presumed to be properly directed to the owner of the certificate of purchase for all purposes related to the proceeding in which the notice is given. No objection or assertion by any assignee of a certificate of purchase in any proceeding shall be heard on grounds that a notice to the tax purchaser was misdirected, unless that assignee's current and lawful name, address, and telephone number were submitted to the county clerk's registry at the time of the notice in question.

(e) The county clerk may assess an automation fee of no more than $10 to be paid by the owner of the certificate of purchase for each assignment of the certificate that is registered under this Section. The fee shall be collected in the same manner as other fees and costs and shall be held by the county clerk in a fund for purposes of automating his or her office. The fee provided for under this Section shall not be chargeable to the cost of redemption under Section 21-355 nor shall it be posted under Section 21-360 of this

Code.

(35 ILCS 200/21-310)

Sec. 21-310. Sales in error.

(a) When, upon application of the county collector, the owner of the certificate of purchase, or a municipality which owns or has owned the property ordered sold, it appears to the satisfaction of the court which ordered the property sold that any of the following subsections are applicable, the court shall declare the sale to be a sale in error:

(1) the property was not subject to taxation, or all or any part of the lien of taxes sold has become null and void pursuant to Section 21-95 or unenforceable pursuant to subsection (c) of Section 18-250 or subsection (b) of Section 22-40,

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

(3) there is a double assessment,

(4) the description is void for uncertainty,

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

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

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

(7) the property is owned by the United States, the State of Illinois, a municipality, or a taxing district.

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

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

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

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

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

(c) When the county collector discovers, within one year after the date of sale if taxes were sold at an annual tax sale or within 180 days after the date of sale if taxes were sold at a scavenger tax

sale, that a tax sale should not have occurred for one or more of the reasons set forth in subdivision (a)(1), (a)(2), (a)(6), or (a)(7) of this Section, the county collector shall notify the last known owner of the certificate of purchase by certified and regular mail, or other means reasonably calculated to provide actual notice, that the county collector intends to declare an administrative sale in error and of the reasons therefor, including documentation sufficient to establish the reason why the sale should not have occurred. The owner of the certificate of purchase may object in writing within 28 days after the date of the mailing by the county collector. If an objection is filed, the county collector shall not administratively declare a sale in error, but may apply to the circuit court for a sale in error as provided in subsection (a) of this Section. Thirty days following the receipt of notice by the last known owner of the certificate of purchase, or within a reasonable time thereafter, the county collector shall make a written declaration, based upon clear and convincing evidence, that the taxes were sold in error and shall deliver a copy thereof to the county clerk within 30 days after the date the declaration is made for entry in the tax judgment, sale, redemption, and forfeiture record pursuant to subsection (d) of this Section. The county collector shall promptly notify the last known owner of the certificate of purchase of the declaration by regular mail and shall promptly pay the amount of the tax sale, together with interest and costs as provided in Section 21-315, upon surrender of the original certificate of purchase.

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

(Source: P.A. 91-177, eff. 1-1-00; 91-357, eff. 7-29-99; 91-924, eff. 1-1-01; 92-224, eff. 1-1-02.)

(35 ILCS 200/21-315)

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

(a) If ~~The court which orders~~ a sale in error under Section 21-310, 22-35, or 22-50 is declared, the amount refunded shall also include ~~award a refund of~~ all costs paid by the owner of the certificate of purchase or his or her assignor which were posted to the tax judgment, sale, redemption and forfeiture record.

(b) In those cases which arise solely under grounds set forth in Section 21-310, the amount refunded ~~court~~ shall also include ~~award~~ interest on the refund of the amount paid for the certificate of purchase, except as otherwise provided in this Section. Interest shall be awarded and paid to the tax purchaser at the rate of 1% per month from the date of sale to the date of payment, or in an amount equivalent to the penalty interest which would be recovered on a redemption at the time of payment pursuant to the order for sale in error, whichever is less. Interest shall not be paid when the sale in error is made pursuant to paragraph (2) or (4) of subsection (b) of Section 21-310, Section 22-35, Section 22-50, any ground not enumerated in Section 21-310, or in any other case where the court determines that the tax purchaser had actual knowledge prior to the sale of the grounds on which the sale is declared to be erroneous.

(c) When the county collector files a petition for sale in error under Section 21-310 and mails a notice thereof by certified or registered mail to the last known owner of the certificate of

purchase ~~tax--purchaser~~, any interest otherwise payable under this Section shall cease to accrue as of the date the petition is filed, unless the tax purchaser agrees to an order for sale in error upon the presentation of the petition to the court. Notices under this subsection may be mailed to the last known ~~original~~ owner of the certificate of purchase~~,-or-to-the-latest-assignee,-if--known~~. When the owner of the certificate of purchase contests the collector's petition solely to determine whether the grounds for sale in error are such as to support a claim for interest, the court may direct that the principal amount of the refund be paid to the owner of the certificate of purchase forthwith. If the court thereafter determines that a claim for interest lies under this Section, it shall award such interest from the date of sale to the date the principal amount was paid.
(Source: P.A. 92-224, eff. 1-1-02.)

(35 ILCS 200/21-320)

Sec. 21-320. Refund of other taxes paid by holder of certificate of purchase. If a sale in error under Section 21-310, 22-35, or 22-50 is declared, the amount refunded shall also include ~~The-court-which orders-a-sale-in-error-shall-order-the-refund-of-all~~ other taxes paid or redeemed by the owner of the certificate of purchase or his or her assignor subsequent to the tax sale, together with interest on those other taxes under the same terms as interest is otherwise payable under Section 21-315. The interest under this subsection shall be calculated at the rate of 1% per month from the date the other taxes were paid and not from the date of sale. The collector shall take credit in settlement of his or her accounts for the refund of the other taxes as in other cases of sale in error under Section 21-310.
(Source: P.A. 92-224, eff. 1-1-02.)

(35 ILCS 200/21-325)

Sec. 21-325. ~~Orders--for~~ Payment of interest - Counties of 3,000,000 or more. In counties with 3,000,000 or more inhabitants, all payments ~~orders-for-payment~~ of interest or costs under Sections 21-315 and 21-320 and subsection (c) of Section 21-310 shall be paid as provided in Sections 21-330, 21-335 and 21-340. In all other counties, the county treasurer may determine in his or her discretion whether payment of interest and costs shall be made as provided in Sections 21-330, 21-335 and 21-340. In the other counties, where the treasurer determines not to make payment as provided in those subsections, the treasurer shall pay any interest or costs ~~awarded~~ under this Section pro rata from those accounts where the principal refund of the tax sale purchase price under Section 21-310 is taken.
(Source: P.A. 86-286; 86-415; 87-669; 88-455.)

(35 ILCS 200/21-330)

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

All sums of money received under this Section shall be paid by the collector to the county treasurer of the county in which the property is situated for deposit into a special fund. It shall be the duty of the county treasurer, as trustee of the fund, to invest the principal and income of the fund from time to time, if not

immediately required for payments under this Section, in investments as are authorized by Sections 3-10009 and 3-11002 of the Counties Code. The fund shall be held to pay ~~satisfy orders for payment of~~ interest and costs by ~~obtained against~~ the county treasurer as trustee of the fund. No payment shall be made from the fund except by order of the court declaring a sale in error under Section 21-310, 22-35, or 22-50 or by declaration of the county collector under subsection (c) of Section 21-310. Any moneys accumulated in the fund by the county treasurer in excess of $500,000 shall be paid each year prior to the commencement of the annual tax sale, first to satisfy any existing unpaid judgments entered pursuant to Section 21-295, and any funds remaining thereafter shall be paid to the general fund of the county.

(Source: P.A. 92-224, eff. 1-1-02.)

(35 ILCS 200/21-335)

Sec. 21-335. Claims for interest and costs. Any person claiming interest or costs under Sections 21-315 through 21-330 shall include the claim in his or her petition for sale in error under Section 21-310, 22-35, or 22-50. Any claim for interest or costs which is not included in the petition is waived~~.; except~~ Interest or costs may be awarded, however, to the extent permitted by this Section upon a sale in error petition filed by the county collector or municipality or upon a declaration by the county collector pursuant to subsection (c) of Section 21-310, without requiring a separate filing by the claimant. Any refund of ~~order for~~ interest or costs upon the petition for sale in error or upon a declaration by the county collector pursuant to subsection (c) of Section 21-310 shall be paid by ~~deemed to be entered against~~ the county treasurer as trustee of the fund created by this Section. The fund shall be the sole source for payment and satisfaction of orders for interest or costs, except as otherwise provided in this subsection. If the court determines that the fund has been depleted and will not be restored in time to pay an award with reasonable promptness, the court may authorize the collector to pay the interest portion of the award pro rata from those accounts where the principal refund of the tax sale purchase price under Section 21-310 is taken.

(Source: P.A. 92-224, eff. 1-1-02.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Floor Amendment No. 4 was held in the Committee on Revenue.

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

On motion of Senator Burzynski, **Senate Bill No. 1688** was recalled from the order of third reading to the order of second reading.

Senator Burzynski offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1688, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.13 and adding Section 4.23 as follows:

(5 ILCS 80/4.13) (from Ch. 127, par. 1904.13)

Sec. 4.13. Acts repealed on December 31, 2002. The following Acts are repealed on December 31, 2002:

The Environmental Health Practitioner Licensing Act.
The Naprapathic Practice Act.
The Wholesale Drug Distribution Licensing Act.
~~The Dietetic and Nutrition Practice Act.~~
The Funeral Directors and Embalmers Licensing Code.
The Professional Counselor and Clinical Professional Counselor Licensing Act.
(Source: P.A. 88-45; 89-61, eff. 6-30-95; revised 8-22-01.)

(5 ILCS 80/4.23 new)

Sec. 4.23. Act repealed on January 1, 2013. The following Act is repealed on January 1, 2013:

The Dietetic and Nutrition Services Practice Act.

Section 10. The Dietetic and Nutrition Services Practice Act is amended by changing Sections 10, 15, 15.5, 20, 30, 40, 45, 65, 70, 75, 80, and 95 and adding Section 56 as follows:

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

(Section scheduled to be repealed on December 31, 2002)

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

"Board" means the Dietitian Nutritionist ~~Dietetic and Nutrition Services~~ Practice Board appointed by the Director.

"Department" means the Department of Professional Regulation.

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

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

~~"Licensed dietitian" means a person licensed under Section 45 of this Act to practice dietetics. Activities of a licensed dietitian do not include the medical differential diagnoses of the health status of an individual.~~

~~"Licensed nutrition counselor" means a person licensed under Section 50 of this Act to provide any aspect of nutrition services as defined in this Act. Activities of a licensed nutrition counselor do not include medical nutrition care as defined in this Act or the medical differential diagnoses of the health status of an individual.~~

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

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

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

(b) food and prescription drug interactions; and

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

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

"Nutrition assessment" means the evaluation of the nutrition needs of individuals or groups using appropriate data to determine

nutrient needs or status and make appropriate nutrition recommendations.

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

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

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

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

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

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

"Registered dietitian" means an individual registered with the Commission on Dietetic Registration, the accrediting body for the American Dietetic Association.

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

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

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

(Section scheduled to be repealed on December 31, 2002)

Sec. 15. License required.

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

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

(2) The person is licensed to practice nutrition under the law of another state, territory of the United States, or country and has applied in writing to the Department in form and substance satisfactory to the Department for a license as a dietitian nutritionist until (i) the expiration of 6 months after filing the written application, (ii) the withdrawal of the application, or (iii) the denial of the application by the Department.

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

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

(2) The person is a dietary technical support person, working in a hospital setting or a regulated Department of Public Health or Department on Aging facility or program, who has been trained and is supervised while engaged in the practice of dietetics by a licensed dietitian nutritionist in accordance with

this Act and whose services are retained by that facility or program on a full time or regular, ongoing consultant basis.

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

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

(Source: P.A. 89-474, eff. 6-18-96.)

(225 ILCS 30/15.5)

(Section scheduled to be repealed on December 31, 2002)

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

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

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

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

(Source: P.A. 89-474, eff. 6-18-96.)

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

(Section scheduled to be repealed on December 31, 2002)

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

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

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

(c) The practice of nutrition services by a person employed as a cooperative extension home economist, to the extent the activities are part of his or her employment.

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

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

(f) A person from providing oral nutrition information as an operator or employee of a health food store or business that sells health products, including dietary supplements, food, or food

materials, or disseminating written nutrition information in connection with the marketing and distribution of those products.

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

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

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

(j) Any person certified in this State and who is employed by a facility or program regulated by the State of Illinois from engaging in the practice for which he or she is certified and authorized by the Department.

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

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

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

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

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

(Section scheduled to be repealed on December 31, 2002)

Sec. 30. Practice Board. The Director shall appoint a Dietitian Nutritionist ~~Dietetic and Nutrition Services~~ Practice Board as follows: 7 ~~Seven~~ individuals who shall be appointed by and shall serve in an advisory capacity to the Director. Of these 7 individuals, 4 members must be licensed under this Act ~~and currently engaged in the practice of dietetics or nutrition services in the State of Illinois and must have been doing so for a minimum of 3 years, 2 of whom shall be licensed dietitians who are not also licensed as nutrition counselors under this Act and 2 of whom shall be licensed nutrition counselors who are not also licensed dietitians under this Act~~; one member must be a physician licensed to practice medicine in all of its branches; one member must be a licensed professional nurse; and one member must be a public member not

licensed under this Act.

Members shall serve 3 year terms and until their successors are appointed and qualified, except the terms of the initial appointments. ~~The initial appointments shall be served as follows: 2 members shall be appointed to serve for one year, 2 shall be appointed to serve for 2 years, and the remaining members shall be appointed to serve for 3 years and until their successors are appointed and qualified.~~ No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 8 years. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. Initial terms shall begin upon the effective date of this Act and Board members in office on that date shall be appointed to specific terms as indicated in this Section.

The membership of the Board shall reasonably represent all the geographic areas in this State. Any time there is a vacancy on the Board, any professional association composed of persons licensed under this Act may recommend licensees to fill the vacancy to the Board for the appointment of licensees, the organization representing the largest number of licensed physicians for the appointment of physicians to the Board, and the organization representing the largest number of licensed professional nurses for the appointment of a nurse to the Board.

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

The Director shall have the authority to remove any member of the Board from office for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.

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

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

(225 ILCS 30/40) (from Ch. 111, par. 8401-40)

(Section scheduled to be repealed on December 31, 2002)

Sec. 40. Examinations. The Department shall authorize examinations of applicants <u>for a license under this Act</u> ~~as dietitians or nutrition counselors~~ at the times and places that it may determine. The examination of applicants shall be of a character to give a fair test of the qualifications of the applicant to practice dietetics and nutrition services. The Department or its designated testing service shall provide initial screening to determine eligibility of applicants for examination.

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

If an applicant neglects, fails, or refuses to take an examination or fails to pass an examination for a license under this Act within 3 years after filing an application, the application shall be denied. However, the applicant may thereafter make a new application accompanied by the required fee and shall meet the requirements for licensure in force at the time of making the new application.

The Department may employ consultants for the purpose of

preparing and conducting examinations.
(Source: P.A. 87-784; 87-1000.)

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

(Section scheduled to be repealed on December 31, 2002)

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

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

(b) Has successfully completed the examination authorized by the Department which may be or may include an examination given by the Commission on Dietetic Registration.

The Department shall establish by rule a waiver of the examination requirement to applicants who, at the time of application, are acknowledged to be registered dietitians by the Commission on Dietetic Registration and who are in compliance with other qualifications as included in the Act.

(c) Has completed a dietetic internship or documented, supervised practice experience in dietetics and nutrition services of not less than 900 hours under the supervision of a registered dietitian or a licensed dietitian nutritionist, a State licensed healthcare practitioner, or an individual with a doctoral degree conferred by a U.S. regionally accredited college or university with a major course of study in human nutrition, nutrition education, food and nutrition, dietetics or food systems management. Supervised practice experience must be completed in the United States or its territories. Supervisors who obtained their doctoral degree outside the United States and its territories must have their degrees validated as equivalent to the doctoral degree conferred by a U.S. regionally accredited college or university.
(Source: P.A. 87-784; 87-1000.)

(225 ILCS 30/56 new)

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

Sec. 56. Transition. Beginning November 1, 2003, the Department shall cease to issue a license as a dietitian or a nutrition counselor. Any person holding a valid license as a dietitian or nutrition counselor prior to November 1, 2003 and having met the conditions for renewal of a license under Section 65 of this Act, shall be issued a license as a dietitian nutritionist under this Act and shall be subject to continued regulation by the Department under this Act. The Department may adopt rules to implement this Section.

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

(Section scheduled to be repealed on December 31, 2002)

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

As a condition for renewal of a license that expires on October 31, 2003, a licensed nutrition counselor shall be required to complete and submit to the Department proof of 30 hours of continuing education in dietetics or nutrition services during the 24 months preceding the expiration date of the license in accordance with rules established by the Department. A minimum of 24 hours of the required 30 hours of continuing education shall be in medical nutrition

therapy, which shall include diet therapy, medical dietetics, clinical nutrition, or the equivalent, as provided by continuing education sponsors approved by the Department. The Department may adopt rules to implement this Section.

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

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

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

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

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

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

(Section scheduled to be repealed on December 31, 2002)

Sec. 70. Inactive status; restoration. Any person who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of the desires to resume active status.

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

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

~~nutrition counselor.~~

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

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

(225 ILCS 30/75) (from Ch. 111, par. 8401-75)

(Section scheduled to be repealed on December 31, 2002)

Sec. 75. Endorsement. The Department may license as a dietitian nutritionist ~~or nutrition counselor~~, without examination, on payment of required fee, an applicant who is a dietitian, dietitian nutritionist, nutritionist, or nutrition counselor licensed under the laws of another state, territory, or country, if the requirements for licensure in the state, territory, or country in which the applicant was licensed were, at the date of his or her licensure, substantially equal to the requirements of this Act.

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

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

(Section scheduled to be repealed on December 31, 2002)

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

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

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

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

A licensee shall include in every advertisement for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act.

~~(a) Only a person who is issued a license as a dietitian under this Act may use the words "licensed dietitian" or the letters "L.D." in connection with his or her name. A person who meets the additional criteria for registration by the Commission on Dietetic Registration for the American Dietetic Association may assume or use the title or designation "Registered Dietitian" or "Registered Dietician", or use the letters "R.D." or any words, letters, abbreviations, or insignia indicating that the person is a registered dietitian.~~

~~(b) Only a person who is issued a license as a nutrition counselor under the terms of this Act may use the letters "L.N.C." or the words "licensed nutrition counselor" in connection with his or her name.~~

~~(c) A licensee shall include in every advertisement for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act.~~

(Source: P.A. 91-310, eff. 1-1-00.)

[Apr. 3, 2002]

(225 ILCS 30/95) (from Ch. 111, par. 8401-95)
(Section scheduled to be repealed on December 31, 2002)
Sec. 95. Grounds for discipline.
(1) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department may deem proper, including fines not to exceed $1000 for each violation, with regard to any license or certificate for any one or combination of the following causes:

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

(b) Violations of this Act or its rules.

(c) Conviction of any crime under the laws of the United States or any state or territory thereof that is (i) a felony; (ii) a misdemeanor, an essential element of which is dishonesty; or (iii) a crime that is directly related to the practice of the profession.

(d) Making any misrepresentation for the purpose of obtaining licensure or violating any provision of this Act.

(e) Professional incompetence or gross negligence.

(f) Malpractice.

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

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

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

(j) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety.

(k) Discipline by another state, territory, or country if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(l) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered.

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

(n) Conviction by any court of competent jurisdiction, either within or outside this State, of any violation of any law governing the practice of dietetics or nutrition counseling, if the Department determines, after investigation, that the person has not been sufficiently rehabilitated to warrant the public trust.

(o) A finding that licensure has been applied for or obtained by fraudulent means.

(p) Practicing or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.

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

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

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

(2) In enforcing this Section, the Board, upon a showing of a possible violation, may compel a licensee or applicant to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physician shall be specifically designated by the Board. The Board or the Department may order the examining physician to present testimony concerning the mental or physical examination of a licensee or applicant. No information may be excluded by reason of any common law or statutory privilege relating to communications between a licensee or applicant and the examining physician. An individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of an individual to submit to a mental or physical examination, when directed, is grounds for suspension of his or her license. The license must remain suspended until the time that the individual submits to the examination or the Board finds, after notice and a hearing, that the refusal to submit to the examination was with reasonable cause. If the Board finds that an individual is unable to practice because of the reasons set forth in this Section, the Board must require the individual to submit to care, counseling, or treatment by a physician approved by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice. In lieu of care, counseling, or treatment, the Board may recommend that the Department file a complaint to immediately suspend or revoke the license of the individual or otherwise discipline him or her. Any individual whose license was granted, continued, reinstated, or renewed subject to conditions, terms, or restrictions, as provided for in this Section, or any individual who was disciplined or placed on supervision pursuant to this Section must be referred to the Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Board.

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

The determination by a circuit court that a registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. This suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Director that the registrant be allowed to resume practice.
(Source: P.A. 87-784; 87-1000.)

(225 ILCS 30/50 rep.)

(225 ILCS 30/60 rep.)

Section 90. The Dietetic and Nutrition Services Practice Act is amended by repealing Sections 50 and 60.

Section 99. Effective date. This Section, Section 5, and Sections 56 and 65 of the Dietetic and Nutrition Practice Act take effect upon becoming law. All of the other provisions take effect October 31, 2003.".

The motion prevailed.

[Apr. 3, 2002]

And the amendment was adopted and ordered printed.

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

READING A BILL OF THE SENATE A THIRD TIME

On motion of Senator del Valle, **Senate Bill No. 1717**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith

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

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

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

SENATE BILLS RECALLED

On motion of Senator Obama, **Senate Bill No. 1782** was recalled from the order of third reading to the order of second reading.

Senator Obama offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1782, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Department of Human Services Act is amended by adding Section 10-7 as follows:

(20 ILCS 1305/10-7 new)

Sec. 10-7. Postpartum depression.

(a) The Department shall develop and distribute a brochure or other information about the signs, symptoms, screening or detection techniques, and care for postpartum depression, including but not limited to methods for patients and family members to better understand the nature and causes of postpartum depression in order to lower the likelihood that new mothers will continue to suffer from this illness. This brochure shall be developed in conjunction with the Illinois State Medical Society, the Illinois Society for Advanced Practice Nursing, and any other appropriate statewide organization of licensed professionals.

(b) The brochure required under subsection (a) of this Section shall be distributed, at a minimum, to physicians licensed to practice medicine in all its branches, certified nurse midwives, and other health care professionals who provide care to pregnant women in the hospital, office, or clinic.

(c) The Secretary may contract with a statewide organization of physicians licensed to practice medicine in all its branches for the purposes of this Section.".

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 Smith, **Senate Bill No. 1795** was recalled

from the order of third reading to the order of second reading.

Senator Smith offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1795 on page 2, by replacing lines 11 and 12 with the following:

"(3) When the school bus is parked.".

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.

READING A BILL OF THE SENATE A THIRD TIME

On motion of Senator T. Walsh, **Senate Bill No. 1849**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker

Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Sullivan
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

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

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

SENATE BILLS RECALLED

On motion of Senator Sieben, **Senate Bill No. 1880** 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. 2

AMENDMENT NO. 2. Amend Senate Bill 1880, on page 3, after line 14, by inserting the following:

"9.5. Propane delivery trucks;".

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. 1882** was recalled from the order of third reading to the order of second reading.

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1882 on page 2, by replacing lines 11 through 14 with the following:

"The bond required by this Section may be acquired from the company, agent or broker of the contractor's choice. Except in a political subdivision of this State with a population over 1,000,000, the form of the bond may be, at the contractor's choosing, a cash bond, letter of credit, or surety bond. The bond and sureties".

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 Karpiel, **Senate Bill No. 1909** was recalled from the order of third reading to the order of second reading.

Senator Karpiel offered the following amendment:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 1909, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-15 as follows:

(235 ILCS 5/6-15) (from Ch. 43, par. 130)

Sec. 6-15. No alcoholic liquors shall be sold or delivered in any building belonging to or under the control of the State or any political subdivision thereof except as provided in this Act. The corporate authorities of any city, village, incorporated town or township may provide by ordinance, however, that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the control of the municipality or township, or in any building located on land under the control of the municipality; provided that such township complies with all applicable local ordinances in any incorporated area of the township. Alcoholic liquors may be delivered to and sold at any airport belonging to or under the control of a municipality of more than 25,000 inhabitants, or in any building or on any golf course owned by a park district organized under the Park District Code, subject to the approval of the governing board of the district, or in any building or on any golf course owned by a forest preserve district organized under the Downstate Forest Preserve District Act, subject to the approval of the governing board of the district, or on the grounds within 500 feet of any building owned by a forest preserve district organized under the Downstate Forest Preserve District Act during times when food is dispensed for consumption within 500 feet of the building from which the food is dispensed, subject to the approval of the governing board of the district, or in a building owned by a Local Mass Transit District organized under the Local Mass Transit District Act, subject to the approval of the governing Board of the District, or in Bicentennial Park, or on the premises of the City of Mendota Lake Park located adjacent to Route 51 in Mendota, Illinois, or on the premises of Camden Park in Milan, Illinois, or in the community center owned by the City of Loves Park that is located at 1000 River Park Drive in Loves Park, Illinois, or, in connection with the operation of an established food serving facility during times when food is dispensed for consumption on the premises, and at the following aquarium and museums located in public parks: Art Institute of Chicago, Chicago Academy of Sciences, Chicago Historical Society, Field Museum of Natural History, Museum of Science and Industry, DuSable Museum of African American History, John G. Shedd Aquarium and Adler Planetarium, or at Lakeview Museum of Arts and Sciences in Peoria, or in connection with the operation of the facilities of the Chicago Zoological Society or the Chicago Horticultural Society on land owned by the Forest Preserve District of Cook County, or on any land used for a golf course or for recreational purposes owned by the Forest Preserve District of Cook County, subject to the control of the Forest Preserve District Board of Commissioners and applicable local law, provided that dram shop

liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage, and harm, or in any building located on land owned by the Chicago Park District if approved by the Park District Commissioners, or on any land used for a golf course or for recreational purposes and owned by the Illinois International Port District if approved by the District's governing board, or at any airport, golf course, faculty center, or facility in which conference and convention type activities take place belonging to or under control of any State university or public community college district, provided that with respect to a facility for conference and convention type activities alcoholic liquors shall be limited to the use of the convention or conference participants or participants in cultural, political or educational activities held in such facilities, and provided further that the faculty or staff of the State university or a public community college district, or members of an organization of students, alumni, faculty or staff of the State university or a public community college district are active participants in the conference or convention, or in Memorial Stadium on the campus of the University of Illinois at Urbana-Champaign during games in which the Chicago Bears professional football team is playing in that stadium during the renovation of Soldier Field, not more than one and a half hours before the start of the game and not after the end of the third quarter of the game, or by a catering establishment which has rented facilities from a board of trustees of a public community college district, or, if approved by the District board, on land owned by the Metropolitan Sanitary District of Greater Chicago and leased to others for a term of at least 20 years. Nothing in this Section precludes the sale or delivery of alcoholic liquor in the form of original packaged goods in premises located at 500 S. Racine in Chicago belonging to the University of Illinois and used primarily as a grocery store by a commercial tenant during the term of a lease that predates the University's acquisition of the premises; but the University shall have no power or authority to renew, transfer, or extend the lease with terms allowing the sale of alcoholic liquor; and the sale of alcoholic liquor shall be subject to all local laws and regulations. After the acquisition by Winnebago County of the property located at 404 Elm Street in Rockford, a commercial tenant who sold alcoholic liquor at retail on a portion of the property under a valid license at the time of the acquisition may continue to do so for so long as the tenant and the County may agree under existing or future leases, subject to all local laws and regulations regarding the sale of alcoholic liquor. Each facility shall provide dram shop liability in maximum insurance coverage limits so as to save harmless the State, municipality, State university, airport, golf course, faculty center, facility in which conference and convention type activities take place, park district, Forest Preserve District, public community college district, aquarium, museum, or sanitary district from all financial loss, damage or harm. Alcoholic liquors may be sold at retail in buildings of golf courses owned by municipalities in connection with the operation of an established food serving facility during times when food is dispensed for consumption upon the premises. Alcoholic liquors may be delivered to and sold at retail in any building owned by a fire protection district organized under the Fire Protection District Act, provided that such delivery and sale is approved by the board of trustees of the district, and provided further that such delivery and sale is limited to fundraising events and to a maximum of 6 events per year.

Alcoholic liquor may be delivered to and sold at retail in the Dorchester Senior Business Center owned by the Village of Dolton if

the alcoholic liquor is sold or dispensed only in connection with organized functions for which the planned attendance is 20 or more persons, and if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in maximum limits so as to hold harmless the Village of Dolton and the State from all financial loss, damage and harm.

Alcoholic liquors may be delivered to and sold at retail in any building used as an Illinois State Armory provided:

(i) the Adjutant General's written consent to the issuance of a license to sell alcoholic liquor in such building is filed with the Commission;

(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

(iii) the organized function is one for which the planned attendance is 25 or more persons; and

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to save harmless the facility and the State from all financial loss, damage or harm.

Alcoholic liquors may be delivered to and sold at retail in the Chicago Civic Center, provided that:

(i) the written consent of the Public Building Commission which administers the Chicago Civic Center is filed with the Commission;

(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

(iii) the organized function is one for which the planned attendance is 25 or more persons;

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to hold harmless the Civic Center, the City of Chicago and the State from all financial loss, damage or harm; and

(v) all applicable local ordinances are complied with.

Alcoholic liquors may be delivered or sold in any building belonging to or under the control of any city, village or incorporated town where more than 75% of the physical properties of the building is used for commercial or recreational purposes, and the building is located upon a pier extending into or over the waters of a navigable lake or stream or on the shore of a navigable lake or stream. Alcoholic liquor may be sold in buildings under the control of the Department of Natural Resources when written consent to the issuance of a license to sell alcoholic liquor in such buildings is filed with the Commission by the Department of Natural Resources. Notwithstanding any other provision of this Act, alcoholic liquor sold by a United States Army Corps of Engineers or Department of Natural Resources concessionaire who was operating on June 1, 1991 for on-premises consumption only is not subject to the provisions of Articles IV and IX. Beer and wine may be sold on the premises of the Joliet Park District Stadium owned by the Joliet Park District when written consent to the issuance of a license to sell beer and wine in such premises is filed with the local liquor commissioner by the Joliet Park District. Beer and wine may be sold in buildings on the grounds of State veterans' homes when written consent to the issuance of a license to sell beer and wine in such buildings is filed with the Commission by the Department of Veterans' Affairs, and the facility shall provide dram shop liability in maximum insurance coverage limits so as to save the facility harmless from all financial loss, damage or harm. Such liquors may be delivered to and sold at any property owned or held under lease by a Metropolitan Pier

and Exposition Authority or Metropolitan Exposition and Auditorium Authority.

Beer and wine may be sold and dispensed at professional sporting events and at professional concerts and other entertainment events conducted on premises owned by the Forest Preserve District of Kane County, subject to the control of the District Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage and harm.

Nothing in this Section shall preclude the sale or delivery of beer and wine at a State or county fair or the sale or delivery of beer or wine at a city fair in any otherwise lawful manner.

Alcoholic liquors may be sold at retail in buildings in State parks under the control of the Department of Natural Resources, provided:

a. the State park has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Department of Natural Resources, and

c. the alcoholic liquors are sold by the State park lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight. Notwithstanding any other provision of this Act, alcoholic liquor sold by the State park or restaurant concessionaire is not subject to the provisions of Articles IV and IX.

Alcoholic liquors may be sold at retail in buildings on properties under the control of the Historic Preservation Agency provided:

a. the property has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Historic Preservation Agency, and

c. the alcoholic liquors are sold by the lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight.

The sale of alcoholic liquors pursuant to this Section does not authorize the establishment and operation of facilities commonly called taverns, saloons, bars, cocktail lounges, and the like except as a part of lodge and restaurant facilities in State parks or golf courses owned by Forest Preserve Districts with a population of less than 3,000,000 or municipalities or park districts.

Alcoholic liquors may be sold at retail in the Springfield Administration Building of the Department of Transportation and the Illinois State Armory in Springfield; provided, that the controlling government authority may consent to such sales only if

a. the request is from a not-for-profit organization;

b. such sales would not impede normal operations of the departments involved;

c. the not-for-profit organization provides dram shop liability in maximum insurance coverage limits and agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm;

d. no such sale shall be made during normal working hours of the State of Illinois; and

e. the consent is in writing.

Alcoholic liquors may be sold at retail in buildings in recreational areas of river conservancy districts under the control of, or leased from, the river conservancy districts. Such sales are subject to reasonable local regulations as provided in Article IV; however, no such regulations may prohibit or substantially impair the sale of alcoholic liquors on Sundays or Holidays.

Alcoholic liquors may be provided in long term care facilities owned or operated by a county under Division 5-21 or 5-22 of the Counties Code, when approved by the facility operator and not in conflict with the regulations of the Illinois Department of Public Health, to residents of the facility who have had their consumption of the alcoholic liquors provided approved in writing by a physician licensed to practice medicine in all its branches.

Alcoholic liquors may be delivered to and dispensed in State housing assigned to employees of the Department of Corrections. No person shall furnish or allow to be furnished any alcoholic liquors to any prisoner confined in any jail, reformatory, prison or house of correction except upon a physician's prescription for medicinal purposes.

Alcoholic liquors may be sold at retail or dispensed at the Willard Ice Building in Springfield, at the State Library in Springfield, and at Illinois State Museum facilities by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the controlling government authority, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the controlling government authority;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at authorized functions.

The controlling government authority for the Willard Ice Building in Springfield shall be the Director of the Department of Revenue. The controlling government authority for Illinois State Museum facilities shall be the Director of the Illinois State Museum. The controlling government authority for the State Library in Springfield shall be the Secretary of State.

Alcoholic liquors may be delivered to and sold at retail or dispensed at any facility, property or building under the jurisdiction of the Historic Preservation Agency where the delivery, sale or dispensing is by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from a controlling government authority, or by (2) a not-for-profit organization provided that such organization:

a. Obtains written consent from the controlling government authority;

b. Sells or dispenses the alcoholic liquors in a manner

that does not impair normal workings of State offices or operations located at the facility, property or building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity of the not-for-profit organization in the facility, property or building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

The controlling government authority for the Historic Preservation Agency shall be the Director of the Historic Preservation Agency.

Alcoholic liquors may be sold at retail or dispensed at the James R. Thompson Center in Chicago and 222 South College Street in Springfield, Illinois by (1) a commercial tenant or subtenant conducting business on the premises under a lease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who sells or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify and save harmless the State of Illinois from all financial loss, damage or harm arising out of the sale or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold or delivered at any facility owned by the Illinois Sports Facilities Authority provided that dram shop liability insurance has been made available in a form, with such coverage and in such amounts as the Authority reasonably determines is necessary.

Alcoholic liquors may be sold at retail or dispensed at the Rockford State Office Building by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Department of Central Management Services, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Department of Central Management Services.

Alcoholic liquors may be sold or delivered in a building that is owned by McLean County, situated on land owned by the county in the City of Bloomington, and used by the McLean County Historical Society if the sale or delivery is approved by an ordinance adopted by the county board, and the municipality in which the building is located may not prohibit that sale or delivery, notwithstanding any other provision of this Section. The regulation of the sale and delivery of alcoholic liquor in a building that is owned by McLean County, situated on land owned by the county, and used by the McLean County Historical Society as provided in this paragraph is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to regulate that sale and delivery.

Alcoholic liquors may be sold or delivered in any building situated on land held in trust for any school district organized under Article 34 of the School Code, if the building is not used for school purposes and if the sale or delivery is approved by the board of education.

Alcoholic liquors may be sold or delivered in buildings owned by the Community Building Complex Committee of Boone County, Illinois if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance with coverage and in amounts that the Committee reasonably determines are necessary.

Alcoholic liquors may be sold or delivered in the building located at 1200 Centerville Avenue in Belleville, Illinois and occupied by either the Belleville Area Special Education District or the Belleville Area Special Services Cooperative.

(Source: P.A. 91-239, eff. 1-1-00; 91-922, eff. 7-7-00; 92-512, eff. 1-1-02.)

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

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

The motion to table prevailed.

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

On motion of Senator Molaro, **Senate Bill No. 1917** was recalled from the order of third reading to the order of second reading.

Senator Molaro offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1917 as follows:
on page 1, line 23, by replacing "a proceeding" with "proceeding".

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 Sullivan, **Senate Bill No. 1926** was recalled from the order of third reading to the order of second reading.

Senator Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1926 on page 1, by replacing line 1 with the following:

"AN ACT concerning identification."; and

on page 1, below line 3, by inserting the following:

"Section 3. The Illinois Identification Card Act is amended by changing Section 4 as follows:

(15 ILCS 335/4) (from Ch. 124, par. 24)

Sec. 4. Identification Card.

(a) The Secretary of State shall issue a standard Illinois Identification Card to any natural person who is a resident of the State of Illinois who applies for such card, or renewal thereof, or who applies for a standard Illinois Identification Card upon release as a committed person on parole, mandatory supervised release, final discharge, or pardon from the Department of Corrections by submitting an identification card issued by the Department of Corrections under Section 3-14-1 of the Unified Code of Corrections, together with the prescribed fees. The card shall be prepared and supplied by the Secretary of State and shall include a photograph of the applicant. The applicant, upon receipt of a card and prior to its use for any purpose, shall affix his signature thereon in the space provided therefor. The Illinois Identification Card may be used for identification purposes in any lawful situation only by the person to whom it was issued. As used in this Act, "photograph" means any color photograph or digitally produced and captured image of an applicant for an identification card. As used in this Act, "signature" means the name of a person as written by that person and captured in a manner acceptable to the Secretary of State.

(b) The Secretary of State shall issue a special Illinois Identification Card, which shall be known as an Illinois Disabled Person Identification Card, to any natural person who is a resident of the State of Illinois, who is a disabled person as defined in Section 4A of this Act, who applies for such card, or renewal thereof. The Secretary of State shall charge no fee to issue such card. The card shall be prepared and supplied by the Secretary of State, and shall include a photograph of the applicant, a designation indicating that the card is an Illinois Disabled Person Identification Card, and shall include a comprehensible designation of the type and classification of the applicant's disability as set out in Section 4A of this Act. If the applicant so requests, the card shall include a description of the applicant's disability and any information about the applicant's disability or medical history which the Secretary determines would be helpful to the applicant in securing emergency medical care. The applicant, upon receipt of such a card and prior to its use for any purpose, shall have affixed thereon in the space provided therefor his signature or mark. If a mark is used in lieu of a signature, such mark shall be affixed to the card in the presence of two witnesses who attest to the authenticity of the mark. The Illinois Disabled Person

Identification Card may be used for identification purposes in any lawful situation by the person to whom it was issued.

The Illinois Disabled Person Identification Card may be used as adequate documentation of disability in lieu of a physician's determination of disability or any other documentation of disability whenever any State law requires that a disabled person provide such documentation of disability, however an Illinois Disabled Person Identification Card shall not qualify the cardholder to participate in any program or to receive any benefit which is not available to all persons with like disabilities. Notwithstanding any other provisions of law, an Illinois Disabled Person Identification Card, or evidence that the Secretary of State has issued an Illinois Disabled Person Identification Card, shall not be used by any person other than the person named on such card to prove that the person named on such card is a disabled person or for any other purpose unless the card is used for the benefit of the person named on such card, and the person named on such card consents to such use at the time the card is so used.

When medical information is contained on an Illinois Disabled Person Identification Card, the Office of the Secretary of State shall not be liable for any actions taken based upon that medical information.

(c) Beginning January 1, 1986, the Secretary of State shall provide that each original or renewal Illinois Identification Card or Illinois Disabled Person Identification Card issued to a person under the age of 21, shall be of a distinct nature from those Illinois Identification Cards or Illinois Disabled Person Identification Cards issued to individuals 21 years of age or older. The color designated for Illinois Identification Cards or Illinois Disabled Person Identification Cards for persons under the age of 21 shall be at the discretion of the Secretary of State.

(c-1) Beginning January 1, 2003, each original or renewal Illinois Identification Card or Illinois Disabled Person Identification Card issued to a person under the age of 21 shall display the date upon which the person becomes 18 years of age and the date upon which the person becomes 21 years of age.

(d) The Secretary of State may issue a Senior Citizen discount card, to any natural person who is a resident of the State of Illinois who is 60 years of age or older and who applies for such a card or renewal thereof. The Secretary of State shall charge no fee to issue such card. The card shall be issued in every county and applications shall be made available at, but not limited to, nutrition sites, senior citizen centers and Area Agencies on Aging. The applicant, upon receipt of such card and prior to its use for any purpose, shall have affixed thereon in the space provided therefor his signature or mark.

(Source: P.A. 92-240, eff. 1-1-02.)"; and

on page 4, line 12, by replacing "July" with "January"; and

on page 4, line 13, by replacing "2002" with "2003".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING A BILL OF THE SENATE A THIRD TIME

On motion of Senator Cullerton, **Senate Bill No. 1927**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver

Welch
Woolard
Mr. President

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

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

SENATE BILLS RECALLED

On motion of Senator Roskam, **Senate Bill No. 1936** 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 1936, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, on page 3, line 30, by inserting "who is 21 years of age or older" after "Card".

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 Welch, **Senate Bill No. 1968** was recalled from the order of third reading to the order of second reading.

Senator Welch offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1968, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, on page 39, in line 15, after the period, by inserting "In the case of a site investigation report prepared or supervised by a Licensed Professional Geologist, the required certification may be made by the Licensed Professional Geologist (rather than a Licensed Professional Engineer) and based upon generally accepted principles of professional geology.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Dillard, **Senate Bill No. 1972** 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. 1

AMENDMENT NO. 1. Amend Senate Bill 1972 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Sections

7-19, 7-46, 7-47, 7-49, 7-52, 7-53, 7-54, 7-55, 7-66, 15-6, 16-11, 17-9, 17-43, 18-5, 18-40, 19-2.1, 19-7, 19-8, 19-9, 19-10, 19-12.2, 19-15, 20-2, 20-2.1, 20-2.2, 20-7, 20-8, 20-9, and 20-15 and by adding Article 24C as follows:

(10 ILCS 5/7-19) (from Ch. 46, par. 7-19)

Sec. 7-19. Arrangement and printing of primary ballot. The primary ballot of each political party for each precinct shall be arranged and printed substantially in the manner following:

1. Designating words. At the top of the ballot shall be printed in large capital letters, words designating the ballot, if a Republican ballot, the designating words shall be: "REPUBLICAN PRIMARY BALLOT"; if a Democratic ballot the designating words shall be: "DEMOCRATIC PRIMARY BALLOT"; and in like manner for each political party.

2. Order of Names, Directions to Voters, etc. Beginning not less than one inch below designating words, the name of each office to be filled shall be printed in capital letters. Such names may be printed on the ballot either in a single column or in 2 or more columns and in the following order, to-wit:

President of the United States, State offices, congressional offices, delegates and alternate delegates to be elected from the State at large to National nominating conventions, delegates and alternate delegates to be elected from congressional districts to National nominating conventions, member or members of the State central committee, trustees of sanitary districts, county offices, judicial officers, city, village and incorporated town offices, town offices, or of such of the said offices as candidates are to be nominated for at such primary, and precinct, township or ward committeemen. If two or more columns are used, the foregoing offices to and including member of the State central committee shall be listed in the left-hand column and Senatorial offices, as defined in Section 8-3, shall be the first offices listed in the second column.

Below the name of each office shall be printed in small letters the directions to voters: "Vote for one"; "Vote for two"; "Vote for three"; or a spelled number designating how many persons under that head are to be voted for.

Next to the name of each candidate for delegate or alternate delegate to a national nominating convention shall appear either (a) the name of the candidate's preference for President of the United States or the word "uncommitted" or (b) no official designation, depending upon the action taken by the State central committee pursuant to Section 7-10.3 of this Act.

Below the name of each office shall be printed in capital letters the names of all candidates, arranged in the order in which their petitions for nominations were filed, except as otherwise provided in Sections 7-14 and 7-17 of this Article. Opposite and in front of the name of each candidate shall be printed a square and all squares upon the primary ballot shall be of uniform size. Spaces between the names of candidates under each office shall be uniform and sufficient spaces shall separate the names of candidates for one office from the names of candidates for another office, to avoid confusion and to permit the writing in of the names of other candidates.

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

(Source: P.A. 83-33.)

(10 ILCS 5/7-46) (from Ch. 46, par. 7-46)

Sec. 7-46. Voting of ballot; writing in names. On receiving from the primary judges a primary ballot of his party, the primary elector

shall forthwith and without leaving the polling place, retire alone to one of the voting booths and prepare such primary ballot by marking a cross (X) in the square in front of and opposite the name of each candidate of his choice for each office to be filled, and for delegates and alternate delegates to national nominating conventions, and for committeemen, if committeemen are being elected at such primary.

Any primary elector may, instead of voting for any candidate for nomination or for committeeman or for delegate or alternate delegate to national nominating conventions, whose name is printed on the primary ballot, write in the name of any other person affiliated with such party as a candidate for the nomination for any office, or for committeeman, or for delegates or alternate delegates to national nominating conventions, and indicate his choice of such candidate or committeeman or delegate or alternate delegate, by placing to the left of and opposite the name thus written a square and placing in the square a cross (X).

Where voting machines~~,~~ ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article ~~section~~ may be modified as required or authorized by Article 24~~,~~ ~~or~~ Article 24A, or Article 24C, whichever is applicable.
(Source: Laws 1965, p. 2220.)

(10 ILCS 5/7-47) (from Ch. 46, par. 7-47)

Sec. 7-47. Folding and delivery of ballot; entry in poll book. Before leaving the booth, the primary elector shall fold his primary ballot in such manner as to conceal the marks thereon. Such voter shall then vote forthwith by handing the primary judge the primary ballot received by such voter. Thereupon the primary judge shall deposit such primary ballot in the ballot box. One of the judges shall thereupon enter in the primary poll book the name of the primary elector, his residence and his party affiliation or shall make the entries on the official poll record as required by articles 4, 5 and 6, if any one of them is applicable.

Where voting machines~~,~~ ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article ~~section~~ may be modified as required or authorized by Article 24~~,~~ ~~or~~ Article 24A, or Article 24C, whichever is applicable.
(Source: Laws 1965, p. 2220.)

(10 ILCS 5/7-49) (from Ch. 46, par. 7-49)

Sec. 7-49. No adjournment or recess after opening of polls. After the opening of the polls at a primary no adjournment shall be had nor recess taken until the canvass of all the votes is completed and the returns carefully enveloped and sealed.

Where voting machines~~,~~ ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article ~~section~~ may be modified as required or authorized by Article 24~~,~~ ~~or~~ Article 24A, or Article 24C, whichever is applicable.
(Source: Laws 1965, p. 2220.)

(10 ILCS 5/7-52) (from Ch. 46, par. 7-52)

Sec. 7-52. Precinct canvass of votes. Immediately upon closing the polls, the primary judges shall proceed to canvass the votes in the manner following:

(1) They shall separate and count the ballots of each political party.

(2) They shall then proceed to ascertain the number of names entered on the applications for ballot under each party affiliation.

(3) If the primary ballots of any political party exceed the number of applications for ballot by voters of such political party, the primary ballots of such political party shall be folded and replaced in the ballot box, the box closed, well shaken and again

opened and one of the primary judges, who shall be blindfolded, shall draw out so many of the primary ballots of such political party as shall be equal to such excess. Such excess ballots shall be marked "Excess-Not Counted" and signed by a majority of the judges and shall be placed in the "After 6:00 p.m. Defective Ballots Envelope". The number of excess ballots shall be noted in the remarks section of the Certificate of Results. "Excess" ballots shall not be counted in the total of "defective" ballots;

(4) The primary judges shall then proceed to count the primary ballots of each political party separately; and as the primary judges shall open and read the primary ballots, 3 of the judges shall carefully and correctly mark upon separate tally sheets the votes which each candidate of the party whose name is written or printed on the primary ballot has received, in a separate column for that purpose, with the name of such candidate, the name of his political party and the name of the office for which he is a candidate for nomination at the head of such column.

Where voting machines~~,~~ ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article ~~section~~ may be modified as required or authorized by Article 24~~,~~ ~~or~~ Article 24A, or Article 24C, whichever is applicable.

(Source: P.A. 80-484.)

(10 ILCS 5/7-53) (from Ch. 46, par. 7-53)

Sec. 7-53. Tally sheets; certificate of results. As soon as the ballots of a political party shall have been read and the votes of the political party counted, as provided in the last above Section, the 3 judges in charge of the tally sheets shall foot up the tally sheets so as to show the total number of votes cast for each candidate of the political party and for each candidate for State Central committeeman and precinct committeeman, township committeeman or ward committeeman, and delegate and alternate delegate to National nominating conventions, and certify the same to be correct. Thereupon, the primary judges shall set down in a certificate of results on the tally sheet, under the name of the political party, the name of each candidate voted for upon the primary ballot, written at full length, the name of the office for which he is a candidate for nomination or for committeeman, or delegate or alternate delegate to National nominating conventions, the total number of votes which the candidate received, and they shall also set down the total number of ballots voted by the primary electors of the political party in the precinct. The certificate of results shall be made substantially in the following form:

..... Party

At the primary election held in the .... precinct of the (1) *township of ...., or (2) *City of ...., or (3) *.... ward in the city of .... on (insert date), the primary electors of the .... party voted .... ballots, and the respective candidates whose names were written or printed on the primary ballot of the .... party, received respectively the following votes:

Name of Candidate,	Title of Office,	No. of Votes
John Jones	Governor	100
Sam Smith	Governor	70
Frank Martin	Attorney General	150
William Preston	Rep. in Congress	200
Frederick John	Circuit Judge	50

*Fill in either (1), (2) or (3).

And so on for each candidate.

We hereby certify the above and foregoing to be true and correct.

Dated (insert date).

.....
Name Address
.....
Name Address
.....
Name Address
.....
Name Address
.....
Name Address

Judges of Primary

Where voting machines~~,~~ ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article ~~Section~~ may be modified as required or authorized by Article 24~~,~~ ~~and~~ Article 24A, or Article 24C, whichever is applicable.
(Source: P.A. 91-357, eff. 7-29-99.)

(10 ILCS 5/7-54) (from Ch. 46, par. 7-54)

Sec. 7-54. Binding and sealing ballots; report of results. After the votes of a political party have been counted and set down and the tally sheets footed and the entry made in the primary poll books or return, as above provided, all the primary ballots of said political party, except those marked "defective" or "objected to" shall be securely bound, lengthwise and in width, with a soft cord having a minimum tensile strength of 60 pounds separately for each political party in the order in which said primary ballots have been read, and shall thereupon be carefully sealed in an envelope, which envelope shall be endorsed as follows:

"Primary ballots of the.... party of the.... precinct of the county of.... and State of Illinois."

Below each endorsement, each primary judge shall write his name.

Immediately thereafter the judges shall designate one of their number to go to the nearest telephone and report to the office of the county clerk or board of election commissioners (as the case may be) the results of such primary. Such clerk or board shall keep his or its office open after the close of the polls until he or it has received from each precinct under his or its jurisdiction the report above provided for. Immediately upon receiving such report such clerk or board shall cause the same to be posted in a public place in his or its office for inspection by the public. Immediately after making such report such judge shall return to the polling place.

Where voting machines~~,~~ ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article ~~section~~ may be modified as required or authorized by Article 24~~,~~ ~~or~~ Article 24A, or Article 24C, whichever is applicable.
(Source: P.A. 81-1433.)

(10 ILCS 5/7-55) (from Ch. 46, par. 7-55)

Sec. 7-55. Delivery and acceptance of election materials. The primary poll books or the official poll record, and the tally sheets with the certificates of the primary judges written thereon, together with the envelopes containing the ballots, including the envelope containing the ballots marked "defective" or "objected to", shall be carefully enveloped and sealed up together, properly endorsed, and the primary judges shall elect 2 judges (one from each of the major political parties), who shall immediately deliver the same to the clerk from whom the primary ballots were obtained, which clerk shall safely keep the same for 2 months, and thereafter shall safely keep the poll books until the next primary. Each election authority shall keep the office of the election authority, or any receiving stations designated by such authority, open for at least 12 consecutive hours after the polls close, or until the judges of each precinct under the

jurisdiction of the election authority have delivered to the election authority all the above materials sealed up together and properly endorsed as provided herein. Materials delivered to the election authority which are not in the condition required by this Section shall not be accepted by the election authority until the judges delivering the same make and sign the necessary corrections. Upon acceptance of the materials by the election authority, the judges delivering the same shall take a receipt signed by the election authority and stamped with the time and date of such delivery. The election judges whose duty it is to deliver any materials as above provided shall, in the event such materials cannot be found when needed, on proper request, produce the receipt which they are to take as above provided.

The county clerk or board of election commissioners shall deliver a copy of each tally sheet to the county chairmen of the two largest political parties.

Where voting machines~~,~~ ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article ~~section~~ may be modified as required or authorized by Article 24~~,~~ ~~and~~ Article 24A, or Article 24C, whichever is applicable.
(Source: P.A. 83-764.)

(10 ILCS 5/7-66)

Sec. 7-66. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 7, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.
(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/15-6)

Sec. 15-6. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 15, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.
(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/16-11)

Sec. 16-11. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 16, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

Sec. 17-9. Any person desiring to vote shall give his name and, if required to do so, his residence to the judges of election, one of whom shall thereupon announce the same in a loud and distinct tone of voice, clear, and audible; the judges of elections shall check each application for ballot against the list of voters registered in that precinct to whom absentee ballots have been issued for that election, which shall be provided by the election authority and which list shall be available for inspection by pollwatchers. A voter applying to vote in the precinct on election day whose name appears on the list as having been issued an absentee ballot shall not be permitted to vote in the precinct unless that voter submits to the judges of election, ~~for cancellation or revocation,~~ his absentee ballot. In the case that the voter's absentee ballot is not present in the polling place, it shall be sufficient for any such voter to submit to the judges of election in lieu of his absentee ballot, either a portion of such ballot if torn or mutilated, or an affidavit executed before the judges of election specifying that the voter never received an absentee ballot, ~~or an affidavit executed before the judges of election specifying that the voter desires to cancel or revoke any absentee ballot that may have been cast in the voter's name~~. All applicable provisions of Articles 4, 5 or 6 shall be complied with and if such name is found on the register of voters by the officer having charge thereof, he shall likewise repeat said name, and the voter shall be allowed to enter within the proximity of the voting booths, as above provided. One of the judges shall give the voter one, and only one of each ballot to be voted at the election, on the back of which ballots such judge shall indorse his initials in such manner that they may be seen when each such ballot is properly folded, and the voter's name shall be immediately checked on the register list. In those election jurisdictions where perforated ballot cards are utilized of the type on which write-in votes can be cast above the perforation, the election authority shall provide a space both above and below the perforation for the judge's initials, and the judge shall endorse his or her initials in both spaces. Whenever a proposal for a constitutional amendment or for the calling of a constitutional convention is to be voted upon at the election, the separate blue ballot or ballots pertaining thereto shall, when being handed to the voter, be placed on top of the other ballots to be voted at the election in such manner that the legend appearing on the back thereof, as prescribed in Section 16-6 of this Act, shall be plainly visible to the voter. At all elections, when a registry may

be required, if the name of any person so desiring to vote at such election is not found on the register of voters, he or she shall not receive a ballot until he or she shall have complied with the law prescribing the manner and conditions of voting by unregistered voters. If any person desiring to vote at any election shall be challenged, he or she shall not receive a ballot until he or she shall have established his right to vote in the manner provided hereinafter; and if he or she shall be challenged after he has received his ballot, he shall not be permitted to vote until he or she has fully complied with such requirements of the law upon being challenged. Besides the election officer, not more than 2 voters in excess of the whole number of voting booths provided shall be allowed within the proximity of the voting booths at one time. The provisions of this Act, so far as they require the registration of voters as a condition to their being allowed to vote shall not apply to persons otherwise entitled to vote, who are, at the time of the election, or at any time within 60 days prior to such election have been engaged in the military or naval service of the United States, and who appear personally at the polling place on election day and produce to the judges of election satisfactory evidence thereof, but such persons, if otherwise qualified to vote, shall be permitted to vote at such election without previous registration.

All such persons shall also make an affidavit which shall be in substantially the following form:

State of Illinois,)
) ss.
County of .....)

..... Precinct ..... Ward

I, ..., do solemnly swear (or affirm) that I am a citizen of the United States, of the age of 18 years or over, and that within the past 60 days prior to the date of this election at which I am applying to vote, I have been engaged in the .... (military or naval) service of the United States; and I am qualified to vote under and by virtue of the Constitution and laws of the State of Illinois, and that I am a legally qualified voter of this precinct and ward except that I have, because of such service, been unable to register as a voter; that I now reside at .... (insert street and number, if any) in this precinct and ward; that I have maintained a legal residence in this precinct and ward for 30 days and in this State 30 days next preceding this election.

.....

Subscribed and sworn to before me on (insert date).

.....
Judge of Election.

The affidavit of any such person shall be supported by the affidavit of a resident and qualified voter of any such precinct and ward, which affidavit shall be in substantially the following form:

State of Illinois,)
) ss.
County of .....)

..... Precinct ..... Ward

I, ..., do solemnly swear (or affirm), that I am a resident of this precinct and ward and entitled to vote at this election; that I am acquainted with .... (name of the applicant); that I verily believe him to be an actual bona fide resident of this precinct and ward and that I verily believe that he or she has maintained a legal residence therein 30 days and in this State 30 days next preceding this election.

.....

Subscribed and sworn to before me on (insert date).

.....
Judge of Election.

All affidavits made under the provisions of this Section shall be enclosed in a separate envelope securely sealed, and shall be transmitted with the returns of the elections to the county clerk or to the board of election commissioners, who shall preserve the said affidavits for the period of 6 months, during which period such affidavits shall be deemed public records and shall be freely open to examination as such.

(Source: P.A. 91-357, eff. 7-29-99.)

(10 ILCS 5/17-43)

Sec. 17-43. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 17, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

Sec. 18-5. Questioning of person desiring to vote; receipt of ballots. Any person desiring to vote and whose name is found upon the register of voters by the person having charge thereof, shall then be questioned by one of the judges as to his nativity, his term of residence at present address, precinct, State and United States, his age, whether naturalized and if so the date of naturalization papers and court from which secured, and he shall be asked to state his residence when last previously registered and the date of the election for which he then registered. The judges of elections shall check each application for ballot against the list of voters registered in that precinct to whom absentee ballots have been issued for that election, which shall be provided by the election authority and which list shall be available for inspection by pollwatchers. A voter applying to vote in the precinct on election day whose name appears on the list as having been issued an absentee ballot shall not be permitted to vote in the precinct unless that voter submits to the judges of election, ~~for cancellation or revocation,~~ his absentee ballot. In the case that the voter's absentee ballot is not present in the polling place, it shall be sufficient for any such voter to submit to the judges of election in lieu of his absentee ballot, either a portion of such ballot if torn or mutilated, or an affidavit executed before the judges of election specifying that the voter never received an absentee ballot, ~~or an affidavit executed before the judges of election specifying that the voter desires to cancel or revoke any absentee ballot that may have been cast in the voter's name~~. If such person so registered shall be challenged as disqualified, the party challenging shall assign his reasons therefor, and thereupon one of the judges shall administer to him an oath to answer questions, and if he shall take the oath he shall then be questioned by the judge or judges touching such cause of

challenge, and touching any other cause of disqualification. And he may also be questioned by the person challenging him in regard to his qualifications and identity. But if a majority of the judges are of the opinion that he is the person so registered and a qualified voter, his vote shall then be received accordingly. But if his vote be rejected by such judges, such person may afterward produce and deliver an affidavit to such judges, subscribed and sworn to by him before one of the judges, in which it shall be stated how long he has resided in such precinct, and state; that he is a citizen of the United States, and is a duly qualified voter in such precinct, and that he is the identical person so registered. In addition to such an affidavit, the person so challenged shall provide to the judges of election proof of residence by producing 2 forms of identification showing the person's current residence address, provided that such identification to the person at his current residence address and postmarked not earlier than 30 days prior to the date of the election, or the person shall procure a witness personally known to the judges of election, and resident in the precinct (or district), or who shall be proved by some legal voter of such precinct or district, known to the judges to be such, who shall take the oath following, viz:

I do solemnly swear (or affirm) that I am a resident of this election precinct (or district), and entitled to vote at this election, and that I have been a resident of this State for 30 days last past, and am well acquainted with the person whose vote is now offered; that he is an actual and bona fide resident of this election precinct (or district), and has resided herein 30 days, and as I verily believe, in this State, 30 days next preceding this election.

The oath in each case may be administered by one of the judges of election, or by any officer, resident in the precinct or district, authorized by law to administer oaths. Also supported by an affidavit by a registered voter residing in such precinct, stating his own residence, and that he knows such person; and that he does reside at the place mentioned and has resided in such precinct and state for the length of time as stated by such person, which shall be subscribed and sworn to in the same way. Whereupon the vote of such person shall be received, and entered as other votes. But such judges, having charge of such registers, shall state in their respective books the facts in such case, and the affidavits, so delivered to the judges, shall be preserved and returned to the office of the commissioners of election. Blank affidavits of the character aforesaid shall be sent out to the judges of all the precincts, and the judges of election shall furnish the same on demand and administer the oaths without criticism. Such oaths, if administered by any other officer than such judge of election, shall not be received. Whenever a proposal for a constitutional amendment or for the calling of a constitutional convention is to be voted upon at the election, the separate blue ballot or ballots pertaining thereto shall be placed on top of the other ballots to be voted at the election in such manner that the legend appearing on the back thereof, as prescribed in Section 16-6 of this Act, shall be plainly visible to the voter, and in this fashion the ballots shall be handed to the voter by the judge.

The voter shall, upon quitting the voting booth, deliver to one of the judges of election all of the ballots, properly folded, which he received. The judge of election to whom the voter delivers his ballots shall not accept the same unless all of the ballots given to the voter are returned by him. If a voter delivers less than all of the ballots given to him, the judge to whom the same are offered shall advise him in a voice clearly audible to the other judges of

election that the voter must return the remainder of the ballots. The statement of the judge to the voter shall clearly express the fact that the voter is not required to vote such remaining ballots but that whether or not he votes them he must fold and deliver them to the judge. In making such statement the judge of election shall not indicate by word, gesture or intonation of voice that the unreturned ballots shall be voted in any particular manner. No new voter shall be permitted to enter the voting booth of a voter who has failed to deliver the total number of ballots received by him until such voter has returned to the voting booth pursuant to the judge's request and again quit the booth with all of the ballots required to be returned by him. Upon receipt of all such ballots the judges of election shall enter the name of the voter, and his number, as above provided in this section, and the judge to whom the ballots are delivered shall immediately put the ballots into the ballot box. If any voter who has failed to deliver all the ballots received by him refuses to return to the voting booth after being advised by the judge of election as herein provided, the judge shall inform the other judges of such refusal, and thereupon the ballot or ballots returned to the judge shall be deposited in the ballot box, the voter shall be permitted to depart from the polling place, and a new voter shall be permitted to enter the voting booth.

The judge of election who receives the ballot or ballots from the voter shall announce the residence and name of such voter in a loud voice. The judge shall put the ballot or ballots received from the voter into the ballot box in the presence of the voter and the judges of election, and in plain view of the public. The judges having charge of such registers shall then, in a column prepared thereon, in the same line of, the name of the voter, mark "Voted" or the letter "V".

No judge of election shall accept from any voter less than the full number of ballots received by such voter without first advising the voter in the manner above provided of the necessity of returning all of the ballots, nor shall any such judge advise such voter in a manner contrary to that which is herein permitted, or in any other manner violate the provisions of this section; provided, that the acceptance by a judge of election of less than the full number of ballots delivered to a voter who refuses to return to the voting booth after being properly advised by such judge shall not be a violation of this Section.

(Source: P.A. 89-653, eff. 8-14-96.)

(10 ILCS 5/18-40)

Sec. 18-40. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 18, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

Sec. 19-2.1. At the consolidated primary, general primary, consolidated, and general elections, electors entitled to vote by absentee ballot under the provisions of Section 19-1 may vote in person at the office of the municipal clerk, if the elector is a resident of a municipality not having a board of election commissioners, or at the office of the township clerk or, in counties not under township organization, at the office of the road district clerk if the elector is not a resident of a municipality; provided, in each case that the municipal, township or road district clerk, as the case may be, is authorized to conduct in-person absentee voting pursuant to this Section. Absentee voting in such municipal and township clerk's offices under this Section shall be conducted from the 22nd day through the day before the election.

Municipal and township clerks (or road district clerks) who have regularly scheduled working hours at regularly designated offices other than a place of residence and whose offices are open for business during the same hours as the office of the election authority shall conduct in-person absentee voting for said elections. Municipal and township clerks (or road district clerks) who have no regularly scheduled working hours but who have regularly designated offices other than a place of residence shall conduct in-person absentee voting for said elections during the hours of 8:30 a.m. to 4:30 p.m. or 9:00 a.m. to 5:00 p.m., weekdays, and 9:00 a.m. to 12:00 noon on Saturdays, but not during such hours as the office of the election authority is closed, unless the clerk files a written waiver with the election authority not later than July 1 of each year stating that he or she is unable to conduct such voting and the reasons therefor. Such clerks who conduct in-person absentee voting may extend their hours for that purpose to include any hours in which the election authority's office is open. Municipal and township clerks (or road district clerks) who have no regularly scheduled office hours and no regularly designated offices other than a place of residence may not conduct in-person absentee voting for said elections. The election authority may devise alternative methods for in-person absentee voting before said elections for those precincts located within the territorial area of a municipality or township (or road district) wherein the clerk of such municipality or township (or road district) has waived or is not entitled to conduct such voting. In addition, electors may vote by absentee ballot under the provisions of Section 19-1 at the office of the election authority having jurisdiction over their residence.

In conducting absentee voting under this Section, the respective clerks shall not be required to verify the signature of the absentee voter by comparison with the signature on the official registration record card. However, the clerk shall reasonably ascertain the identity of such applicant, shall verify that each such applicant is a registered voter, and shall verify the precinct in which he or she is registered and the proper ballots of the political subdivisions in which the applicant resides and is entitled to vote, prior to providing any absentee ballot to such applicant. The clerk shall verify the applicant's registration and from the most recent poll list provided by the county clerk, and if the applicant is not listed on that poll list then by telephoning the office of the county clerk.

Absentee voting procedures in the office of the municipal, township and road district clerks shall be subject to all of the applicable provisions of this Article 19. Pollwatchers may be appointed to observe in-person absentee voting procedures at the office of the municipal, township or road district clerks' offices where such absentee voting is conducted. Such pollwatchers shall

qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23, except each candidate, political party or organization of citizens may appoint only one pollwatcher for each location where in-person absentee voting is conducted. Pollwatchers shall be residents of the county and possess valid pollwatcher credentials. All requirements in this Article applicable to election authorities shall apply to the respective local clerks, except where inconsistent with this Section.

In election jurisdictions that deliver absentee ballots to the polling place to be counted by the precinct judges on election day, the sealed absentee ballots in their carrier envelope shall be delivered by the respective clerks, or by the election authority on behalf of a clerk if the clerk and the election authority agree, to the proper polling place before the close of the polls on the day of the general primary, consolidated primary, consolidated, or general election.

In election jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority on election day, the sealed absentee ballots in their carrier envelope shall be delivered to the office of the election authority by the respective clerks before the close of the polls on the day of the general primary, consolidated primary, consolidated, or general election.

Not more than 23 days before the ~~nonpartisan,~~ general and consolidated elections, the county clerk shall make available to those municipal, township and road district clerks conducting in-person absentee voting within such county, a sufficient number of applications, absentee ballots, envelopes, and printed voting instruction slips for use by absentee voters in the offices of such clerks. The respective clerks shall receipt for all ballots received, shall return all unused or spoiled ballots to the county clerk on the day of the election and shall strictly account for all ballots received.

The ballots delivered to the respective clerks shall include absentee ballots for each precinct in the municipality, township or road district, or shall include such separate ballots for each political subdivision conducting an election of officers or a referendum on that election day as will permit any resident of the municipality, township or road district to vote absentee in the office of the proper clerk.

The clerks of all municipalities, townships and road districts may distribute applications for absentee ballot for the use of voters who wish to mail such applications to the appropriate election authority. Such applications for absentee ballots shall be made on forms provided by the election authority. Duplication of such forms by the municipal, township or road district clerk is prohibited.
(Source: P.A. 91-210, eff. 1-1-00.)

(10 ILCS 5/19-7) (from Ch. 46, par. 19-7)

Sec. 19-7. Upon receipt of such absent voter's ballot, the election authority shall forthwith enclose the same unopened, together with the application made by said absent voter in a large or carrier envelope which shall be securely sealed and endorsed with the name and official title of such officer and the words, "This envelope contains an absent voter's ballot and must be opened on election day," together with the number and description of the precinct in which said ballot is to be voted, and such officer shall thereafter safely keep the same in his office until counted by him as provided in this Article ~~the next section~~.

Except as provided in Article 24C, the election authority may choose (i) to have the absentee ballots delivered before the closing

of the polls to their proper polling places for counting by the precinct judges or (ii) to have the absentee ballots received after 12:00 noon on election day or too late for delivery before the closing of the polls on election day counted in the office of the election authority by one or more panels of election judges appointed in the manner provided for in this Code.

(Source: P.A. 81-155.)

(10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

Sec. 19-8. In election jurisdictions that deliver absentee ballots to the polling place to be counted by the precinct judges, the provisions of this Section shall apply. In case an absent voter's ballot is received by the election authority prior to the delivery of the official ballots to the judges of election of the precinct in which said elector resides, such ballot envelope and application, sealed in the carrier envelope, shall be enclosed in such package and therewith delivered to the judges of such precinct. In case the official ballots for such precinct have been delivered to the judges of election at the time of the receipt by the election authority of such absent voter's ballot, such authority shall immediately enclose said envelope containing the absent voter's ballot, together with his application therefor, in a larger or carrier envelope which shall be securely sealed and addressed on the face to the judges of election, giving the name or number of precinct, street and number of polling place, city or town in which such absent voter is a qualified elector, and the words "This envelope contains an absent voter's ballot and must be opened only on election day at the polls immediately after the polls are closed," mailing the same, postage prepaid, to such judges of election, or if more convenient, such officer may deliver such absent voter's ballot to the judges of election in person or by duly deputized agent, said officer to secure his receipt for delivery of such ballot or ballots. Absent voters' ballots returned by absentee voters to the election authority after the closing of the polls on an election day shall be endorsed by the election authority receiving the same with the day and hour of receipt and shall be safely kept unopened by such election authority for the period of time required for the preservation of ballots used at such election, and shall then, without being opened, be destroyed in like manner as the used ballots of such election.

All absent voters' ballots received by the election authority after 12:00 noon on election day or too late for delivery to the proper polling place before the closing of the polls on election day, and Special Write-In Absentee Voter's Blank Ballots, except ballots returned by mail postmarked after midnight preceding the opening of the polls on election day, and all absent voters' ballots in election jurisdictions that use voting systems authorized by Article 24C shall be endorsed by the election authority receiving the same with the day and hour of receipt and shall be counted in the office of the election authority on the day of the election after 7:00 p.m. All absent voters' ballots delivered in error to the wrong precinct polling place shall be returned to the election authority and counted under this provision; however, all absentee ballots received by the election authority by the close of absentee voting in the office of the election authority on the day preceding the day of election shall be delivered to the proper precinct polling places in time to be counted by the judges of election.

Such counting shall commence no later than 8:00 p.m. and shall be conducted by a panel or panels of election judges appointed in the manner provided by law. Such counting shall continue until all absent voters' ballots received as aforesaid have been counted.

The procedures set forth in Section 19-9 of this Act and Articles 17 and 18 of this Code, shall apply to all absent voters' ballots counted under this provision, including comparing the signature on the ballot envelope with the signature of the voter on the permanent voter registration record card taken from the master file; except that votes shall be recorded by ~~without regard to~~ precinct ~~designation, except for precinct offices~~.

(Source: P.A. 91-357, eff. 7-29-99.)

(10 ILCS 5/19-9) (from Ch. 46, par. 19-9)

Sec. 19-9. At the close of the regular balloting and at the close of the polls the judges of election of each voting precinct or the panel or panels of judges in the office of the election authority, as the case may be, shall proceed to cast the absent voter's ballot separately, and as each absent voter's ballot is taken shall open the outer or carrier envelope, announce the absent voter's name, and compare the signature upon the application with the signature upon the certification on the ballot envelope and the signature of the voter on the permanent voter registration record card. In case the judges find the certifications properly executed, that the signatures correspond, that the applicant is a duly qualified elector in the precinct and the applicant has not been present and voted within the county where he represents himself to be a qualified elector on such election day, they shall open the envelope containing the absent voter's ballot in such manner as not to deface or destroy the certification thereon, or mark or tear the ballots therein and take out the ballot or ballots therein contained without unfolding or permitting the same to be unfolded or examined, and having endorsed the ballot in like manner as other ballots are required to be endorsed, shall deposit the same in the proper ballot box or boxes and enter the absent voter's name in the poll book the same as if he had been present and voted in person. The judges shall place the absentee ballot certification envelopes in a separate envelope as per the direction of the election authority. Such envelope containing the absentee ballot certification envelopes shall be returned to the election authority and preserved in like manner as the official poll record.

In case such signatures do not correspond, or that the applicant is not a duly qualified elector in such precinct or that the ballot envelope is open or has been opened and resealed, or that said voter is present and has voted within the county where he represents himself to be a qualified elector on the day of such election at such election such previously cast vote shall not be allowed, but without opening the absent voter's envelope the judge of such election shall mark across the face thereof, "Rejected", giving the reason therefor.

In case the ballot envelope contains more than one ballot of any kind, said ballots shall not be counted, but shall be marked "Rejected", giving the reason therefor.

The absent voters' envelopes and affidavits and the absent voters' envelope with its contents unopened, when such absent vote is rejected shall be retained and preserved in the manner as now provided for the retention and preservation of official ballots rejected at such election.

As applied to an absentee ballot of a permanently disabled voter who has complied with Section 19-12.1, the word "certification" as used in this Section shall be construed to refer to the unsworn statement subscribed to by the voter pursuant to Section 19-12.1.

(Source: P.A. 87-1052.)

(10 ILCS 5/19-10) (from Ch. 46, par. 19-10)

Sec. 19-10. Pollwatchers may be appointed to observe in-person absentee voting procedures at the office of the election authority as

well as at municipal, township or road district clerks' offices where such absentee voting is conducted. Such pollwatchers shall qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23, except each candidate, political party or organization of citizens may appoint only one pollwatcher for each location where in-person absentee voting is conducted. Pollwatchers shall be residents of the county and possess valid pollwatcher credentials.

In the polling place on election day, pollwatchers shall be permitted to be present during the casting of the absent voters' ballots and the vote of any absent voter may be challenged for cause the same as if he were present and voted in person, and the judges of the election or a majority thereof shall have power and authority to hear and determine the legality of such ballot; Provided, however, that if a challenge to any absent voter's right to vote is sustained, notice of the same must be given by the judges of election by mail addressed to the voter's place of residence.

Where ~~certain~~ absent voters' ballots are counted on the day of the election in the office of the election authority as provided in this Article ~~Section 19-8 of this Act~~, each political party, candidate and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned. Such pollwatchers shall be subject to the same provisions as are provided for pollwatchers in Sections 7-34 and 17-23 of this Code, and shall be permitted to observe the election judges making the signature comparison between that which is on the absentee ballot application and that which is on the ballot envelope and ~~that which is on~~ the permanent voter registration record card taken from the master file.

(Source: P.A. 86-875.)

(10 ILCS 5/19-12.2) (from Ch. 46, par. 19-12.2)

Sec. 19-12.2. Voting by physically incapacitated electors who have made proper application to the election authority not later than 5 days before the regular primary and general election of 1980 and before each election thereafter shall be conducted on the premises of facilities licensed or certified pursuant to the Nursing Home Care Act for the sole benefit of residents of such facilities. Such voting shall be conducted during any continuous period sufficient to allow all applicants to cast their ballots between the hours of 9 a.m. and 7 p.m. either on the Friday, Saturday, Sunday or Monday immediately preceding the regular election. This absentee voting on one of said days designated by the election authority shall be supervised by two election judges who must be selected by the election authority in the following order of priority: (1) from the panel of judges appointed for the precinct in which such facility is located, or from a panel of judges appointed for any other precinct within the jurisdiction of the election authority in the same ward or township, as the case may be, in which the facility is located or, only in the case where a judge or judges from the precinct, township or ward are unavailable to serve, (3) from a panel of judges appointed for any other precinct within the jurisdiction of the election authority. The two judges shall be from different political parties. Not less than 30 days before each regular election, the election authority shall have arranged with the chief administrative officer of each facility in his or its election jurisdiction a mutually convenient time period on the Friday, Saturday, Sunday or Monday immediately preceding the election for such voting on the premises of the facility and shall post in a prominent place in his or its office a notice of the agreed day and time period for conducting such voting at each facility; provided that the election authority shall not later than noon on the Thursday before the election also post the names and addresses of

those facilities from which no applications were received and in which no supervised absentee voting will be conducted. All provisions of this Code applicable to pollwatchers shall be applicable herein. To the maximum extent feasible, voting booths or screens shall be provided to insure the privacy of the voter. Voting procedures shall be as described in Article 17 of this Code, except that ballots shall be treated as absentee ballots and shall not be counted until the close of the polls on the following day. After the last voter has concluded voting, the judges shall seal the ballots in an envelope and affix their signatures across the flap of the envelope. Immediately thereafter, the judges shall bring the sealed envelope to the office of the election authority who shall preserve the ballots in the office of the election authority in those jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority or shall deliver the ~~such~~ ballots to the proper precinct polling places prior to the closing of the polls on the day of election in election jurisdictions that count absentee ballots in the polling place. Provided, that in election jurisdictions that count absentee ballots in the polling place the election authority may arrange for the judges who conduct such voting on the Monday before the election to deliver the sealed envelope directly to the proper precinct polling place on the day of election and shall announce such procedure in the 30 day notice heretofore prescribed. The judges of election shall also report to the election authority the name of any applicant in the facility who, due to unforeseen circumstance or condition or because of a religious holiday, was unable to vote. In this event, the election authority may appoint a qualified person from his or its staff to deliver the ballot to such applicant on the day of election. This staff person shall follow the same procedures prescribed for judges conducting absentee voting in such facilities; but shall return the ballot to the proper precinct polling place before the polls close. However, if the facility from which the application was made is also used as a regular precinct polling place for that voter, voting procedures heretofore prescribed may be implemented by 2 of the election judges of opposite party affiliation assigned to that polling place during the hours of voting on the day of the election. Judges of election shall be compensated not less than $25.00 for conducting absentee voting in such facilities.

Not less than 120 days before each regular election, the Department of Public Health shall certify to the State Board of Elections a list of the facilities licensed or certified pursuant to the Nursing Home Care Act, and shall indicate the approved bed capacity and the name of the chief administrative officer of each such facility, and the State Board of Elections shall certify the same to the appropriate election authority within 20 days thereafter. (Source: P.A. 86-820; 86-875; 86-1028; 87-1052.)

(10 ILCS 5/19-15)

Sec. 19-15. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 19, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election

authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.
(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/20-2) (from Ch. 46, par. 20-2)

Sec. 20-2. Any member of the United States Service, otherwise qualified to vote, who expects in the course of his duties to be absent from the county in which he resides on the day of holding any election may make application for an absentee ballot to the election authority having jurisdiction over his precinct of residence on the official postcard or on a form furnished by the election authority as prescribed by Section 20-3 of this Article not less than 10 days before the election. A request pursuant to this Section shall entitle the applicant to an absentee ballot for every election in one calendar year. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year. A certified copy of such application for ballot shall be sent each election with the absentee ballot to the polling place to be used in lieu of the original application for ballot. No registration shall be required in order to vote pursuant to this Section.

Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 of this Article and not otherwise. Ballots voted under this Section must be returned ~~to--the-election-authority~~ in sufficient time for delivery (i) to the proper precinct polling place before the closing of the polls on the day of the election in jurisdictions that count absentee ballots in the polling place or (ii) to the office of the election authority before the closing of the polls in those jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority.
(Source: P.A. 86-875.)

(10 ILCS 5/20-2.1) (from Ch. 46, par. 20-2.1)

Sec. 20-2.1. Citizens of the United States temporarily residing outside the territorial limits of the United States who are not registered but otherwise qualified to vote and who expect to be absent from their county of residence during the periods of voter registration provided for in Articles 4, 5 or 6 of this Code and on the day of holding any election, may make simultaneous application to the election authority having jurisdiction over their precinct of residence for an absentee registration and absentee ballot not less than 30 days before the election. Such application may be made on the official postcard or on a form furnished by the election authority as prescribed by Section 20-3 of this Article. A request pursuant to this Section shall entitle the applicant to an absentee ballot for every election in one calendar year. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year. A certified copy of such application for ballot shall be sent each election with the absentee ballot to the polling place to be used in lieu of the original application for ballot.

Registration shall be required in order to vote pursuant to this Section. However, if the election authority receives one of such applications after 30 days but not less than 10 days before a Federal

election, said applicant shall be sent a ballot containing the Federal offices only and registration for that election shall be waived.

Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 of this Article and not otherwise.

Ballots under this Section must be returned ~~to the election authority~~ in sufficient time for delivery (i) to the proper precinct polling place before the closing of the polls on the day of the election in those jurisdictions that count absentee ballots in the polling place or (ii) to the office of the election authority before the closing of the polls on election day in those jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority.

(Source: P.A. 86-875.)

(10 ILCS 5/20-2.2) (from Ch. 46, par. 20-2.2)

Sec. 20-2.2. Any non-resident civilian citizen, otherwise qualified to vote, may make application to the election authority having jurisdiction over his precinct of former residence for an absentee ballot containing the Federal offices only not less than 10 days before a Federal election. Such application may be made only on the official postcard. A request pursuant to this Section shall entitle the applicant to an absentee ballot for every election in one calendar year at which Federal offices are filled. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year at which Federal offices are filled. A certified copy of such application for ballot shall be sent each election with the absentee ballot to the polling place to be used in lieu of the original application for ballot. No registration shall be required in order to vote pursuant to this Section. Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 of this Article and not otherwise. Ballots under this Section must be returned ~~to the election authority~~ in sufficient time for delivery (i) to the proper precinct polling place before the closing of the polls on the day of the election in those jurisdictions that count absentee ballots in the polling place or (ii) to the office of the election authority before the closing of the polls on election day in those jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority.

(Source: P.A. 86-875.)

(10 ILCS 5/20-7) (from Ch. 46, par. 20-7)

Sec. 20-7. Upon receipt of such absent voter's ballot, the officer or officers above described shall forthwith enclose the same unopened, together with the application made by said absent voter in a large or carrier envelope which shall be securely sealed and endorsed with the name and official title of such officer and the words, "This envelope contains an absent voter's ballot and must be opened on election day," together with the number and description of the precinct in which said ballot is to be voted, and such officer shall thereafter safely keep the same in his office until counted by him as provided in this Article ~~the next section~~.

Except as provided in Article 24C, the election authority may choose (i) to deliver the absentee ballots to the proper precinct polling place before the close of the polls on the election day to be counted by the precinct judges or (ii) to have the absentee ballots received after 12:00 noon on election day or too late for delivery

before the closing of the polls on election day counted in the office of the election authority by one or more panels of election judges appointed in the manner provided for in this Code.

(Source: P.A. 81-155.)

(10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

Sec. 20-8. (a) In election jurisdictions that count absentee ballots in the polling place, this subsection shall apply.

In case any such ballot is received by the election authority prior to the delivery of the official ballots to the judges of election of the precinct in which said elector resides, such ballot envelope and application, sealed in the carrier envelope, shall be enclosed in the same package with the other official ballots and therewith delivered to the judges of such precinct. In case the official ballots for such precinct have been delivered to the judges of election at the time of the receipt by the election authority of such absent voter's ballot, it shall immediately enclose said envelope containing the absent voter's ballot, together with his application therefor, in a larger or carrier envelope which shall be securely sealed and addressed on the face to the judges of election, giving the name or number of precinct, street and number of polling place, city or town in which such absent voter is a qualified elector, and the words, "This envelope contains an absent voter's ballot and must be opened only on election day at the polls immediately after the polls are closed," mailing the same, postage prepaid, to such judges of election, or if more convenient he or it may deliver such absent voter's ballot to the judges of election in person or by duly deputized agent and secure his receipt for delivery of such ballot or ballots. Absent voter's ballots postmarked after 11:59 p.m. of the day immediately preceding the election returned to the election authority too late to be delivered to the proper polling place before the closing of the polls on the day of election shall be endorsed by the person receiving the same with the day and hour of receipt and shall be safely kept unopened by the election authority for the period of time required for the preservation of ballots used at such election, and shall then, without being opened, be destroyed in like manner as the used ballots of such election.

(b) All absent voters' ballots received by the election authority after 12:00 noon on election day or too late for delivery to the proper polling place before the closing of the polls on election day, except ballots returned by mail postmarked after midnight preceding the opening of the polls on election day, and all absent voters' ballots in election jurisdictions that use voting systems authorized by Article 24C shall be counted in the office of the election authority on the day of the election after 7:00 p.m. All absent voters' ballots delivered in error to the wrong precinct polling place shall be returned to the election authority and counted under this provision.

Such counting shall commence no later than 8:00 p.m. and shall be conducted by a panel or panels of election judges appointed in the manner provided by law. Such counting shall continue until all absent voters' ballots received as aforesaid have been counted.

The procedures set forth in Section 19-9 of this Act and Articles 17 and 18 of this Code, shall apply to all absent voters' ballots counted under this provision; except that votes shall be recorded by ~~without regard to~~ precinct ~~designation~~.

Where ~~certain~~ absent voters' ballots are counted in the office of the election authority as provided in this Section, each political party, candidate and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned.

[Apr. 3, 2002]

(Source: P.A. 84-861.)

(10 ILCS 5/20-9) (from Ch. 46, par. 20-9)

Sec. 20-9. At the close of the regular balloting and at the close of the polls the judges of election of each voting precinct or the panel or panels of judges in the office of the election authority, as the case may be, shall proceed to cast the absent voter's ballot separately, and as each absent voter's ballot is taken shall open the outer or carrier envelope, announce the absent voter's name, and compare the signature upon the application with the signature upon the registration record card if the voter is registered or upon the certification on the ballot envelope if there is no registration card. In case the judges find the certifications properly executed, that the signatures correspond, that the applicant is a duly qualified elector in the precinct and the applicant has not been present and voted within the county where he represents himself to be a qualified elector on such election day, they shall open the envelope containing the absent voter's ballot in such manner as not to deface or destroy the certification thereon, or mark or tear the ballots therein and take out the ballot or ballots therein contained without unfolding or permitting the same to be unfolded or examined, and having endorsed or initialed the ballot in like manner as other ballots are required to be endorsed, shall deposit the same in the proper ballot box or boxes and mark the voter's registration record card accordingly or file the application in lieu thereof. The judges shall place the absentee ballot certification envelopes in a separate envelope as per the direction of the election authority. Such envelope containing the absentee ballot certification envelopes shall be returned to the election authority and preserved in like manner as the official poll record.

In case the signatures do not correspond, or that the applicant is not a duly qualified elector in such precinct or that the ballot envelope is open or has been opened and resealed (except for the purpose of military censorship), or that said voter is present and has voted within the county where he represents himself to be a qualified elector on the day of such election at such election such previously cast vote shall not be allowed, but without opening the absent voter's envelope the judge of such election shall mark across the face thereof, "Rejected", giving the reason therefor.

In case the ballot envelope contains duplicate ballots, said ballots shall not be counted, but shall be marked "Rejected", giving the reason therefor.

The absent voters' envelopes and certifications and the absent voters' envelope with its contents unopened, when such absent vote is rejected shall be retained and preserved in the manner as now provided for the retention and preservation of official ballots rejected at such election.

(Source: P.A. 87-1052.)

(10 ILCS 5/20-15)

Sec. 20-15. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 20, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully

utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with either Article 24B, Article 24C, or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/Art. 24C heading new)

ARTICLE 24C. DIRECT RECORDING ELECTRONIC VOTING SYSTEMS

(10 ILCS 5/24C-1 new)

Sec. 24C-1. Purpose. The purpose of this Article is to authorize the use of Direct Recording Electronic Voting Systems approved by the State Board of Elections. In a Direct Recording Electronic Voting System, voters cast votes by means of a ballot display provided with mechanical or electro-optical devices that can be activated by the voters to mark their choices for the candidates of their preference and for or against public questions. The voting devices shall be capable of instantaneously recording the votes, storing the votes, and tabulating the votes at the precinct. This Article authorizes the use of Direct Recording Electronic Voting Systems for in-precinct counting applications, except that absentee ballots must be counted at the office of the election authority.

(10 ILCS 5/24C-2 new)

Sec. 24C-2. Definitions. As used in this Article:

"Audit trail" means a continuous trail of evidence linking individual transactions related to the vote count with the summary record of vote totals, but that shall not allow for the identification of the voter. It shall permit verification of the accuracy of the count and detection and correction of problems and shall provide a record of each step taken in: defining and producing ballots and generating related software for specific elections; installing ballots and software; testing system readiness; casting and tabulating ballots; and producing reports of vote totals. The record shall incorporate system status and error messages generated during election processing, including a log of machine activities and routine and unusual intervention by authorized and unauthorized individuals. Also part of an election audit trail is the documentation of such items as ballots delivered and collected, administrative procedures for system security, pre-election testing of voting systems, and maintenance performed on voting equipment.

"Ballot" means an electronic audio or video display or any other medium used to record a voter's choices for the candidates of his or her preference and for or against public questions.

"Ballot configuration" means the particular combination of political subdivision or district ballots including, for each political subdivision or district, the particular combination of offices, candidate names, and public questions as they appear for each group of voters who may cast the same ballot.

"Ballot image" means a corresponding representation in electronic form of the mark or vote position of a ballot.

"Ballot label" or "ballot screen" means the display of material containing the names of offices and candidates and public questions to be voted on.

"Computer", "automatic and electronic tabulating equipment", or "equipment" includes (i) apparatus necessary to automatically or electronically examine and count votes as designated on ballots and (ii) data processing machines that can be used for counting ballots and tabulating results.

"Computer operator" means any person or persons designated by the election authority to operate the automatic tabulating equipment

during any portion of the vote tallying process in an election, but shall not include judges of election operating vote tabulating equipment in the precinct.

"Computer program" or "program" means the set of operating instructions for the automatic or electronic tabulating equipment that examines, records, counts, tabulates, canvasses, and prints votes recorded by a voter on a ballot.

"Direct recording electronic voting system", "voting system", or "system" means the combination of equipment and programs that records votes by means of a ballot display provided with mechanical or electro-optical devices that can be activated by the voter, that processes the data by means of a computer program, that records voting data and ballot images in internal memory devices, and that produces a tabulation of the voting data as hard copy or stored in a removable memory device.

"Edit listing" means a computer generated listing of the names of each candidate and public question as they appear in the program for each precinct.

"In-precinct counting" means the recording and counting of ballots on automatic or electronic tabulating equipment provided by the election authority in the same precinct polling place in which those ballots have been cast.

"Separate ballot" means a separate page or display screen of the ballot that is clearly defined and distinguishable from other portions of the ballot.

"Voting device" or "voting machine" means a Direct Recording Voting System apparatus.

(10 ILCS 5/24C-3 new)

Sec. 24C-3. Adoption, experimentation, or abandonment of Direct Recording Electronic Voting System; boundaries of precincts; notice. Except as otherwise provided in Section 24C-20, any county board or board of county commissioners, with respect to territory within its jurisdiction, may adopt, experiment with, or abandon a Direct Recording Electronic Voting System approved for use by the State Board of Elections and may use the system in all or some of the precincts within its jurisdiction, or in combination with punch cards, paper ballots, or ballot sheets. In no case may a county board, board of county commissioners, or board of election commissioners contract or arrange for the purchase, lease, or loan of a Direct Recording Electronic Voting System or system component without the approval of the State Board of Elections as provided by Section 24C-16. The county board and board of county commissioners of each county having a population of 40,000 or more, with respect to all elections for which an election authority is charged with the duty of providing materials and supplies, must provide either a Direct Recording Electronic Voting System approved for use by the State Board of Elections under this Article or voting systems under Article 24, Article 24A, or Article 24B for each precinct for all elections, except as provided in Section 24-1.2. For purposes of this Section "population" does not include persons prohibited from voting by Section 3-5 of this Code.

Before any Direct Recording Electronic Voting System is introduced, adopted, or used in any precinct or territory, at least 2 months public notice must be given before the date of the first election when the system is to be used. The election authority shall publish the notice at least once in one or more newspapers published within the county, or other jurisdiction, where the election is held. If there is no such newspaper, the notice shall be published in a newspaper published in the county and having a general circulation within the jurisdiction. The notice shall be substantially as

follows:

"Notice is hereby given that on (give date), at (insert place where election is held) in the county of (insert county) an election will be held for (insert name of offices to be filled) at which a Direct Recording Electronic Voting System will be used."

Dated at ... (insert date)"

This notice referred to shall be given only at the first election at which the Direct Recording Electronic Voting System is used.

(10 ILCS 5/24C-3.1 new)

Sec. 24C-3.1. Retention, consolidation, or alteration of existing precincts; change of location. When a Direct Recording Electronic Voting System is used, the county board or board of election commissioners may retain existing precincts or may consolidate, combine, alter, decrease, or enlarge the boundaries of the precincts to change the number of registered voters of the precincts using the system, establishing the number of registered voters within each precinct at a number not to exceed 800 as the appropriate county board or board of election commissioners determines will afford adequate voting facilities and efficient and economical elections.

Except in the event of a fire, flood, or total loss of heat in a place fixed or established pursuant to law by any county board or board of election commissioners as a polling place for an election, no election authority shall change the location of a polling place established for any precinct after notice of the place of holding the election for that precinct has been given as required under Article 12, unless the election authority notifies all registered voters in the precinct of the change in location by first class mail in sufficient time for the notice to be received by the registered voters in the precinct at least one day prior to the date of the election.

(10 ILCS 5/24C-4 new)

Sec. 24C-4. Use of Direct Recording Electronic Voting System; requisites; applicable procedure. Direct Recording Electronic Voting Systems may be used in elections provided that the systems enable the voter to cast a vote for all offices and on all public questions for which he or she is entitled to vote, and that the systems are approved for use by the State Board of Elections.

So far as applicable, the procedure provided for voting paper ballots shall apply when Direct Recording Electronic Voting Systems are used. The provisions of this Article 24C will govern when there are conflicts.

(10 ILCS 5/24C-5 new)

Sec. 24C-5. Voting booths. In precincts where a Direct Recording Electronic Voting System is used, a sufficient number of voting booths shall be provided for the use of the system according to the requirements determined by the State Board of Elections. Each booth shall be placed so that the entrance to each booth faces a wall in a manner that no judge of election or pollwatcher is able to observe a voter casting a ballot.

(10 ILCS 5/24C-5.1 new)

Sec. 24C-5.1. Instruction of voters. Before entering the voting booth each voter shall be offered instruction in using the Direct Recording Electronic Voting System. In instructing voters, no election judge may show partiality to any political party or candidate. The duties of instruction shall be discharged by a judge from each of the political parties represented and they shall alternate serving as instructor so that each judge shall serve a like time at those duties. No instructions may be given after the voter has entered the voting booth.

No election judge or person assisting a voter may in any manner

request, suggest, or seek to persuade or induce any voter to cast his or her vote for any particular ticket, candidate, amendment, question, or proposition. All instructions shall be given by election judges in a manner that it may be observed by other persons in the polling place.

(10 ILCS 5/24C-5.2 new)

Sec. 24C-5.2. Demonstration of Direct Recording Electronic Voting System; placement in public library. When a Direct Recording Electronic Voting System is to be used in a forthcoming election, the election authority may provide, for the purpose of instructing voters in the election, one demonstrator Direct Recording Electronic Voting System unit for placement in any public library within the political subdivision where the election occurs. If the placement of a demonstrator takes place it shall be made available at least 30 days before the election.

(10 ILCS 5/24C-6 new)

Sec. 24C-6. Ballot information; arrangement; absentee ballots; spoiled ballots. The ballot information shall, as far as practicable, be in the order of arrangement provided for paper ballots, except that the information may be in vertical or horizontal rows or on a number of separate pages or display screens.

All public questions, including but not limited to public questions calling for a constitutional convention, constitutional amendment, or judicial retention, shall be placed on the ballot separate and apart from candidates. Ballots for all public questions shall be clearly designated pursuant to administrative rule of the State Board of Elections. More than one amendment to the constitution may be placed on the same portion of the ballot screen. Constitutional convention or constitutional amendment propositions shall precede all candidates and other propositions and shall be placed on a separate portion of the ballot and designated by borders or unique color screens, unless otherwise provided by administrative rule of the State Board of Elections. More than one public question may be placed on the same portion of the ballot. Judicial retention propositions shall be placed on a separate portion of the ballot designated pursuant to administrative rule of the State Board of Elections. More than one proposition for retention of judges in office may be placed on the same portion of the ballot.

The party affiliation, if any, of each candidate or the word "independent", where applicable, shall appear near or under the candidate's name, and the names of candidates for the same office shall be listed vertically under the title of that office. In the case of nonpartisan elections for officers of political subdivisions, unless the statute or an ordinance adopted pursuant to Article VII of the Illinois Constitution requires otherwise, the listing of nonpartisan candidates shall not include any party or "independent" designation. In primary elections, a separate ballot, shall be used for each political party holding a primary, with the ballot arranged to include names of the candidates of the party and public questions and other propositions to be voted upon on the day of the primary election.

If the ballot includes both candidates for office and public questions or propositions to be voted on, the election official in charge of the election shall divide the ballot in sections for "Candidates" and "Public Questions", or separate ballots may be used.

Any voter who spoils his or her ballot or makes an error shall be provided a means of correcting the ballot or obtaining a new ballot prior to casting his or her ballot.

(10 ILCS 5/24C-6.1 new)

Sec. 24C-6.1. Security designation. In all elections conducted

under this Article, ballots shall have a security designation. In precincts where more than one ballot configuration may be voted upon, ballots shall have a different security designation for each ballot configuration. If a precinct has only one possible ballot configuration, the ballots must have a security designation to identify the precinct and the election. Where ballots from more than one precinct are being tabulated, the ballots from each precinct must be clearly identified; official results shall not be generated unless the precinct identification for any precinct corresponds. The Direct Recording Electronic Voting System shall be designed to ensure that the proper ballot is selected for each polling place and that the format can be matched to the software or firmware required to interpret it correctly. The system shall provide a means of programming each piece of equipment to reflect the ballot requirements of the election and shall include a means for validating the correctness of the program and of the program's installation in the equipment or in a programmable memory device.

(10 ILCS 5/24C-7 new)

Sec. 24C-7. Write-in ballots. Pursuant to administrative rule of the State Board of Elections, a Direct Recording Electronic Voting System shall provide an acceptable method for a voter to vote for a person whose name does not appear on the ballot using the same Direct Recording Electronic Voting System used to record votes for candidates whose name do appear on the ballot.

(10 ILCS 5/24C-8 new)

Sec. 24C-8. Preparation for use; comparison of ballots; operational checks of Direct Recording Electronic Voting Systems equipment; pollwatchers. The election authority shall cause the approved Direct Recording Electronic Voting System equipment to be delivered to the polling places. Before the opening of the polls, all Direct Recording Electronic Voting System devices shall provide a printed record of the following, upon verification of the authenticity of the commands by a judge of election: the election's identification data, the equipment's unit identification, the ballot's format identification, the contents of each active candidate register by office and of each active public question register showing that they contain all zeros, all ballot fields that can be used to invoke special voting options, and other information needed to ensure the readiness of the equipment, and to accommodate administrative reporting requirements.

The Direct Recording Electronic Voting System shall provide a means for the election judges to open the polling place and ready the equipment for the casting of ballots. Those means shall incorporate a security seal, a password, or a data code recognition capability to prevent inadvertent or unauthorized actuation of the poll-opening function. If more than one step is required, it shall enforce their execution in the proper sequence.

Pollwatchers, as provided by law, shall be permitted to closely observe the judges in these procedures and to periodically inspect the Direct Recording Electronic Voting System equipment when not in use by the voters.

(10 ILCS 5/24C-9 new)

Sec. 24C-9. Testing of Direct Recording Electronic Voting System equipment and programs; custody of programs, test materials, and ballots. Prior to the public test, the election authority shall conduct an errorless pre-test of the Direct Recording Electronic Voting System equipment and programs to determine that they will correctly detect voting defects and count the votes cast for all offices and all public questions. On any day not less than 5 days prior to the election day, the election authority shall publicly test

the Direct Recording Electronic Voting System equipment and programs to determine that they will correctly count the votes cast for all offices and on all public questions. Public notice of the time and place of the test shall be given at least 48 hours before the test by publishing the notice in one or more newspapers within the election jurisdiction of the election authority, if a newspaper is published in that jurisdiction. If a newspaper is not published in that jurisdiction, notice shall be published in a newspaper of general circulation in that jurisdiction. Timely written notice stating the date, time, and location of the public test shall also be provided to the State Board of Elections. The test shall be open to representatives of the political parties, the press, representatives of the State Board of Elections, and the public. The test shall be conducted by entering a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each public question, and shall include for each office one or more ballots having votes exceeding the number allowed by law to test the ability of the electronic tabulating equipment to reject the votes. The test shall also include producing an edit listing.

The State Board of Elections may select as many election jurisdictions that the Board deems advisable in the interests of the election process of this State to order a special test of the electronic tabulating equipment and program before any regular election. The Board may order a special test in any election jurisdiction where, during the preceding 12 months, computer programming errors or other errors in the use of the system resulted in vote tabulation errors. Not less than 30 days before any election, the State Board of Elections shall provide written notice to those selected jurisdictions of its intent to conduct a test. Within 5 days of receipt of the State Board of Elections' written notice of intent to conduct a test, the selected jurisdictions shall forward to the principal office of the State Board of Elections a copy of all specimen ballots. The State Board of Elections' tests shall be conducted and completed not less than 2 days before the public test using testing materials supplied by the Board and under the supervision of the Board, and the Board shall reimburse the election authority for the reasonable cost of computer time required to conduct the special test. After an errorless test, materials used in the public test, including the program, if appropriate, shall be sealed and remain sealed until the test is run again on election day. If any error is detected, the cause of the error shall be determined and corrected, and an errorless public test shall be made before the automatic tabulating equipment is approved. Each election authority shall file a sealed copy of each tested program to be used within its jurisdiction at an election with the State Board of Elections before the election. The Board shall secure the program or programs of each election jurisdiction so filed in its office for the 60 days following the canvass and proclamation of election results. At the expiration of that time, if no election contest or appeal is pending in an election jurisdiction, the Board shall return the sealed program or programs to the election authority of the jurisdiction. After the completion of the count, the test shall be re-run using the same program. Immediately after the re-run, all material used in testing the program and the programs shall be sealed and retained under the custody of the election authority for a period of 60 days. At the expiration of that time the election authority shall destroy the voted ballots, together with all unused ballots returned from the precincts, provided, that if any contest of election is pending at the time in which the ballots may be required as evidence and the election authority has notice of the contest, the ballots shall not

be destroyed until after the contest is finally determined. If the use of back-up equipment becomes necessary, the same testing required for the original equipment shall be conducted.

(10 ILCS 5/24C-10 new)

Sec. 24C-10. Recording of votes by Direct Recording Electronic Voting Systems. Whenever a Direct Recording Electronic Voting System is used to electronically record and count the votes of ballots, the provisions of this Section shall apply. A voter shall cast a proper vote on a ballot pursuant to the instructions provided on the screen or labels.

(10 ILCS 5/24C-11 new)

Sec. 24C-11. Functional requirements. The functional requirements of a Direct Recording Electronic Voting System shall be specified by the administrative rules of the State Board of Elections.

(10 ILCS 5/24C-12 new)

Sec. 24C-12. Procedures for counting and tallying of ballots. In an election jurisdiction where a Direct Recording Electronic Voting System is used, the procedures in this Section for counting and tallying the ballots shall apply.

Before the opening of the polls, the judges of elections shall assemble the voting equipment and devices and turn the equipment on. The judges shall, if necessary, take steps to actuate the voting devices and counting equipment by inserting into the equipment and voting devices appropriate electronic media containing passwords and data codes that will select the proper ballot formats for that polling place and that will prevent inadvertent or unauthorized actuation of the poll-opening function. Before voting begins and before ballots are entered into the voting devices, the judges of election shall cause to be printed a record of the following: (i) the election's identification data, (ii) the device's unit identification, (iii) the ballot's format identification, (iv) the contents of each active candidate register by office and of each active public question register showing that they contain all zeros, (v) all ballot fields that can be used to invoke special voting options, and (vi) other information needed to ensure the readiness of the equipment and to accommodate administrative reporting requirements. The judges must also check to be sure that the totals are all zeros in the counting columns and in the public counter affixed to the voting devices.

After the judges have determined that a person is qualified to vote, the judges shall enable a voting device to be used by the voter and the proper ballot to which the voter is entitled shall be selected. The ballot may then be cast by the voter by marking by appropriate means the designated area of the ballot for the casting of a vote for any candidate or for or against any public question. The voter shall be able to vote for any and all candidates and public measures appearing on the ballot in any legal number and combination and the voter shall be able to delete or change his or her selections before the ballot is cast. The voter shall be able to select candidates whose names do not appear upon the ballot for any office by following the instructions provided on the screen or labels as many names of candidates as the voter is entitled to select for each office.

Upon completing his or her selection of candidates or public questions, the voter shall signify that voting has been completed by activating the appropriate button, switch, or active area of the ballot screen associated with end of voting. Upon activation, the voting system shall record an image of the completed ballot, shall increment the proper ballot position registers, and shall signify to the voter that the ballot has been cast. The voter shall exit the

voting station and the voting system shall prevent any further attempt to vote until it has been re-activated by the judges of election. If the voter fails to cast his or her ballot and leaves the polling place, 2 judges of election, one from each of the 2 major political parties, shall spoil the ballot.

Throughout the election day and before the closing of the polls, no person may check any vote totals for any candidate or public question on the voting or counting equipment.

The precinct judges of election shall check the public register to determine whether the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the applications for ballot. If the same do not agree, the judges of election shall immediately contact the offices of the election authority in charge of the election for further instructions. If the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the application for ballot, the number shall be listed on the "Statement of Ballots" form provided by the election authority.

The totals for all candidates and propositions shall be tabulated and 4 copies of a "Certificate of Results" shall be printed by the electronic tabulating equipment. In addition, one copy shall be posted in a conspicuous place inside the polling place and every effort shall be made by the judges of election to provide a copy for each authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots. Additional copies shall be made available to pollwatchers, but in no case shall there be fewer than 4 chosen by lot by the judges of election. In addition, sufficient time shall be provided by the judges of election to the pollwatchers to allow them to copy information from the copy that has been posted.

If instructed by the election authority, the judges of election shall cause the tabulated returns to be transmitted electronically to the offices of the election authority via modem or other electronic medium.

The precinct judges of election shall select a bi-partisan team of 2 judges, who shall immediately return the ballots in a sealed container, along with all other election materials and equipment as instructed by the election authority; provided, however, that the container must first be sealed by the election judges with filament tape or other approved sealing devices provided for the purpose in a manner that the ballots cannot be removed from the container without breaking the seal or filament tape and disturbing any signatures affixed by the election judges to the container. The election authority shall keep the office of the election authority, or any receiving stations designated by the authority, open for at least 12 consecutive hours after the polls close or until the ballots and election material and equipment, as instructed by the election authority, from all precincts within the jurisdiction of the election authority have been returned to the election authority. Ballots and election materials and equipment returned to the office of the election authority that are not signed and sealed as required by law shall not be accepted by the election authority until the judges returning the ballots make and sign the necessary corrections. Upon acceptance of the ballots and election materials and equipment by the election authority, the judges returning the ballots shall take a receipt signed by the election authority and stamped with the time and date of the return. The election judges whose duty it is to return any ballots and election materials and equipment as provided shall, in the event the ballots, materials, or equipment cannot be found when needed, on proper request, produce the receipt that they

are to take as above provided.

(10 ILCS 5/24C-13 new)

Sec. 24C-13. Counting of absentee ballots. All jurisdictions using Direct Recording Electronic Voting Systems shall count absentee ballots at the office of the election authority. The provisions of Sections 24A-9 and 24B-9 shall apply to the testing and notice requirements for central count tabulation equipment, including comparing the signature on the ballot envelope with the signature of the voter on the permanent voter registration record card taken from the master file; except that votes shall be recorded by precinct.

Any election authority using a direct recording electronic voting system shall use voting systems approved for use under Articles 16, 24A, or 24B when conducting absentee voting. The absentee ballots shall be examined and processed pursuant to Sections 19-9 and 20-9. The results shall be recorded by precinct and shall become part of the certificate of results.

(10 ILCS 5/24C-14 new)

Sec. 24C-14. Tabulating votes; direction; presence of public; computer operator's log and canvass. The procedure for tabulating the votes by the Direct Recording Electronic Voting System shall be under the direction of the election authority and shall conform to the requirements of the Direct Recording Electronic Voting System. During any election-related activity using the Direct Recording Electronic Voting System equipment, the election authority shall dedicate the equipment to vote processing to ensure the security and integrity of the system.

A reasonable number of pollwatchers shall be admitted to the counting location. Persons may observe the tabulating process at the discretion of the election authority; however, at least one representative of each established political party and authorized agents of the State Board of Elections shall be permitted to observe this process at all times. No persons except those employed and authorized for the purpose shall touch any ballot, ballot box, return, or equipment.

The computer operator shall be designated by the election authority and shall be sworn as a deputy of the election authority. In conducting the vote tabulation and canvass, the computer operator must maintain a log which shall include the following information:

(1) alterations made to programs associated with the vote counting process;

(2) if applicable, console messages relating to the program and the respective responses made by the operator;

(3) the starting time for each precinct counted, the number of ballots counted for each precinct, any equipment problems and, insofar as practicable, the number of invalid security designations encountered during that count; and

(4) changes and repairs made to the equipment during the vote tabulation and canvass.

The computer operator's log and canvass shall be available for public inspection in the office of the election authority for a period of 60 days following the proclamation of election results. A copy of the computer operator's log and the canvass shall be transmitted to the State Board of Elections upon its request and at its expense.

(10 ILCS 5/24C-15 new)

Sec. 24C-15. Official return of precinct; check of totals; audit. The precinct return printed by the Direct Recording Electronic Voting System tabulating equipment shall include the number of ballots cast, ballots cast by each political party for a primary election, and votes cast for each candidate and public question and shall

constitute the official return of each precinct. In addition to the precinct return, the election authority shall provide the number of applications for ballots in each precinct, the total number of ballots counted in each precinct for each political subdivision and district, and the number of registered voters in each precinct. The election authority shall check the totals shown by the precinct return and, if there is an obvious discrepancy regarding the total number of votes cast in any precinct, shall have the ballots for that precinct audited to correct the return. The procedures for this audit shall apply prior to and after the proclamation is completed; however, after the proclamation of results, the election authority must obtain a court order to unseal voted ballots except for election contests and discovery recounts. The certificate of results, that has been prepared and signed by the judges of election in the polling place and at the election authority's office after the ballots have been tabulated, shall be the document used for the canvass of votes for the precinct. Whenever a discrepancy exists during the canvass of votes between the unofficial results and the certificate of results, or whenever a discrepancy exists during the canvass of votes between the certificate of results and the set of totals reflected on the certificate of results, the ballots for that precinct shall be audited to correct the return.

Prior to the proclamation, the election authority shall test the voting devices and equipment in 5% of the precincts within the election jurisdiction. The precincts to be tested shall be selected after election day on a random basis by the State Board of Elections, so that every precinct in the election jurisdiction has an equal mathematical chance of being selected.

The test shall be conducted by entering a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each public question, and shall include for each office one or more ballots that have votes in excess of the number allowed by law to test the ability of the equipment to reject those votes. If any error is detected, the cause shall be determined and corrected, and an errorless count shall be made prior to the official canvass and proclamation of election results.

The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the chairman of the county central committee of each established political party, and qualified civic organizations shall be given prior written notice of the time and place of the test and may be represented at the test.

The results of this re-tabulation shall be treated in the same manner and have the same effect as the results of the discovery procedures set forth in Section 22-9.1 of this Code. Upon completion of the test, the election authority shall print a report showing the results of the test and any errors encountered and the report shall be made available for public inspection.

(10 ILCS 5/24C-15.01 new)

Sec. 24C-15.01. Transporting ballots to central counting station; container. Upon completion of the tabulation, audit, or test of voting equipment, if the election authority so instructs, pursuant to Sections 24C-11 through 24C-15, the voting equipment and ballots from each precinct shall be replaced in the container in which they were transported to the central counting station. If the container is not a type that may be securely locked, then each container, before being transferred from the counting station to storage, shall be sealed with filament tape wrapped around the container lengthwise and crosswise, at least twice each way, and in a manner that the equipment and ballots cannot be removed from the container without breaking the tape.

(10 ILCS 5/24C-15.1 new)

Sec. 24B-15.1. Discovery recounts and election contests. Discovery recounts and election contests shall be conducted as otherwise provided for in this Code. The Direct Recording Electronic Voting System equipment shall be tested prior to the discovery recount or election contest as provided in Section 24C-9 and then the official ballots shall be audited.

The log of the computer operator and all materials retained by the election authority in relation to vote tabulation and canvass shall be made available for any discovery recount or election contest.

(10 ILCS 5/24C-16 new)

Sec. 24C-16. Approval of Direct Recording Electronic Voting Systems; requisites. The State Board of Elections shall approve all Direct Recording Electronic Voting Systems provided by this Article.

No Direct Recording Electronic Voting System shall be approved unless it fulfills the following requirements:

(1) It enables a voter to vote in absolute secrecy, except in the case of voters who receive assistance as provided in this Code.

(2) It enables each voter to vote at an election for all persons and offices for whom and for which the voter is lawfully entitled to vote, to vote for as many persons for an office as the voter is entitled to vote for, and to vote for or against any public question upon which the voter is entitled to vote, but no other.

(3) It will detect and reject all votes for an office or upon a public question when the voter has cast more votes for the office or upon the public question than he or she is entitled to cast; provided, however, that it will inform a voter that the voter's choices as recorded on the ballot for an office or public question exceeds the number that the voter is entitled to vote for on that office or public question and will offer the voter an opportunity to correct the error before rejecting the choices recorded on the voter's ballot.

(4) It will enable each voter in primary elections to vote only for the candidates of the political party with which he or she had declared affiliation and preclude the voter from voting for any candidate of any other political party.

(5) It enables a voter to vote a split ticket selected in part from the nominees of one party, in part from the nominees of any or all parties, in part from independent candidates, and in part of candidates whose names are written in by the voter.

(6) It enables a voter, at a Presidential election, by a single selection to vote for the candidates of a political party for Presidential electors.

(7) It will prevent anyone voting for the same person more than once for the same office.

(8) It will record and count accurately each vote properly cast for or against any candidate and for or against any public question, including the names of all candidates whose names are written in by the voters.

(9) It will be capable of merging the vote tabulation results produced by other vote tabulation systems, if necessary.

(10) It will provide a means for sealing and resealing the vote recording devices to prevent their unauthorized use and to prevent tampering with ballot labels.

(11) It will be suitably designed for the purpose used, be durably constructed, and be designed for safety, accuracy, and efficiency.

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(12) It will be designed to accommodate the needs of elderly, handicapped, and disabled voters.

(13) It will enable a voter to vote for a person whose name does not appear on the ballot.

(14) It will be designed to ensure that vote recording devices or electronic tabulating equipment that count votes at the precinct will not be capable of reporting vote totals before the close of the polls.

(15) It will provide an audit trail.

The State Board of Elections is authorized to withdraw its approval of a Direct Recording Electronic Voting System if the system fails to fulfill the above requirements.

No vendor, person, or other entity may sell, lease, or loan a Direct Recording Electronic Voting System or system component to any election jurisdiction unless the system or system component is first approved by the State Board of Elections pursuant to this Section. The State Board of Elections shall not accept for testing or approval of any system or system component that has not first been evaluated by an independent testing laboratory or laboratories for performance and reliability using the standards that may from time to time be promulgated by the United States Federal Election Commission. When the functional requirements of this Section are in conflict with the standards promulgated by the Federal Election Commission, the standards of the Federal Election Commission shall govern.

(10 ILCS 5/24C-17 new)

Sec. 24C-17. Rules; number of voting booths. The State Board of Elections may make reasonable rules for the administration of this Article and may prescribe the number of voting booths required for the various types of voting systems.

(10 ILCS 5/24C-18 new)

Sec. 24C-18. Specimen ballots; publication. When a Direct Recording Electronic Voting System is used, the election authority shall cause to be published, at least 5 days before the day of each general and general primary election, in 2 or more newspapers published in and having a general circulation in the county, a true and legible copy of the specimen ballot containing the names of offices, candidates, and public questions to be voted on, as near as may be, in the form in which they will appear on the official ballot on election day. A true legible copy may be in the form of an actual size ballot and shall be published as required by this Section if distributed in 2 or more newspapers published and having a general circulation in the county as an insert. For each election prescribed in Article 2A of this Code, specimen ballots shall be made available for public distribution and shall be supplied to the judges of election for posting in the polling place on the day of election. Notice for the consolidated primary and consolidated elections shall be given as provided in Article 12.

(10 ILCS 5/24C-19 new)

Sec. 24C-19. Additional method of voting. This Article shall be deemed to provide a method of voting in addition to the methods otherwise provided in this Code.

(10 ILCS5/24A-20 rep.)

Section 10. The Election Code is amended by repealing Section 24A-20.

Section 99. Effective date. This Act takes effect on January 1, 2003.".

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 Karpiel, **Senate Bill No. 1975** was recalled from the order of third reading to the order of second reading.

Senator Karpiel offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1975, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 5.306 as follows:

(30 ILCS 105/5.306) (from Ch. 127, par. 141.306)

Sec. 5.306. The Child Labor and Temporary Staffing Services Enforcement Fund.

(Source: P.A. 87-139; 87-895.)

Section 10. The Day Labor Services Act is amended by changing the title of the Act and Sections 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, and 50 and by adding Sections 55, 60, 65, 70, 75, and 80 as follows:

(820 ILCS 175/Act title)

AN ACT in relation to temporary staffing ~~day-labor~~ services.

(820 ILCS 175/1)

Sec. 1. Short Title. This Act may be cited as the Temporary Staffing ~~Day-Labor~~ Services Act.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/5)

Sec. 5. Definitions. As used in this Act:

"Temporary staffer ~~Day--laborer~~" means a natural person who contracts for employment with a temporary staffing ~~day-labor~~ service agency.

"Temporary staffing ~~Day-labor~~" means labor or employment that is occasional or irregular at which a person is employed for not longer than the time period required to complete the assignment for which the person was hired and where wage payments are made directly or indirectly by the temporary staffing ~~day-labor~~ service agency or the third party employer for work undertaken by temporary staffers ~~day laborers~~ pursuant to a contract between the temporary staffing ~~day labor~~ service agency with the third party employer. "Temporary staffing ~~Day--labor~~" does not include labor or employment of a professional or clerical nature.

"Temporary staffing ~~Day-labor~~ service agency" means any person or entity engaged in the business of employing temporary staffers ~~day laborers~~ to provide services to or for any third party employer pursuant to a contract with the temporary staffing ~~day-labor~~ service and the third party employer.

"Department" means the Department of Labor.

"Third party employer" means any person that contracts with a temporary staffing ~~day-labor~~ service agency for the employment of temporary staffers ~~day-laborers~~.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/10)

Sec. 10. Statement.

(a) Whenever a temporary staffing ~~day-labor~~ service agency agrees to send one or more persons to work as temporary staffers ~~day laborers~~, the temporary staffing ~~day-labor~~ service agency shall, upon request by a temporary staffer ~~day-laborer~~, provide to the temporary staffer ~~day-laborer~~ a statement containing the following items: "Name and nature of the work to be performed", "wages

offered", "destination of the person employed", "terms of transportation", and whether a meal and equipment is provided, either by the temporary staffing ~~day--labor~~ service or the third party employer, and the cost of the meal and equipment, if any.

(b) No temporary staffing ~~day-labor~~ service agency may send any temporary staffer ~~day-laborer~~ to any place where a strike, a lockout, or other labor trouble exists without first notifying the temporary staffer ~~day-laborer~~ of the conditions.

(c) The Department shall recommend to temporary staffing ~~day labor~~ service agencies that those agencies employ personnel who can effectively communicate information required in subsections (a) and (b) to temporary staffers ~~day-laborers~~ in Spanish, Polish, or any other language that is generally used in the locale of the temporary staffing ~~day-labor~~ agency.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/15)

Sec. 15. Meals. A temporary staffing ~~day-labor~~ service agency or a third party employer shall not charge a temporary staffer ~~day labor~~ more than the actual cost of a meal. In no case shall the purchase of a meal be a condition of employment for a temporary staffer ~~day-laborer~~.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/20)

Sec. 20. Transportation. A temporary staffing ~~day-labor~~ service agency or a third party employer shall charge no more than the actual cost to transport a temporary staffer ~~day-laborer~~ to or from the designated work site; however, the total cost to each temporary staffer ~~day--laborer~~ shall not exceed 3% of the temporary staffer's ~~day-laborer's~~ daily wages. Any motor vehicle that is owned or operated by the temporary staffing ~~day-labor~~ service agency or a third party employer, or a contractor of either, which is used for the transportation of temporary staffers ~~day-laborers~~ shall have proof of financial responsibility as provided for in Chapter 8 of the Illinois Vehicle Code.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/25)

Sec. 25. Temporary staffer ~~Day--laborer~~ equipment. For any safety equipment, clothing, accessories, or any other items required by the nature of the work, either by law, custom, or as a requirement of the third party employer, the temporary staffing ~~day-labor~~ service agency or the third party employer may charge the temporary staffer ~~day--laborer~~ the market value of the item temporarily provided to the temporary staffer ~~day-laborer~~ by the third party employer if the temporary staffer ~~day-laborer~~ fails to return such items to the third party employer or the temporary staffing ~~day-labor~~ service agency. For any other equipment, clothing, accessories, or any other items the temporary staffing ~~day-labor~~ service agency makes available for purchase, the temporary staffer ~~day-laborer~~ shall not be charged more than the actual market value for the item.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/30)

Sec. 30. Wage Payment.

(a) At the time of the payment of wages, a temporary staffing ~~day--labor~~ service agency shall provide each temporary staffer ~~day labor~~ with an itemized statement showing in detail each deduction made from the wages.

(b) A temporary staffing ~~day-labor~~ service agency shall provide each worker an annual earnings summary within a reasonable time after the preceding calendar year, but in no case later than February 1. A temporary staffing ~~day-labor~~ service agency shall, at the time of

each wage payment, give notice to temporary staffers ~~day-laborers~~ of the availability of the annual earnings summary or post such a notice in a conspicuous place in the public reception area.

(c) At the request of a temporary staffer, a temporary staffing ~~day-laborer, a day-labor~~ service agency shall hold the daily wages of the temporary staffer ~~day--laborer~~ and make either weekly or semi-monthly payments. The wages shall be paid in a single check representing the wages earned during the period, either weekly or semi-monthly, designated by the temporary staffer ~~day--laborer~~ in accordance with the Illinois Wage Payment and Collection Act. Temporary staffing ~~Day--labor~~ service agencies that make daily wage payments shall provide written notification to all temporary staffers ~~day-laborers~~ of the right to request weekly or semi-monthly checks. The temporary staffing ~~day--labor~~ service agency may provide this notice by conspicuously posting the notice at the location where the wages are received by the temporary staffers ~~day-laborers~~.

(d) No temporary staffing ~~day-labor~~ service agency shall charge any temporary staffer ~~day-laborer~~ for cashing a check issued by the agency for wages earned by a temporary staffer ~~day-laborer~~ who performed work through that agency.

(e) Temporary staffers ~~Day-laborers~~ shall be paid no less than the wage rate stated in the notice as provided in Section 10 of this Act for all the work performed on behalf of the third party employer in addition to the work listed in the written description.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/35)

Sec. 35. Public Access Area. Each temporary staffing ~~day-labor~~ service agency shall provide adequate seating in the public access area of the offices of the agency. The public access area shall be the location for the employment and wage notices required by Section 10 of this Act. The public access area shall allow for access to restrooms and water.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/40)

Sec. 40. Work Restriction. No temporary staffing ~~day--labor~~ service agency shall restrict the right of a temporary staffer ~~day laborer~~ to accept a permanent position with a third party employer to whom the temporary staffer ~~day-laborer~~ has been referred for work or restrict the right of such third party employer to offer such employment to a temporary staffer ~~day--laborer~~. Nothing in this Section shall restrict a temporary staffing ~~day-labor~~ service agency from receiving a placement fee from the third party employer for employing a temporary staffer ~~day-laborer~~ for whom a contract for work was effected by the temporary staffing ~~day-labor~~ service agency.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/45)

Sec. 45. Registration; Department of Labor. A temporary staffing ~~day-labor~~ service agency shall register with the Department of Labor in accordance with rules adopted by the Department for temporary staffing ~~day-labor~~ service agencies that operate within the State. The Department may assess each agency a non-refundable registration fee not exceeding $250 per year. The fee may be paid by check or money order and the Department may not refuse to accept a check on the basis that it is not a certified check or a cashier's check. The Department may charge an additional fee to be paid by an agency if the agency, or any person on the agency's behalf, issues or delivers a check to the Department that is not honored by the financial institution upon which it is drawn. The Department shall also adopt rules for violation hearings and penalties for violations of this Act or the Department's rules in conjunction with the fines

and penalties set forth in this Act. The Department shall cause to be posted in each agency a notice which informs the public of a toll-free telephone number for temporary staffers ~~day-laborers~~ and the public to file wage dispute complaints and other alleged violations by temporary staffing ~~day-labor~~ service agencies.
(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/50)

Sec. 50. Violations. The Department shall have the authority to suspend or revoke the registration of a temporary staffing ~~day-labor~~ service agency if warranted by public health and safety concerns or violations of this Act.
(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/55 new)

Sec. 55. Enforcement. It shall be the duty of the Department to enforce the provisions of this Act. The Department shall have the power to conduct investigations in connection with the administration and enforcement of this Act and any investigator with the Department shall be authorized to visit and inspect, at all reasonable times, any places covered by this Act. The Department shall conduct hearings in accordance with the Illinois Administrative Procedure Act, as amended, upon written complaint by an investigator of the Department or any interested person of a violation of the Act. After the hearing, if supported by the evidence, the Department may (i) issue and cause to be served on any party an order to cease and desist from further violation of the Act, (ii) take affirmative or other action as deemed reasonable to eliminate the effect of the violation, (iii) deny, suspend, or revoke any registration under this Act, and (iv) determine the amount of any civil penalty allowed by the Act. The Director of Labor or his or her representative may compel, by subpoena, the attendance and testimony of witnesses and the production of books, payrolls, records, papers, and other evidence in any investigation or hearing and may administer oaths to witnesses.

(820 ILCS 175/60 new)

Sec. 60. Review under Administrative Review Law. Any party to a proceeding under this Act may apply for and obtain judicial review of an order of the Department entered under this Act in accordance with the provisions of the Administrative Review Law, as amended, and the Department in proceedings under the Act may obtain an order from the court for the enforcement of its order.

(820 ILCS 175/65 new)

Sec. 65. Contempt. Whenever it appears that any temporary staffing service agency has violated a valid order of the Department issued under this Act, the Director of Labor may commence an action and obtain from the court an order commanding the temporary staffing service agency to obey the order of the Department or be adjudged guilty of contempt of court and punished accordingly.

(820 ILCS 175/70 new)

Sec. 70. Penalties. A temporary staffing service agency that violates any of the provisions of this Act concerning registration, transportation, equipment, meals, wages, or waiting rooms shall be subject to a civil penalty not to exceed $500 for any violations found in the first audit and not to exceed $5,000 for any violations found in the second audit. For any violations that are found in a third audit that are within 7 years of the earlier violations, the Department may revoke the registration of the violator. In determining the amount of a penalty, the Director shall consider the appropriateness of the penalty to the temporary staffing service agency charged, upon the determination of the gravity of the violations. The amount of the penalty, when finally determined may be:

(1) Recovered in a civil action brought by the Director of Labor in any circuit court. In this litigation, the Director of Labor shall be represented by the Attorney General.

(2) Ordered by the court, in action brought for violation under this Act, to be paid to the Director of Labor.

Any administrative determination by the Department as to the amount of each penalty shall be final unless reviewed as provided in Section 60 of this Act.

(820 ILCS 175/75 new)

Sec. 75. Willful violations. Whoever willfully violates any of the provisions of this Act or any rule adopted under this Act, or whoever obstructs the Department of Labor, its inspectors or deputies, or any other person authorized to inspect places of employment under this Act shall be guilty of a Class A misdemeanor. Each day during which a violation of this Act continues shall constitute a separate and distinct offense, and the employment of any person in violation of the Act shall, with respect to each person so employed, constitute a separate and distinct offense. Whenever, in the opinion of the Department, a violation of the Act has occurred, the Department shall report the violation to the Attorney General of this State who shall prosecute all reported violations.

(820 ILCS 175/80 new)

Sec. 80. Child Labor and Temporary Staffing Enforcement Fund. All moneys received as fees and civil penalties under this Act shall be deposited into the Child Labor and Temporary Staffing Enforcement Fund and may be used for the purposes set forth in Section 17.3 of the Child Labor Law.

Section 15. The Child Labor Law is amended by changing Section 17.3 as follows:

(820 ILCS 205/17.3) (from Ch. 48, par. 31.17-3)

Sec. 17.3. Any employer who violates any of the provisions of this Act or any rule or regulation issued under the Act shall be subject to a civil penalty of not to exceed $5,000 for each such violation. In determining the amount of such penalty, the appropriateness of such penalty to the size of the business of the employer charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, may be

(1) recovered in a civil action brought by the Director of Labor in any circuit court, in which litigation the Director of Labor shall be represented by the Attorney General;

(2) ordered by the court, in an action brought for violation under Section 19, to be paid to the Director of Labor.

Any administrative determination by the Department of Labor of the amount of each penalty shall be final unless reviewed as provided in Section 17.1 of this Act.

Civil penalties recovered under this Section shall be paid into the Child Labor and Temporary Staffing Enforcement Fund, a special fund which is hereby created in the State treasury. Moneys ~~Monies~~ in the Fund may ~~shall~~ be used, subject to appropriation, for exemplary programs, demonstration projects, and other activities or purposes related to the enforcement of this Act or for the activities or purposes related to the enforcement of the Temporary Staffing Services Act.

(Source: P.A. 87-139; 88-365.)

Section 99. Effective date. This Act takes effect January 1, 2003.".

The motion prevailed.

And the amendment was adopted and ordered printed.

[Apr. 3, 2002]

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

On motion of Senator Klemm, **Senate Bill No. 1997** was recalled from the order of third reading to the order of second reading.

Senator Klemm offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1997 on page 3, line 19, by changing "600,000" to "800,000".

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 Syverson, **Senate Bill No. 2001** was recalled from the order of third reading to the order of second reading.

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2001, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, by replacing line 5 with the following:

"shall be funded using federal civil monetary penalties collected and deposited into the Long Term Care Monitor/Receiver Fund established under the Nursing"; and

on page 3, by replacing line 7 with the following:

"recommendations of the commission and after a thorough review of the compliance history of the long-term care facility."; and

by replacing line 32 on page 3 and line 1 on page 4 with the following:

"With the approval of the federal centers for Medicaid and Medicare services, the Director of Public Health shall set aside 50% of the federal civil monetary penalties collected each year to be used to".

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 Watson, **Senate Bill No. 2016** was recalled from the order of third reading to the order of second reading.

Senator Watson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2016, AS AMENDED, in Section 10, by replacing all of Sec. 3-6037 with the following:

"(55 ILCS 5/3-6037) (from Ch. 34, par. 3-6037)

Sec. 3-6037. Salary of Supervisor of Safety. The county board may allow the Supervisor of Safety an annual salary in an amount determined by the board. ~~not to exceed the following:~~

~~In counties of less than 20,000 population, the sum of $1,500;~~

~~In counties of 20,000 or more and less than 30,000 population, the sum of $2,000;~~
~~In counties of 30,000 or more and less than 50,000 population, the sum of $2,500;~~
~~In counties of 50,000 or more and less than 75,000 population, the sum of $3,000;~~
~~In counties of 75,000 or more and less than 100,000 population, the sum of $3,500;~~
~~In counties of 100,000 or more and less than 500,000 population, the sum of $4,000;~~
~~In counties of 500,000 or more population, the sum of $4,500.~~
~~The word "population" when used in this section shall mean the population as determined by the last preceding Federal Census.~~
The salary determined under this Section ~~These salaries~~ shall be without regard to and separate from the salary ~~salaries~~ that may be fixed by the county board for the Sheriff, and it shall be payable out of the County Treasury.
(Source: P.A. 86-962.)".

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 Donahue, **Senate Bill No. 2018** was recalled from the order of third reading to the order of second reading.
Senator Donahue offered the following amendment and moved its adoption:

AMENDMENT NO. 1
AMENDMENT NO. 1. Amend Senate Bill 2018, on page 1, by replacing line 9 with the following:
"fund in the State treasury. The Comptroller shall order transferred and the State Treasurer shall transfer from the Federal Department of Education Fund into the Career and Technical Education Fund such amounts as may be directed in writing by the State Board of Education. All moneys so deposited into the Career and".

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 Bomke, **Senate Bill No. 2022** was recalled from the order of third reading to the order of second reading.
Senator Bomke offered the following amendment and moved its adoption:

AMENDMENT NO. 2
AMENDMENT NO. 2. Amend Senate Bill 2022, AS AMENDED, by replacing everything after the enacting clause with the following:
"Section 5. The Mental Health and Developmental Disabilities Confidentiality Act is amended by changing Section 12 as follows:
(740 ILCS 110/12) (from Ch. 91 1/2, par. 812)
Sec. 12. (a) If the United States Secret Service or the Department of State Police requests information from a mental health or developmental disability facility, as defined in Section 1-107 and 1-114 of the Mental Health and Developmental Disabilities Code,

relating to a specific recipient and the facility director determines that disclosure of such information may be necessary to protect the life of, or to prevent the infliction of great bodily harm to, a public official, or a person under the protection of the United States Secret Service, only the following information may be disclosed: the recipient's name, address, and age and the date of any admission to or discharge from a facility; and any information which would indicate whether or not the recipient has a history of violence or presents a danger of violence to the person under protection. Any information so disclosed shall be used for investigative purposes only and shall not be publicly disseminated. Any person participating in good faith in the disclosure of such information in accordance with this provision shall have immunity from any liability, civil, criminal or otherwise, if such information is disclosed relying upon the representation of an officer of the United States Secret Service or the Department of State Police that a person is under the protection of the United States Secret Service or is a public official.

For the purpose of this subsection (a), the term "public official" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, State Comptroller, State Treasurer or member of the General Assembly. The term shall also include the spouse, child or children of a public official.

(b) The Department of Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities) and all private hospitals are required, as hereafter described in this subsection, to furnish the Department of State Police only such information as may be required for the sole purpose of determining whether an individual who may be or may have been a patient is disqualified because of that status from receiving or retaining a Firearm Owner's Identification Card under subsection (e) of Section 8 of the Firearm Owners Identification Card Act. All private hospitals shall, in the form and manner required by the Department, provide such information as shall be necessary for the Department to comply with the reporting requirements to the Department of State Police. Such information shall be furnished within 30 days after admission to a private hospital. Any such information disclosed under this subsection shall remain privileged and confidential, and shall not be redisclosed nor utilized for any other purpose. The method of requiring the providing of such information shall guarantee that no information is released beyond what is necessary for this purpose. In addition, the information disclosed shall be provided by the Department within the time period established by Section 24-3 of the Criminal Code of 1961 regarding the delivery of firearms. The method used shall be sufficient to provide the necessary information within the prescribed time period, which may include periodically providing lists to the Department of Human Services or any private hospital of Firearm Owner's Identification Card applicants on which the Department or hospital shall indicate the identities of those individuals who are to its knowledge disqualified from having a Firearm Owner's Identification Card for reasons described herein. The Department may provide for a centralized source of information for the State on this subject under its jurisdiction.

Any person, institution, or agency, under this Act, participating in good faith in the reporting or disclosure of records and communications otherwise in accordance with this provision or with rules, regulations or guidelines issued by the Department shall have immunity from any liability, civil, criminal or otherwise, that might result by reason of the action. For the purpose of any proceeding, civil or criminal, arising out of a report or disclosure in

accordance with this provision, the good faith of any person, institution, or agency so reporting or disclosing shall be presumed. The full extent of the immunity provided in this subsection (b) shall apply to any person, institution or agency that fails to make a report or disclosure in the good faith belief that the report or disclosure would violate federal regulations governing the confidentiality of alcohol and drug abuse patient records implementing 42 U.S.C. 290dd-3 and 290ee-3.

For purposes of this subsection (b) only, the following terms shall have the meaning prescribed:

(1) "Hospital" means only that type of institution which is providing full-time residential facilities and treatment for in-patients and excludes institutions, such as community clinics, which only provide treatment to out-patients.

(2) "Patient" shall mean only a person who is an in-patient or resident of any hospital, not an out-patient or client seen solely for periodic consultation.

(c) Upon the request of a peace officer who takes a person into custody and transports such person to a mental health or developmental disability facility pursuant to Section 3-606 or 4-404 of the Mental Health and Developmental Disabilities Code or who transports a person from such facility, a facility director shall furnish said peace officer the name, address, age and name of the nearest relative of the person transported to or from the mental health or developmental disability facility. In no case shall the facility director disclose to the peace officer any information relating to the diagnosis, treatment or evaluation of the person's mental or physical health.

For the purposes of this subsection (c), the terms "mental health or developmental disability facility", "peace officer" and "facility director" shall have the meanings ascribed to them in the Mental Health and Developmental Disabilities Code.

(d) Upon the request of a peace officer or prosecuting authority who is conducting a bona fide investigation of a criminal offense, or attempting to apprehend a fugitive from justice, a facility director may disclose whether a person is present at the facility. Upon request of a peace officer or prosecuting authority who has a valid forcible felony warrant issued, a facility director shall disclose: (1) whether the person who is the subject of the warrant is present at the facility and (2) the date of that person's discharge or future discharge from the facility. The requesting peace officer or prosecuting authority must furnish a case number and the purpose of the investigation or an outstanding arrest warrant at the time of the request. Any person, institution, or agency participating in good faith in disclosing such information in accordance with this subsection (d) is immune from any liability, civil, criminal or otherwise, that might result by reason of the action.

(Source: P.A. 89-507, eff. 7-1-97; 90-423, eff. 8-15-97.)

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.

READING A BILL OF THE SENATE A THIRD TIME

[Apr. 3, 2002]

On motion of Senator Cullerton, **Senate Bill No. 2049**, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson

Weaver
Welch
Woolard
Mr. President

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

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

SENATE BILLS RECALLED

On motion of Senator Donahue, **Senate Bill No. 2050** was recalled from the order of third reading to the order of second reading.

Senator Donahue offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2050 on page 1, line 13, by changing "Sixteen" to "Nineteen"; and
on page 1, line 28, after the semicolon, by inserting the following: "the Illinois Public Health Association; the Illinois Speech-Language Hearing Association; the American Association of Neurological Surgeons;"; and
on page 2, line 21, after "reasonable", by inserting "travel"; and
on page 2, line 24, by replacing "once each calendar quarter" with "3 times each calendar year"; and
on page 3, by deleting lines 7 and 8; and
on page 3, line 9, by changing "(4) Adopting" to "(3) Recommending"; and
on page 3, line 12, by changing "(5)" to "(4)"; and
on page 3, line 17, by changing "(6)" to "(5)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Dillard, **Senate Bill No. 2072** 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. 1

AMENDMENT NO. 1. Amend Senate Bill 2072 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Groundwater Protection Act is amended by changing Section 9 and by adding Section 9.1 as follows:

(415 ILCS 55/9) (from Ch. 111 1/2, par. 7459)

Sec. 9. (a) As used in this Section, unless the context clearly requires otherwise:

(1) "Community water system" means a public water system which serves at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days per year.

(2) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(3) "Department" means the Illinois Department of Public Health.

(4) "Non-community water system" means a public water system which is not a community water system, and has at least 15 service connections used by nonresidents, or regularly serves 25 or more nonresident individuals daily for at least 60 days per year.

(4.5) "Non-transient, non-community water system" means a non-community water system that regularly serves the same 25 or more persons at least 6 months per year.

(5) "Private water system" means any supply which provides water for drinking, culinary, and sanitary purposes and serves an owner-occupied single family dwelling.

(6) "Public water system" means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. A public water system is either a community water system (CWS) or a non-community water system (non-CWS). The term "public water system" includes any collection, treatment, storage or distribution facilities under control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

(7) "Semi-private water system" means a water supply which is not a public water system, yet which serves a segment of the public other than an owner-occupied single family dwelling.

(8) "Supplier of water" means any person who owns or operates a water system.

(b) No non-community water system may be constructed, altered, or extended until plans, specifications, and other information relative to such system are submitted to and reviewed by the Department for conformance with the rules promulgated under this Section, and until a permit for such activity is issued by the Department. As part of the permit application, all new non-transient, non-community water systems must demonstrate technical, financial, and managerial capacity consistent with the federal Safe Drinking Water Act.

(c) All private and semi-private water systems shall be constructed in accordance with the rules promulgated by the Department under this Section.

(d) The Department shall promulgate rules for the construction and operation of all non-community and semi-private water systems. Such rules shall include but need not be limited to: the establishment of maximum contaminant levels no more stringent than federally established standards where such standards exist; the maintenance of records; the establishment of requirements for the submission and frequency of submission of water samples by suppliers of water to determine the water quality; and the capacity demonstration requirements to ensure compliance with technical, financial, and managerial capacity provisions of the federal Safe Drinking Water Act.

(e) Borings, water monitoring wells, and wells subject to this Act shall, at a minimum, be abandoned and plugged in accordance with the requirements of Sections 16 and 19 of the Illinois Oil and Gas Act, and such rules as are promulgated thereunder. Nothing herein shall preclude the Department from adopting plugging and abandonment requirements which are more stringent than the rules of the Department of Natural Resources where necessary to protect the public

health.

(f) The Department shall inspect all non-community water systems for the purpose of determining compliance with the provisions of this Section and the regulations promulgated hereunder.

(g) The Department may inspect semi-private and private water systems for the purpose of determining compliance with the provisions of this Section and the regulations promulgated hereunder.

(h) The supplier of water shall be given written notice of all violations of this Section or the rules promulgated hereunder and all such violations shall be corrected in a manner and time specified by the Department.

(i) The Department may conduct inspections to investigate the construction or water quality of non-community or semi-private water systems, or the construction of private water systems. Upon request of the owner or user, the Department may also conduct investigations of the water quality of private water systems.

(j) The supplier of water for a private, semi-private, or non-community water system shall allow the Department and its authorized agents access to such premises at all reasonable times for the purpose of inspection.

(k) The Department may designate full-time county or multiple-county health departments as its agents to facilitate the implementation of this Section.

(l) The Department shall promulgate and publish rules necessary for the enforcement of this Section.

(m) Whenever a non-community or semi-private water system fails to comply with an applicable maximum contaminant level at the point of use, the supplier of water shall give public notification by the conspicuous posting of notice of such failure as long as the failure continues. The notice shall be written in a manner reasonably designed to fully inform users of the system that a drinking water regulation has been violated, and shall disclose all material facts. All non-transient, non-community water systems must demonstrate technical, financial, and managerial capacity consistent with the federal Safe Drinking Water Act.

(n) The provisions of the Illinois Administrative Procedure Act, are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department of Public Health under this Section, except that in case of conflict between the Illinois Administrative Procedure Act and this Section the provisions of this Section shall control; and except that Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.

(o) All final administrative decisions of the Department issued pursuant to this Section shall be subject to judicial review pursuant to the provisions of the Administrative Review Law and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(p) The Director, after notice and opportunity for hearing to the applicant, may deny, suspend, or revoke a permit in any case in which he or she finds that there has been a substantial failure to comply with the provisions of this Section or the standards, rules and regulations established by virtue thereof.

Such notice shall be effected by certified mail or by personal service setting forth the particular reasons for the proposed action and fixing a date, not less than 15 days from the date of such mailing or service, at which time the applicant shall be given an opportunity to request hearing.

[Apr. 3, 2002]

The hearing shall be conducted by the Director or by an individual designated in writing by the Director as Hearing Officer to conduct the hearing. On the basis of any such hearing, or upon default of the applicant, the Director shall make a determination specifying his or her findings and conclusions. A copy of such determination shall be sent by certified mail or served personally upon the applicant.

(q) The procedure governing hearings authorized by this Section shall be in accordance with rules promulgated by the Department. A full and complete record shall be kept of all proceedings, including the notice of hearing, complaint and all other documents in the nature of pleadings, written motions filed in the proceedings, and the report and orders of the Director and Hearing Officer. All testimony shall be reported but need not be transcribed unless review of the decision is sought pursuant to the Administrative Review Law. Copies of the transcript may be obtained by any interested party on payment of the cost of preparing such copies. The Director or Hearing Officer shall, upon his or her own motion or on the written request of any party to the proceeding, issue subpoenas requiring the attendance and the giving of testimony by witnesses, and subpoenas duces tecum requiring the production of books, papers, records or memoranda. All subpoenas and subpoenas duces tecum issued under the terms of this Section may be served by any person of legal age. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of this State, such fees to be paid when the witness is excused from further attendance. When the witness is subpoenaed at the instance of the Director or Hearing Officer, such fees shall be paid in the same manner as other expenses of the Department, and when the witness is subpoenaed at the instance of any other party to any such proceeding, the Department may require that the cost of service of the subpoena or subpoena duces tecum and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case, the Department, in its discretion, may require a deposit to cover the cost of such service and witness fees. A subpoena or subpoena duces tecum so issued shall be served in the same manner as a subpoena issued by a circuit court.

(r) Any circuit court of this State, upon the application of the Director or upon the application of any other party to the proceeding, may, in its discretion, compel the attendance of witnesses, the production of books, papers, records or memoranda and the giving of testimony before the Director or Hearing Officer conducting an investigation or holding a hearing authorized by this Section, by an attachment for contempt or otherwise, in the same manner as production of evidence may be compelled before the court.

(s) The Director or Hearing Officer, or any party in an investigation or hearing before the Department, may cause the depositions of witnesses within the State to be taken in the manner prescribed by law for like depositions in civil actions in courts of this State, and to that end compel the attendance of witnesses and the production of books, papers, records, or memoranda.

(t) Any person who violates this Section or any rule or regulation adopted by the Department, or who violates any determination or order of the Department under this Section, shall be guilty of a Class A misdemeanor and shall be fined a sum not less than $100. Each day's violation constitutes a separate offense. The State's Attorney of the county in which the violation occurs, or the Attorney General of the State of Illinois, may bring such actions in the name of the People of the State of Illinois; or may in addition to other remedies provided in this Section, bring action for an

injunction to restrain such violation, or to enjoin the operation of any establishment.

(u) The State of Illinois, and all of its agencies, institutions, offices and subdivisions shall comply with all requirements, prohibitions and other provisions of this Section and regulations adopted thereunder.

(v) No agency of the State shall authorize, permit or license the construction or operation of any potential route, potential primary source, or potential secondary source, as those terms are defined in the Environmental Protection Act, in violation of any provision of this Section or the regulations adopted hereunder.

(w) This Section shall not apply to any water supply which is connected to a community water supply which is regulated under the Environmental Protection Act, except as provided in Section 9.1.

(Source: P.A. 92-369, eff. 8-15-01.)

(415 ILCS 55/9.1 new)

Sec. 9.1. Notification of actual or potential contamination.

(a) Whenever the Agency identifies any volatile organic compound in excess of the Board's Groundwater Quality Standards or the Safe Drinking Water Act maximum contaminant level while performing its obligations under Section 7 of this Act, Section 13.1 of the Environmental Protection Act, or the federal Safe Drinking Water Act, the Agency shall notify the Department, unless notification has already been provided, and the unit of local government affected.

(b) Within 60 days of receipt of notice provided for in subsection (a) of this Section, the Department, or the Department in coordination with the delegated county health department, shall provide notice to the public identifying the contaminants of concern. The notice shall be provided by means of electronic or print media and must be designed to inform the owner of any private water system, semi-private water system, or non-community public water system within an area potentially affected by the identified contamination of the need for the system owner to test the system for possible contamination. The notice shall appear in the media for 3 consecutive weeks.

(c) A unit of local government shall take any action that it deems appropriate, such as informing any homeowner who potentially could be adversely affected, within a reasonable time after notification by the Agency under subsection (a) 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. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Syverson, **Senate Bill No. 2069** 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 2069 as follows:

on page 1, line 30, by replacing "such" with "health care professional"; and

on page 2, line 1, by replacing "University faculty" with "adjunct University faculty who are licensed dentists or physicians licensed to practice medicine in all its branches".

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 Donahue, **Senate Bill No. 2098** was recalled from the order of third reading to the order of second reading.

Senator Donahue offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2098 on page 1, below line 5, by inserting the following:

"Section 5. Findings. The General Assembly finds:

(1) Senior citizens identify pharmaceutical assistance as the single most critical factor to their health, well-being, and continued independence.

(2) The State of Illinois currently operates 2 pharmaceutical assistance programs that benefit seniors: (i) the program of pharmaceutical assistance under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act and (ii) the Aid to the Aged, Blind, or Disabled program under the Illinois Public Aid Code. The State has been given authority to establish a third program, SeniorRx Care, through a federal Medicaid waiver.

(3) Each year, numerous pieces of legislation are filed seeking to establish additional pharmaceutical assistance benefits for seniors or to make changes to the existing programs.

(4) Establishment of a pharmaceutical assistance review committee will ensure proper coordination of benefits, diminish the likelihood of duplicative benefits, and ensure that the best interests of seniors are served.

(5) In addition to the State pharmaceutical assistance programs, several private entities, such a drug manufacturers and pharmacies, also offer prescription drug discount or coverage programs.

(6) Many seniors are unaware of the myriad of public and private programs available to them.

(7) Establishing a pharmaceutical clearinghouse with a toll-free hot-line and local outreach workers will educate seniors about the vast array of options available to them and enable seniors to make an educated and informed choice that is best for them.

(8) Estimates indicate that almost one-third of senior citizens lack prescription drug coverage. The federal government, states, and the pharmaceutical industry each have a role in helping these uninsured seniors gain access to life-saving medications.

(9) The State of Illinois has recognized its obligation to assist Illinois' neediest seniors in purchasing prescription medications, and it is now time for pharmaceutical manufacturers to recognize their obligation to make their medications affordable to seniors.

Section 10. Definitions. In this Act:

"Manufacturer" includes:

(1) An entity that is engaged in (a) the production, preparation, propagation, compounding, conversion, or processing of prescription drug products (i) directly or indirectly by extraction from substances of natural origin, (ii) independently by means of chemical synthesis, or (iii) by combination of extraction and chemical synthesis; or (b) the packaging, repackaging, labeling or re-labeling, or distribution of prescription drug products.

(2) The entity holding legal title to or possession of the national drug code number for the covered prescription drug.

The term does not include a wholesale distributor of drugs, drugstore chain organization, or retail pharmacy licensed by the State.

"Prescription drug" means a drug that may be dispensed only upon prescription by an authorized prescriber and that is approved for safety and effectiveness as a prescription drug under Section 505 or 507 of the Federal Food, Drug and Cosmetic Act.

"Senior citizen" or "senior" means a person 65 years of age or older.

Section 15. Senior Pharmaceutical Assistance Review Committee.

(a) The Senior Pharmaceutical Assistance Review Committee is created. The Committee shall consist of 17 members as follows:

(1) Twelve members appointed as follows: 2 members of the General Assembly and 1 member of the general public, appointed by the President of the Senate; 2 members of the General Assembly and 1 member of the general public, appointed by the Minority Leader of the Senate; 2 members of the General Assembly and 1 member of the general public, appointed by the Speaker of the House of Representatives; and 2 members of the General Assembly and 1 member of the general public, appointed by the Minority Leader of the House of Representatives. These members shall serve at the pleasure of the appointing authority.

(2) The Director of Aging or his or her designee.

(3) The Director of Revenue or his or her designee.

(4) The Director of Public Aid or his or her designee.

(5) The Secretary of Human Services or his or her designee.

(6) The Director of Public Health or his or her designee.

(b) Members appointed from the general public shall represent the following associations, organizations, and interests: statewide membership-based senior advocacy organizations, pharmaceutical manufacturers, pharmacists, dispensing pharmacies, physicians, and providers of services to senior citizens. No single organization may have more than one representative appointed as a member from the general public.

(c) The President of the Senate and Speaker of the House of Representatives shall each designate one member of the Committee to serve as co-chairs.

(d) Committee members shall serve without compensation or reimbursement for expenses.

(e) The Committee shall meet at the call of the co-chairs, but at least quarterly.

(f) The Committee may conduct public hearings to gather testimony from interested parties regarding pharmaceutical assistance for Illinois seniors, including changes to existing and proposed programs.

(g) The Committee may advise appropriate State agencies regarding the establishment of proposed programs or changes to existing programs. The State agencies shall take into consideration any recommendations made by the Committee.

(h) The Committee shall report to the General Assembly and the Governor annually or as it deems necessary regarding proposed or recommended changes to pharmaceutical assistance programs that benefit Illinois seniors and any associated costs of those changes.

Section 20. Senior Health Assistance Program.

(a) The Senior Health Assistance Program is created within the Department on Aging, to become operational within 90 days after the effective date of this Act. The Senior Health Assistance Program shall provide outreach and education to senior citizens on available

prescription drug coverage and discount programs.

(b) The Senior Health Assistance Program shall operate a Clearinghouse for all information regarding prescription drug coverage programs available to senior citizens in Illinois. The Clearinghouse shall operate in conjunction with the Department's toll free senior information program.

(c) The purposes of the Clearinghouse include, but are not limited to:

(1) Maintaining information on public and private prescription assistance programs for Illinois seniors.

(2) Educating citizens on available public and private prescription assistance programs.

(3) Educating seniors on how to make an informed decision about participation in prescription drug assistance programs.

(d) The Clearinghouse has the following duties:

(1) Provide a one-stop resource for all information for seniors regarding public and private prescription drug discount and coverage programs.

(2) Perform outreach and education activities on public and private prescription drug discount and coverage programs.

(3) Maintain a toll free telephone number staffed by trained customer service representatives.

(4) Maintain measurable data to identify the progress and success of the program, including, but not limited to, the number of individuals served, the type of assistance received, and overall program evaluation.

(e) The Department shall work cooperatively with other Departments that fund senior health assistance, including assistance with prescription drugs, to ensure maximum coordination.

Section 25. Study of catastrophic pharmaceutical assistance coverage.

(a) The Illinois Comprehensive Health Insurance Board shall study a catastrophic pharmaceutical assistance coverage option. The Board may contract with a private entity for the completion of all or part of the study. Specifically, the study shall:

(1) Assess the need for a catastrophic pharmaceutical assistance coverage option, including information on the number of individuals in need of such a benefit.

(2) Estimate the cost of providing a catastrophic pharmaceutical assistance coverage option through the Illinois Comprehensive Health Insurance Plan or another public or private entity.

(3) Recommend ways to create a catastrophic pharmaceutical assistance coverage option.

(b) The Board may accept donations, in trust, from any legal source, public or private, for deposit into a specially created trust account and for expenditure, without the necessity of being appropriated, solely for the purpose of conducting all or part of the study.

(c) The Board may enter into intergovernmental agreements with other State agencies for the purpose of conducting all or part of the study.

(d) The Board shall issue a report with recommendations to the Governor and the General Assembly by January 1, 2003.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

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 Bomke, **Senate Bill No. 2117** was recalled from the order of third reading to the order of second reading.

Senator Bomke offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2117, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, line 33, by changing "3" to "4"; and
on page 2, line 34, by changing "3" to "4"; and
on page 3, line 2, by replacing "2" with "at least 2"; and
on page 3, line 6, by deleting "and"; and
on page 3, by replacing line 11 with the following:
"within the District, each of whom must at all times during the term of appointment be and remain an officer of the governing board of, or an officer of, the licensed non-profit acute care hospital; and 2 physician members representing the chartered county medical society in the county that includes the District, with one member appointed by the Governor, with the advice and consent of the Senate and one member appointed by the Mayor of Springfield, with the advice and consent of the Springfield city council. A licensed non-profit acute care hospital member shall no longer be qualified to be, and shall promptly be replaced as, a Commissioner, as provided in this Act, if and when the member no longer is an officer of the governing board of, or an officer of, the licensed non-profit acute care hospital represented. The members, except the physician members, members representing hospitals, and the members representing a public school of medicine, appointed by the"; and
on page 3, by replacing line 29 with the following:
"the second, third, fourth, and fifth anniversaries of their"; and
on page 4, line 23, by replacing "2" with "4"; and
on page 4, line 30, by replacing "9" with "12"; and
on page 5, line 2, by replacing "7" with "10".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Burzynski, **Senate Bill No. 2223** was recalled from the order of third reading to the order of second reading.

Senator Burzynski offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2223, on page 1, line 5, after "10-30", by inserting "and adding Section 15-13"; and
on page 7, immediately below line 4, by inserting the following:

"(225 ILCS 65/15-13 new)

(Section scheduled to be repealed on January 1, 2008)

Sec. 15-13. License pending status.

(a) A graduate of an advanced practice nursing program may practice in the State of Illinois in the role of certified clinical nurse specialist, certified nurse midwife, certified nurse practitioner, or certified registered nurse anesthetist for not

longer than 6 months provided he or she submits all of the following:

(1) An application for licensure as an advanced practice nurse in Illinois.

(2) Proof of an application to take the national certification examination in the specialty.

(3) Proof of completion of a graduate advanced practice education program that allows the applicant to be eligible for national certification in a clinical advanced practice nursing speciality and that allows the applicant to be eligible for licensure in Illinois in the area of his or her specialty.

(4) Proof of that he or she is licensed in Illinois as a registered professional nurse.

(5) Proof that he or she has a completed proposed collaborative agreement or practice agreement as required under Section 15-15 or 15-25 of this Act.

(6) The license application fee as set by rule.

(b) License pending status shall preclude delegation of prescriptive authority.

(c) A graduate practicing in accordance with this Section must use the title "license pending certified clinical nurse specialist", "license pending certified nurse midwife", "license pending certified nurse practitioner", or "license pending certified registered nurse anesthetist", whichever is applicable.".

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.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 379

Offered by Senator Demuzio and all Senators:

Mourns the death of William J. Drury of Carlinville.

SENATE RESOLUTION NO. 380

Offered by Senator Demuzio and all Senators:

Mourns the death of Everett T. Pogue of Carlinville.

SENATE RESOLUTION NO. 381

Offered by Senator Demuzio and all Senators:

Mourns the death of John Stankoven of Gillespie.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

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. 2 to Senate Bill 1972

Senator Philip announced that there will be a Republican caucus tomorrow, Thursday, April 4, 2002 at 8:00 o'clock a.m.

At the hour of 6:21 o'clock p.m., on motion of Senator Geo-Karis, the Senate stood adjourned until Thursday, April 4, 2002 at 9:00 o'clock a.m.