

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

94TH LEGISLATIVE DAY

WEDNESDAY, MAY 8, 2002

9:30 O'CLOCK A.M.

No. 94  
[May 8, 2002]

The Senate met pursuant to adjournment.  
 Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.  
 Prayer by Pastor Ron Rector, First Christian Church of Maroa,  
 Maroa, Illinois.

Senator Radogno led the Senate in the Pledge of Allegiance.

Senator W. Jones moved that reading and approval of the Journals of Monday, May 6, 2002 and Tuesday, May 7, 2002 be postponed pending arrival of the printed Journals.

The motion prevailed.

#### REPORT RECEIVED

The Secretary placed before the Senate the following report:

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

The foregoing report was ordered received and placed on file in the Secretary's Office.

#### LEGISLATIVE MEASURES FILED

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

Senate Amendment No. 4 to House Bill 1889  
 Senate Amendment No. 4 to House Bill 1975  
 Senate Amendment No. 2 to House Bill 4667  
 Senate Amendment No. 3 to House Bill 5002

#### 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. 1 to House Bill 5996

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 House Bill 1436  
 Amendment No. 2 to House Bill 1436  
 Amendment No. 3 to House Bill 1436  
 Amendment No. 2 to House Bill 3673  
 Amendment No. 3 to House Bill 3673

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Amendment No. 1 to House Bill 3938  
 Amendment No. 1 to House Bill 4117  
 Amendment No. 1 to House Bill 4912  
 Amendment No. 2 to House Bill 5343

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 amendment, reported that the Committee recommends that it be adopted:

Amendment No. 1 to House Bill 4667

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

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

Amendment No. 2 to House Bill 909  
 Amendment No. 1 to House Bill 2828  
 Amendment No. 1 to House Bill 4411  
 Amendment No. 2 to House Bill 4453

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 House Bill 1889  
 Amendment No. 1 to House Bill 4220  
 Amendment No. 1 to House Bill 4725  
 Amendment No. 1 to House Bill 4975  
 Amendment No. 1 to House Bill 5596  
 Amendment No. 1 to House Bill 5608

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 Motion to concur with House to the following Senate Bill, reported that the Committee recommends that it be approved for consideration:

Motion to concur House Amendment 1 to Senate Bill 1830

Under the rules, the foregoing motion is eligible for consideration by the Senate.

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 House Bill 4081  
 Amendment No. 2 to House Bill 4926

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Amendment No. 2 to House Bill 5625  
Amendment No. 2 to House Bill 5941

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 adopted:

Amendment No. 2 to House Bill 4879  
Amendment No. 2 to House Bill 5906

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. 2 to House Bill 1081  
Amendment No. 1 to House Bill 3812  
Amendment No. 3 to House Bill 5368

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 Motion to concur with House amendments to the following Senate Bill, reported that the Committee recommends that it be approved for consideration:

Motion to concur House Amendments 1 and 2 to Senate Bill 151

Under the rules, the foregoing motion is eligible for consideration by the Senate.

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 approved for consideration:

Amendment No. 1 to House Bill 5140  
Amendment No. 2 to House Bill 6041

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

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

Amendment No. 2 to House Bill 6012

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

Senator Bomke, Chairperson of the Committee on State Government

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Operations, to which was referred the Motion to concur with House amendments to the following Senate Bill, reported that the Committee recommends that it be approved for consideration:

**Motion to concur House Amendment 1 to Senate Bill 1854**

Under the rules, the foregoing motion is eligible for consideration by the Senate.

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

**Amendment No. 2 to House Bill 1033**

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. 2 to House Bill 3713  
 Amendment No. 1 to House Bill 4344  
 Amendment No. 1 to House Bill 4933  
 Amendment No. 2 to House Bill 4948  
 Amendment No. 1 to House Bill 5255  
 Amendment No. 2 to House Bill 5610

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

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

A message from the House by

Mr. Rossi, Clerk:

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

**SENATE BILL NO. 1666**

A bill for AN ACT in relation to taxes.

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

House Amendment No. 1 to SENATE BILL NO. 1666

Passed the House, as amended, May 7, 2002.

ANTHONY D. ROSSI, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 1666**

AMENDMENT NO. 1. Amend Senate Bill 1666 on page 2, line 18, by replacing "Annual" with "An".

Under the rules, the foregoing House Bill No. 1666, with Senate Amendment No. 1, was referred to the Secretary's Desk.

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

SENATE BILL NO. 1795  
 A bill for AN ACT in relation to vehicles.

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

House Amendment No. 1 to SENATE BILL NO. 1795

Passed the House, as amended, May 7, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1795

AMENDMENT NO. 1. Amend Senate Bill 1795 on page 2, after line 10, by inserting the following:

"(3) To the use of a cellular radio telecommunication device that has a digital two-way radio service capability owned and operated by the school district, when that device is being used as a digital two-way radio."; and  
 on page 2, line 11, by replacing "(3)" with "(4)".

Under the rules, the foregoing House Bill No. 1795, with Senate Amendment No. 1, was referred to the Secretary's Desk.

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

SENATE BILL NO. 1798  
 A bill for AN ACT concerning hospitals.

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

House Amendment No. 1 to SENATE BILL NO. 1798  
 House Amendment No. 2 to SENATE BILL NO. 1798

Passed the House, as amended, May 7, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1798

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 adding Section 10.5 as follows:

(210 ILCS 85/10.5 new)

Sec. 10.5. Limitation on exclusive contracts. No exclusive contract is permissible for pain management services performed by a physician licensed to practice medicine in all its branches, except for physicians administering anesthesia for specific diagnostic or therapeutic procedures or surgeries other than solely for pain management. Any physician applicant to a hospital medical staff must meet the established criteria in the medical staff bylaws."

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## AMENDMENT NO. 2 TO SENATE BILL 1798

AMENDMENT NO. 2. Amend Senate Bill 1798, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, lines 14 and 15, by replacing "criteria in the medical staff bylaws." with "credentialing criteria. The prohibition on exclusive contracts contained in this Section applies only to contracts entered into, amended, or renewed after the effective date of this amendatory Act of the 92nd General Assembly."

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

Under the rules, the foregoing House Bill No. 1798, with Senate Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

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

## SENATE BILL NO 1540

A bill for AN ACT in relation to corporations.

## SENATE BILL NO 1756

A bill for AN ACT concerning open meetings.

## SENATE BILL NO 1777

A bill for AN ACT in relation to teacher certification.

## SENATE BILL NO 1859

A bill for AN ACT concerning health benefits.

Passed the House, May 7, 2002.

ANTHONY D. ROSSI, Clerk of the House

## PRESENTATION OF RESOLUTIONS

## SENATE RESOLUTION NO. 424

Offered by Senator Clayborne and all Senators:

Mourns the death of Marian Montroy of Collinsville.

The foregoing resolution was referred to the Resolutions Consent Calendar.

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

## SENATE JOINT RESOLUTION NO. 77

WHEREAS, A well-developed, reliable transportation system is acknowledged to be crucial to the growth and economic vitality of the State of Illinois; and

WHEREAS, A high-quality transportation system is essential to the continued development and enhancement of intrastate as well as interstate commerce; and

WHEREAS, An efficient transportation system is more than public highways and roadways; it is a comprehensive network of multimodal components that work together to provide the orderly transportation of goods, services, and people; and

WHEREAS, The development, funding, and maintenance of an efficient and effective transportation system is a shared responsibility of the State, local governments and agencies, and the federal government; and

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WHEREAS, Due to the expanding economy and rapid population growth in the State of Illinois, there exists an urgent need to evaluate existing processes, resources, and infrastructures; and

WHEREAS, The Illinois General Assembly, recognizes the crucial need for transportation evaluation and planning, and the need to build consensus and recommend planning and funding strategies for this State's multimodal transportation future; therefore be it

RESOLVED BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the General Assembly hereby calls upon the Governor to establish a Task Force to serve the purpose of evaluating current practices, resources, and infrastructures and recommending and prioritizing the goals, funding, and specific plans that will establish a vision for transportation in Illinois for the 21st century; and be it further

RESOLVED, That the members of the Task Force shall be appointed by the Governor and will serve at the pleasure of the Governor for up to two years; the Task Force membership will include two Co-chairs to be named by the Governor; the Task Force will include the Secretary of Transportation and at-large members representing the business community, the general public and other diverse parties interested in the improvement of the Illinois transportation system; and the Department of Transportation will serve as staff to the Task Force; and be it further

RESOLVED, That the Task Force shall accomplish the following:

1. Identify critical long-range transportation needs in both rural and urban areas of this State. The Task Force shall develop preliminary estimates of the long-term (minimum of twenty years) cost of implementing a comprehensive, multimodal, long-range transportation system plan and compare the estimated cost to estimated revenues from existing federal, State, and local transportation funding streams.

2. Identify and recommend planning approaches and funding strategies to be used to establish a comprehensive, fully integrated, multimodal system that serves the future transportation needs of all of Illinois. The Task Force should consider all aspects of transportation, including but not limited to public roadways, highways, bus service, passenger rail service, aviation, bicycle, and travel reduction programs. The Task Force's strategies or recommendations should address both rural and urban transportation issues, as well as freight concerns throughout the State.

3. Study and recommend guidelines and procedures for prioritizing the State's transportation needs and expenditures in relationship to the responsibilities of the Department of Transportation, local governments throughout the State, and local planning agencies.

4. Review the structure and responsibilities with regard to transportation planning of the Department of Transportation, local governments throughout the State, and local planning agencies and include any recommended changes in its final report.

5. Submit a final report to the Governor on or before December 31, 2003. The report shall contain "consensus" findings and recommendations of the Task Force. The reports will be made available to Illinois' congressional delegation, the members of the State legislature, State, county, and local transportation departments, the State's universities, and the private sector including community and citizens groups; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Secretary of Transportation and the Governor.

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At the hour of 9:42 o'clock a.m., Senator Dudycz presiding.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator T. Walsh, House Bill No. 1889 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 House Bill 1889 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by adding Section 356z.2 as follows:

(215 ILCS 5/356z.2 new)

Sec. 356z.2 Coverage of medical services ancillary to dental services for the disabled."

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1889, AS AMENDED, 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 6.11 as follows:

(5 ILCS 375/6.11)

Sec. 6.11. Required health benefits; Illinois Insurance Code requirements. The program of health benefits shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t of the Illinois Insurance Code. The program of health benefits shall provide the coverage required under Sections 356u, 356w, and 356x, and 356z.2 of the Illinois Insurance Code. The program of health benefits must comply with Section 155.37 of the Illinois Insurance Code. (Source: P.A. 92-440, eff. 8-17-01.)

Section 10. The Illinois Insurance Code is amended by adding Section 356z.2 as follows:

(215 ILCS 5/356z.2 new)

Sec. 356z.2. Coverage for adjunctive services in dental care.

(a) An individual or group policy of accident and health insurance amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 92nd General Assembly shall cover charges incurred, and anesthetics provided, in conjunction with dental care that is provided to a covered individual in a hospital or an ambulatory surgical treatment center if any of the following applies:

(1) the individual is a child age 6 or under;

(2) the individual has a medical condition that requires hospitalization or general anesthesia for dental care; or

(3) the individual is disabled.

(b) For purposes of this Section, "ambulatory surgical treatment center" has the meaning given to that term in Section 3 of the Ambulatory Surgical Treatment Center Act.

For purposes of this Section, "disabled" means a person, regardless of age, with a chronic disability if the chronic disability meets all of the following conditions:

(1) It is attributable to a mental or physical impairment or combination of mental and physical impairments.

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(2) It is likely to continue.

(3) It results in substantial functional limitations in one or more of the following areas of major life activity:

(A) self-care;

(B) eating;

(C) receptive and expressive language;

(D) learning;

(E) mobility;

(F) capacity for independent living; or

(G) economic self-sufficiency.

(c) The coverage required under this Section may be subject to any limitations, exclusions, or cost-sharing provisions that apply generally under the insurance policy.

(d) This Section does not apply to a policy that covers only dental care.

(e) Nothing in this Section requires that the dental services be covered.

(f) The provisions of this Section do not apply to short-term travel, accident-only, limited, or specified disease policies, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under State or federal governmental plans.

Section 15. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows:

(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

Sec. 5-3. Insurance Code provisions.

(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 355.2, 356m, 356v, 356w, 356x, 356y, 356z.2, 367i, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.

(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":

(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act;

(2) a corporation organized under the laws of this State;

or

(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.

(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;

(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and

(ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need

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not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

(3) the Director shall have the power to require the following information:

(A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;

(B) pro forma financial statements reflecting the combined balance sheets of the acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;

(C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and

(D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including without limitation the health maintenance organization's right, title, and interest in and to its health care certificates).

(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

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The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section.

(Source: P.A. 90-25, eff. 1-1-98; 90-177, eff. 7-23-97; 90-372, eff. 7-1-98; 90-583, eff. 5-29-98; 90-655, eff. 7-30-98; 90-741, eff. 1-1-99; 91-357, eff. 7-29-99; 91-406, eff. 1-1-00; 91-549, eff. 8-14-99; 91-605, eff. 12-14-99; 91-788, eff. 6-9-00.)

Section 20. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:

(215 ILCS 165/10) (from Ch. 32, par. 604)

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c, 149, 155.37, 354, 355.2, 356r, 356t, 356u, 356v, 356w, 356x, 356y, 356z.1, 356z.2, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code.

(Source: P.A. 91-406, eff. 1-1-00; 91-549, eff. 8-14-99; 91-605, eff. 12-14-99; 91-788, eff. 6-9-00; 92-130, eff. 7-20-01; 92-440, eff. 8-17-01; revised 9-12-01.)"

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

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

Floor Amendment No. 4 was held in the Committee on Rules.

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

On motion of Senator Weaver, House Bill No. 2137 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, House Bill No. 2765 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, House Bill No. 2828 having been printed, was taken up and read by title a second time.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2828 by replacing the title with the following:

"AN ACT in relation to liens."; and

by replacing everything after the enacting clause with the following:

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

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(770 ILCS 5/2 new)

Sec. 2. Attorneys representing the State of Illinois.

(a) The General Assembly finds as follows:

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

(2) The Attorneys Lien Act does not now create, nor has it ever created, a lien for attorneys representing the State of Illinois in suits, claims, demands, or causes of action brought by such attorneys on behalf of the State of Illinois, for the amount of any fee from the State of Illinois which may be due such attorneys.

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

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

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

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

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

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

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

On motion of Senator Philip, House Bill No. 3606 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, House Bill No. 3993 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Luechtefeld, House Bill No. 3999 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:

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## AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3999 by replacing everything after the enacting clause with the following:

"Section 5. The Funeral Directors and Embalmers Licensing Code is amended by changing Section 1-5 as follows:

(225 ILCS 41/1-5)

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

Sec. 1-5. Legislative intent. The practice of funeral directing and embalming in this the State of ~~Illinois~~ is declared to be a practice affecting the public health, safety and welfare and subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the preparation, care, and final disposal of a deceased human body be attended with appropriate observance and understanding, having due regard and respect for the reverent care of the human body and for those bereaved and the overall spiritual dignity of man. It is further a matter of public interest that the practice of funeral directing and embalming as defined in this Code merit and receive the confidence of the public and that only qualified persons be authorized to practice funeral directing and embalming in the State of Illinois. This Code shall be liberally construed to best carry out these subjects and purposes.

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

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

On motion of Senator Philip, House Bill No. 4007 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, House Bill No. 4047 was taken up and read by title a second time.

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

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

On motion of Senator Luechtefeld, House Bill No. 4090 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 House Bill 4090 on page 1, by replacing lines 4 and 5 with the following:

"Section 5. The Code of Civil Procedure is amended by changing Section 7-103 and adding Sections 7-103.97 and 7-103.149 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.

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(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. If the parcel is being acquired for the purposes of a transportation project, the unit of local government exercising "quick-take" powers under this Section may submit, in lieu of a legal description, the tax identification number of the lot or lots containing the parcel, the calculated area of the parcel in acres, and a description of the location of the parcel.

(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.

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(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 or the Real Estate Appraiser Licensing Act of 2002. If, however, the parcel is being acquired by a unit of local government for a transportation project and the value of the parcel is less than \$10,000 as appraised by a qualified person who has reasonable experience appraising real property, then the appraisal by that qualified person may be submitted rather than an appraisal by a real estate appraiser who is certified or licensed under the Real Estate Appraiser Licensing Act or the Real Estate Appraiser Licensing Act of 2002.

(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 or to any quick-take authority granted in 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)

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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."

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

On motion of Senator DeLeo, House Bill No. 4103 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 House Bill 4103 by replacing the title with the following:

"AN ACT to amend the Illinois Criminal Justice Information Act.;"

and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Criminal Justice Information Act is amended by changing Section 1 as follows:

(20 ILCS 3930/1) (from Ch. 38, par. 210-1)

Sec. 1. Short Title. This Act shall be known and may be cited as the "Illinois Criminal Justice Information Act".

(Source: P.A. 82-1039.)"

There being no further amendments, the bill, as amended, was

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ordered to a third reading.

On motion of Senator Myers, House Bill No. 4116 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, House Bill No. 4117 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 House Bill 4117 as follows:  
 on page 1, line 11, by replacing "Student-initiated" with "Voluntarily initiated"; and  
 on page 1, by replacing lines 17 through 19 with the following:  
"voluntarily engage in individually initiated, non-disruptive prayer that, consistent with the constitutional principle of freedom of religion and the Supreme Court rulings on the separation of church and State, is not sponsored, promoted, or endorsed in any manner by the school or any school employee."

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

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

On motion of Senator Madigan, House Bill No. 4179 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 House Bill 4179 as follows:  
 on page 1, line 5, by changing "Section 12-2" to "Sections 12-2 and 12-4"; and  
 on page 3, by replacing lines 3 through 5 with the following:  
~~"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";~~ and  
 on page 3, line 10, by changing "official" to "official"; and  
 on page 3, line 14, by changing "official" to "official"; and  
 on page 4, line 8, by replacing "or" with "or"; and  
 on page 4, line 17, by replacing "." with the following:

"; or-

(16) Knows the individual assaulted to be an employee of a police or sheriff's department engaged in the performance of his or her authorized duties as such employee."; and

on page 4, line 31, by changing "(6) and (7)" to "(6), (7), and (16)"; and

on page 4, line 34, by changing "(6) and (7)" to "(6), (7), and (16)"; and

on page 5, by inserting below line 4 the following:

"(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

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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, 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;

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(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; or-

(17) Knows the individual harmed to be an employee of a police or sheriff's department in the performance of his or her authorized duties as such employee.

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 gunshot 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 who causes or attempts to cause a correctional employee of the penal institution 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.

(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.)".

Senator Madigan offered the following amendment and moved its adoption:

AMENDMENT NO. 2

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AMENDMENT NO. 2. Amend House Bill 4179 as follows:  
 on page 1, line 5, by changing "Section 12-2" to "Sections 12-2 and 12-4"; and

on page 3, by replacing lines 3 through 5 with the following:  
 "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"; and

on page 4, line 8, by replacing "or" with "or"; and

on page 4, line 17, by replacing "." with the following:

"; or-

(16) Knows the individual assaulted to be an employee of a police or sheriff's department engaged in the performance of his or her authorized duties as such employee."; and

on page 4, line 31, by changing "(6) and (7)" to "(6), (7), and (16)"; and

on page 4, line 34, by changing "(6) and (7)" to "(6), (7), and (16)"; and

on page 5, by inserting below line 4 the following:

"(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, 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;

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(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; or

(17) Knows the individual harmed to be an employee of a police or sheriff's department in the performance of his or her authorized duties as such employee.

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 who causes or attempts to cause a correctional employee of the penal institution 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.  
(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.)".

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

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

On motion of Senator T. Walsh, House Bill No. 4220 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4220 on page 1 by replacing lines 26 and 27 with the following:  
"participating primary care physician. "Participating primary care physician" for health care plans and subcontractors that do not require coordination of care by a primary care physician means the participating physician treating the patient. All health care plans shall inform enrollees of any"; and  
on page 2 by deleting lines 4 through 24.

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

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

On motion of Senator Radogno, House Bill No. 4228 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 House Bill 4228 by replacing everything after the enacting clause with the following:

"Section 5. The Business Corporation Act of 1983 is amended by changing Section 7.05 as follows:

(805 ILCS 5/7.05) (from Ch. 32, par. 7.05)

Sec. 7.05. Meetings of shareholders. Meetings of shareholders may be held at such place, either within or without this State, as

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may be provided in the by-laws or in a resolution of the board of directors pursuant to authority granted in the by-laws. In the absence of any such provision, all meetings shall be held at the registered office of the corporation in this State.

An annual meeting of the shareholders shall be held at such time as may be provided in the by-laws or in a resolution of the board of directors pursuant to authority granted in the by-laws. Failure to hold the annual meeting at the designated time shall not work a forfeiture or dissolution of the corporation nor affect the validity of corporate action. If an annual meeting has not been held within the earlier of six months after the end of the corporation's fiscal year or fifteen months after its last annual meeting and if, after a request in writing directed to the president of the corporation, a notice of meeting is not given within 60 days of such request, then any shareholder entitled to vote at an annual meeting may apply to the circuit court of the county in which the registered office or principal place of business of the corporation is located for an order directing that the meeting be held and fixing the time and place of the meeting. The court may issue such additional orders as may be necessary or appropriate for the holding of the meeting.

Unless specifically prohibited by the articles of incorporation or by-laws, shareholders may participate in and act at any meeting of the shareholders through the use of a conference telephone or interactive technology, including but not limited to electronic transmission, Internet usage, or remote communication, by means of which all persons participating in the meeting can communicate with each other. Participation in such meeting shall constitute attendance and presence in person at the meeting of the person or persons so participating.

Special meetings of the shareholders may be called by the president, by the board of directors, by the holders of not less than one-fifth of all the outstanding shares entitled to vote on the matter for which the meeting is called or by such other officers or persons as may be provided in the articles of incorporation or the by-laws.

(Source: P.A. 83-1025.)

Section 10. The General Not For Profit Corporation Act of 1986 is amended by changing Section 107.05 as follows:

(805 ILCS 105/107.05) (from Ch. 32, par. 107.05)

Sec. 107.05. Meeting of members. (a) Meetings of members may be held at such place, either within or without this State, as may be provided in the bylaws or in a resolution of the board of directors pursuant to authority granted in the bylaws. In the absence of any such provision, all meetings shall be held at the registered office of the corporation in this State.

(b) An annual meeting of the members entitled to vote may be held at such time as may be provided in the bylaws or in a resolution of the board of directors pursuant to authority granted in the bylaws. Failure to hold the annual meeting at the designated time shall not work a forfeiture or dissolution of the corporation nor affect the validity of corporate action. If an annual meeting has not been held within the earlier of six months after the end of the corporation's fiscal year or fifteen months after its last annual meeting and if, after a request in writing directed to the president of the corporation, a notice of meeting is not delivered to members entitled to vote within 60 days of such request, then any member entitled to vote at an annual meeting may apply to the circuit court of the county in which the registered office or principal place of business of the corporation is located for an order directing that the meeting be held and fixing the time and place of the meeting.

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The court may issue such additional orders as may be necessary or appropriate for the holding of the meeting.

(c) Special meetings of the members may be called by the president or by the board of directors. Special meetings of the members may also be called by such other officers or persons or number or proportion of members entitled to vote as may be provided in the articles of incorporation or the bylaws. In the absence of a provision fixing the number or proportion of members entitled to vote who are entitled to call a meeting, a special meeting of members entitled to vote may be called by such members having one-twentieth of the votes entitled to be cast at such meeting.

(d) Unless specifically prohibited by the articles of incorporation or bylaws, members entitled to vote may participate in and act at any meeting through the use of a conference telephone or interactive technology, including but not limited to electronic transmission, Internet usage, or remote communication, other communications--equipment by means of which all persons participating in the meeting can communicate with each other. Participation in such meeting shall constitute attendance and presence in person at the meeting of the person or persons so participating.

(e) For meetings of a not-for-profit corporation organized for the purpose of residential cooperative housing, consisting of 50 or more single family dwellings with individual unit legal descriptions based upon a recorded plat of a subdivision, and located in a county containing a population between 780,000 and 3,000,000 inhabitants, any member may record by tape, film, or other means the proceedings at the meetings. The board or the membership may prescribe reasonable rules and regulations to govern the making of the recordings. The portion of any meeting held to discuss violations of rules and regulations of the corporation by a residential shareholder shall be recorded only with the affirmative assent of that shareholder.

(Source: P.A. 81-465, eff. 8-6-99.)

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

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 4228, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, line 12 by changing "shareholders may" to "a corporation may allow shareholders to"; and on page 4, line 2 by changing "members entitled to vote may" to "a corporation may allow members entitled to vote to may".

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

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

On motion of Senator Radogno, House Bill No. 4230 having been printed, was taken up and read by title a second time.

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4230 on page 1, in line 9, by inserting after "grants" the following:

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"to organizations that are located in the State of Illinois".

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

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

On motion of Senator Bowles, House Bill No. 4397 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, House Bill No. 4667 having been printed, was taken up and read by title a second time.

Senator Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4667 on page 1 by replacing line 6 with the following:

"adding Sections 7-208, 7-209, 19-125, 19-130, and 19-135 as follows:  
(220 ILCS 5/7-208 new)

Sec. 7-208. HVAC affiliate marketing.

(a) "HVAC affiliate" means all affiliated interests of a gas utility that provide heating, ventilating, or air conditioning services to customers within the service territory of the affiliated gas utility.

(b) When an HVAC affiliate advertises or markets heating, ventilating, or air conditioning services to the public, it shall include a disclaimer that, if audible, is conspicuous and if printed is of sufficient size to be clearly legible, and that states:

(Insert name of affiliate) is an affiliate of (insert name of gas utility) and is not regulated by the Illinois Commerce Commission. Customers are not required to buy products or services from (insert name of affiliate) in order to receive the same quality of service from the gas utility.

(c) The requirements in subsection (b) apply to all forms of advertising and marketing, including, but not limited to, print, television, radio, internet, telephonic, bill inserts, and newsletters.

(220 ILCS 5/7-209 new)

Sec. 7-209. Marketing limitation; gas utilities. If a gas utility has an HVAC affiliate, the prohibition contained in this Section applies to the employees of the gas utility. While a gas utility employee is responding to a service call related to services provided under tariffs on file with the Illinois Commerce Commission, the employee of the gas utility is prohibited from marketing the services of an HVAC affiliate; provided, however, the gas utility employee may refer the customer to the telephone directory in response to specific requests for referrals. If a customer's gas appliance or gas service has been disconnected due to an emergency situation that requires immediate attention, a gas utility employee may provide to that customer a list, including contact phone numbers, that includes HVAC affiliates and non-affiliated entities that provide heating ventilating, or air conditioning services."

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

Floor Amendment No. 2 was filed earlier today and referred to the Committee on Rules.

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

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On motion of Senator Burzynski, House Bill No. 4879 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 House Bill 4879 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

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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 September 2, 2002 ~~July 1, 2000~~ and September 5, 2002 ~~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 July 1, 1975 ~~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; and-
- (v) has held a Permanent Employee Registration Card for a

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minimum of 12 months.

(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

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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

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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."

Senator Burzynski offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO.2. Amend House Bill 4879, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 6, by replacing "Section 75" with "Sections 75, 80, and 185"; and on page 13, by inserting the following after line 27:

"(225 ILCS 446/80)

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

Sec. 80. Employee requirements. All employees of a licensed agency, other than those exempted, shall apply for a Permanent Employee Registration Card. The holder of an agency certificate issued under this Act, known in this Act as "employer", may employ in the conduct of his or her business employees under the following provisions:

(a) No person shall be issued a permanent employee registration card who:

- (1) Is under 18 years of age.
- (2) Is under 21 years of age if the services will include being armed.
- (3) Has been determined by the Department to be unfit by reason of conviction of an offense in this or another state, other than a minor traffic offense. The Department shall promulgate rules for procedures by which those circumstances shall be determined and that afford the applicant due process of law.
- (4) Has had a license or permanent employee registration card refused, denied, suspended, or revoked under this Act.
- (5) Has been declared incompetent by any court of competent jurisdiction by reason of mental disease or defect and has not

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been restored.

(6) Has been dishonorably discharged from the armed services of the United States.

(b) No person may be employed by a private detective agency, private security contractor agency, or private alarm contractor agency, or locksmith agency under this Section until he or she has executed and furnished to the employer, on forms furnished by the Department, a verified statement to be known as "Employee's Statement" setting forth:

(1) The person's full name, age, and residence address.

(2) The business or occupation engaged in for the 5 years immediately before the date of the execution of the statement, the place where the business or occupation was engaged in, and the names of employers, if any.

(3) That the person has not had a license or employee registration refused, revoked, or suspended under this Act.

(4) Any conviction of a felony or misdemeanor.

(5) Any declaration of incompetency by a court of competent jurisdiction that has not been restored.

(6) Any dishonorable discharge from the armed services of the United States.

(7) Any other information as may be required by any rule of the Department to show the good character, competency, and integrity of the person executing the statement.

(c) Each applicant for a permanent employee registration card shall have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Department of State Police. These fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Department of State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department may require applicants to pay a separate fingerprinting fee, either to the Department or directly to the vendor. The Department, in its discretion, may allow an applicant who does not have reasonable access to a designated vendor to provide his or her fingerprints in an alternative manner. The Department, in its discretion, may also use other procedures in performing or obtaining criminal background checks of applicants. submit to the Department with the applicable fees, on fingerprint cards furnished by the Department, 2 complete sets of fingerprints that are verified to be those of the applicant. If an applicant's fingerprint cards are returned to the Department as unclassifiable by the screening agency, the applicant has 90 days after notification is sent by the Department to submit additional fingerprint cards taken by a different technician to replace the unclassifiable fingerprint cards.

~~The Department shall notify the submitting licensed agency within 10 days if the applicant's fingerprint cards are returned to the Department as unclassifiable. However,~~ Instead of submitting his or her fingerprints, an individual may submit proof that is satisfactory to the Department that an equivalent security clearance has been conducted. Also, ~~a full-time peace officer or~~ an individual who has retired as a peace officer within 12 months of application may submit verification, on forms provided by the Department and signed by one's employer, of his or her full-time employment as a peace officer.

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"Peace officer" means any person who by virtue of his or her office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents, or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws are considered peace officers.

(d) ~~Upon receipt of the verified fingerprint cards, the Department shall cause the fingerprints to be compared with fingerprints of criminals now or hereafter filed with the Illinois Department of State Police. The Department may also cause the fingerprints to be checked against the fingerprints of criminals now or hereafter filed in the records of other official fingerprint files within or without this State.~~ The Department shall issue a permanent employee registration card, in a form the Department prescribes, to all qualified applicants. The Department shall notify the submitting licensed agency within 10 days upon the issuance of or intent to deny the permanent employee registration card. The holder of a permanent employee registration card shall carry the card at all times while actually engaged in the performance of the duties of his or her employment. Expiration and requirements for renewal of permanent employee registration cards shall be established by rule of the Department. Possession of a permanent employee registration card does not in any way imply that the holder of the card is employed by an agency unless the permanent employee registration card is accompanied by the employee identification card required by subsection (g) of this Section.

(e) ~~(Blank). Within 5 days of the receipt of the application materials, the Department shall institute an investigation for a criminal record by checking the applicant's name with immediately available criminal history information systems.~~

(f) Each employer shall maintain a record of each employee that is accessible to the duly authorized representatives of the Department. The record shall contain the following information:

- (1) A photograph taken within 10 days of the date that the employee begins employment with the employer. The photograph shall be replaced with a current photograph every 3 calendar years.
- (2) The employee's statement specified in subsection (b) of this Section.
- (3) All correspondence or documents relating to the character and integrity of the employee received by the employer from any official source or law enforcement agency.
- (4) In the case of former employees, the employee identification card of that person issued under subsection (g) of this Section.

Each employee record shall duly note if the employee is employed in an armed capacity. Armed employee files shall contain a copy of an active Firearm Owners Identification Card and a copy of an active Firearm Authorization Card.

Each employer shall maintain a record for each armed employee of each instance in which the employee's weapon was discharged during the course of his or her professional duties or activities. The record shall be maintained on forms provided by the Department, a copy of which must be filed with the Department within 15 days of an instance. The record shall include the date and time of the occurrence, the circumstances involved in the occurrence, and any other information as the Department may require. Failure to provide this information to the Department or failure to maintain the record as a part of each armed employee's permanent file is grounds for

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disciplinary action. The Department, upon receipt of a report, shall have the authority to make any investigation it considers appropriate into any occurrence in which an employee's weapon was discharged and to take disciplinary action as may be appropriate.

The Department may, by rule, prescribe further record requirements.

(g) Every employer shall furnish an employee identification card to each of his or her employees. This employee identification card shall contain a recent photograph of the employee, the employee's name, the name and agency certification number of the employer, the employee's personal description, the signature of the employer, the signature of that employee, the date of issuance, and an employee identification card number.

(h) No employer may issue an employee identification card to any person who is not employed by the employer in accordance with this Section or falsely state or represent that a person is or has been in his or her employ. It is unlawful for an applicant for registered employment to file with the Department the fingerprints of a person other than himself or herself, or to fail to exercise due diligence in resubmitting replacement fingerprints for those employees who have had original fingerprint submissions returned as unclassifiable.

(i) Every employer shall obtain the identification card of every employee who terminates employment with him or her.

(j) Every employer shall maintain a separate roster of the names of all employees currently working in an armed capacity and submit the roster to the Department on request.

(k) No agency may employ any person to perform a licensed activity under this Act unless ~~+~~~~{~~ the person possesses a valid permanent employee registration card, ~~or~~ the person has a valid license under this Act, ~~or the person is exempt pursuant to subsection (o).~~ ~~+~~~~or~~

(k-5) Notwithstanding the provisions of subsection (k), an agency may employ a person in a temporary capacity if the following conditions are met:

(1) The agency completes in its entirety and submits to the Department an application for a permanent employee registration card, including the required fingerprint receipt and fees;

(2) The agency has verification from the Department that the applicant has no record of any criminal conviction pursuant to the criminal history check conducted by the Department of State Police. The agency shall maintain the verification of the results of the Department of State Police criminal history check as part of the employee record as required under subsection (f) of this Section;

(3) The agency exercises due diligence to ensure that the person is qualified under the requirements of the Act to be issued a permanent employee registration card; and

(4) The agency maintains a separate roster of the names of all employees whose applications are currently pending with the Department and submits the roster to the Department on a monthly basis. Rosters are to be maintained by the agency for a period of at least 24 months.

An agency may employ only a permanent employee applicant for which it either submitted a permanent employee application and all required forms and fees or it confirms with the Department that a permanent employee application and all required forms and fees have been submitted by another agency and all other requirements of this Section are met.

The Department shall have the authority to revoke, without a hearing, the temporary authority of an individual to work upon

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receipt of Federal Bureau of Investigation fingerprint data or a report of another official authority indicating a criminal conviction. If the Department has not received a temporary employee's Federal Bureau of Investigation fingerprint data within 120 days of the date the Department received the Department of State Police fingerprint data, the Department may, at its discretion, revoke the employee's temporary authority to work with 15 days written notice to the individual and the employing agency.

An agency may not employ a person in a temporary capacity if it knows or reasonably should have known that the person has been convicted of a crime under the laws of this State, who has been convicted in another state of any crime that is a crime under the laws of this State, who has been convicted of any crime in a federal court, or who has been posted as an unapproved applicant by the Department. Notice by the Department to the agency, via certified mail, personal delivery, electronic mail, or posting on an internet site accessible to the agency that the person has been convicted of a crime shall be deemed constructive knowledge of the conviction on the part of the agency.

The Department may adopt rules to implement this subsection (k-5).

~~(2) --The agency:~~

~~(i) --on-behalf-of-each-person-completes-in-its-entirety-and-submits-to-the-Department-an-application-for-a-permanent-employee-registration-card,--including--the--required-fingerprint-card-and-fees;~~

~~(ii) --exercises-due-diligence-to-ensure-that-the-person-is-qualified-under-the-requirements-of-the-Act-to-be-issued-a-permanent-employee-registration-card; and~~

~~(iii) --maintains-a-separate-roster-of-the-names-of--all-employees--whose-applications-are-currently-pending-with-the-Department-and-submits-the-roster-to--the--Department--on--a-monthly-basis.--Rosters-are-to-be-maintained-by-the-agency-for-a-period-of-at-least-24-months-~~

~~(1) (Blank). Failure-by-an-agency--to--submit--the--application, fees,--and--fingerprints--specified-in-this-Section-before-scheduling-the-person-for-work-shall-result-in-a-fine,--in-an-amount-up-to-\$1,000,--or--other-disciplinary-action-being-imposed-against-the-agency.--Failure-to-maintain-and-submit-the-specified-rosters-is-grounds-for-discipline-under-this-Act-~~

~~(m) No person may be employed under this Section in any capacity if:~~

~~(i) The person while so employed is being paid by the United States or any political subdivision for the time so employed in addition to any payments he or she may receive from the employer.~~

~~(ii) The person wears any portion of his or her official uniform, emblem of authority, or equipment while so employed except as provided in Section 30.~~

~~(n) If information is discovered affecting the registration of a person whose fingerprints were submitted under this Section, the Department shall so notify the agency that submitted the fingerprints on behalf of that person.~~

(o) Peace officers, as defined in subsection (c), shall be exempt from the requirements of this Section relating to permanent employee registration cards. The agency shall remain responsible for any peace officer employed under this exemption, regardless of whether the peace officer is compensated as an employee or an independent contractor and as further defined by rule.

(Source: P.A. 91-357, eff. 7-29-99; 91-815, eff. 6-13-00.)

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(225 ILCS 446/185)

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

Sec. 185. Firearm authorization; training courses.

(a) No person shall perform duties that include the use, carrying, or possession of a firearm in the performance of those duties without fully complying with this Section and having been issued a valid firearm authorization card by the Department. This Act permits only the following to carry firearms while actually engaged in the performance of their duties or while commuting directly to or from their places of employment: persons licensed as private alarm contractors; persons licensed as private detectives; persons licensed as private security contractors and their registered employees; and registered armed proprietary security forces and their registered employees.

(b) No employer shall employ any person to perform the duties for which employee registration is required under Section 80 and allow that person to carry a firearm in the performance of those duties unless that person has fully complied with the firearm training requirements specified in this Section and has been issued a valid firearm authorization card by the Department.

Actual possession of a valid firearm authorization card allows an employee to carry a firearm not otherwise prohibited by law, while the employee is actually engaged in the performance of his or her duties or while the employee is commuting directly to or from the employee's place or places of employment, provided that this commuting is accomplished within one hour from departure from home or a place of employment.

(c) The Department shall evaluate and either approve or disapprove training programs for the basic firearm training course. The determination by the Department shall be reasonably made.

The firearm training course shall be taught by an instructor qualified to give the instruction. Reasonable qualifications shall be determined by the Department.

The firearm training course may be conducted by agencies or institutions approved by the Department or may be conducted by a licensee or any agency certified by this Act so long as the course is approved by the Department. The firearm course shall consist of the following:

(1) A minimum of 40 hours of training, 20 of which shall be as described in Section 180, and 20 of which shall be as follows:

- (i) instruction in the dangers of and misuse of the firearm, safety rules, and care and cleaning of the firearm;
- (ii) practice firing on a range with live ammunition;
- (iii) instruction in the legal use of firearms under the provisions of the Criminal Code of 1961, and relevant court decisions;
- (iv) a forceful presentation of the ethical and moral consideration assumed by any person who uses a firearm;
- (v) a review of the current law regarding arrest, search, and seizure; and
- (vi) liability for acts.

(2) An examination shall be given at the completion of the course. The examination shall be in 2 parts which shall consist of a firearms qualification course and a written examination, which shall be approved by the Department. Successful completion shall be determined by the Department.

(d) The firearm training requirement shall be waived for an employee who has completed training provided by the Illinois Law Enforcement Training Standards Board, or the equivalent public body in another state, provided supporting documentation showing

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requaification with the weapon on the firing range is submitted to the Department. Notwithstanding any other provision of this Act to the contrary, all requirements relating to firearms authorization cards do not apply to a peace officer as defined in subsection (c) of Section 80 of this Act. ~~or for an employee who is also employed as a law enforcement officer as defined in the Illinois Police Training Act.~~

(e) The Department shall issue a firearm authorization card to a person who has passed an approved basic firearm training course, who is currently employed by an agency certified under this Act, who is authorized under subsection (a) of this Section, who has met all the requirements of the Act, and who possesses a valid Firearm Owner Identification Card. Application for the card shall be made by the employer to the Department on forms provided by the Department. The Department shall forward this card to the employer who shall be responsible for its issuance. The firearm authorization card shall be issued by the Department in the form of a pocket card designed by the Department and shall identify the person holding the card and the name of the course where the employee received firearm instruction; the card shall specify the type of weapon or weapons that the person is authorized by the Department to carry and for which the person has been trained.

(f) Expiration and requirements for renewal of firearm authorization cards shall be established by rule of the Department.

(g) The Department may, in addition to any other discipline allowed under this Act, refuse to issue, suspend, or revoke a firearm authorization card if the applicant or holder has been convicted of any felony or any crime involving the illegal use, carrying, or possession of a deadly weapon, or for violation of this Act or rules promulgated under this Act. The procedures in this Act for disciplining a licensee shall be followed in taking action under this paragraph.

The Department shall refuse to issue or shall revoke a Firearm Authorization Card if the applicant or holder fails to hold a valid Firearm Owners Identification Card.

The Director shall summarily suspend a firearm authorization card if the Director finds that continued use of the card would constitute an immediate danger to the public health, safety, or welfare. A prompt hearing on the charges shall be held before the Board if the Director summarily suspends a Firearm Authorization Card. (Source: P.A. 88-363; 88-586, eff. 8-12-94; 89-694, eff. 12-31-96.)".

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

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

On motion of Senator Lauzen, House Bill No. 5145 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, House Bill No. 5168 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, House Bill No. 5169 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Parker, House Bill No. 5255 having been printed, was taken up and read by title a second time.

Senator Parker offered the following amendment and moved its adoption:

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## AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 5255 on page 3, line 1, after the period, by inserting "For those vehicles that fail to meet the standard for the complete on-board computer diagnostic test, the owner of the vehicle must be informed that he or she has the option to have the vehicle tested using the less stringent loaded mode exhaust gas analysis or the idle exhaust gas analysis, as appropriate, for one test cycle."; and

on page 3, line 21, by replacing "regulations." with "regulations, or for vehicles with known on-board diagnostic communications or software problems, as determined by the Agency."; and on page 3, below line 25, by inserting the following:

"By April 15, 2003, the Agency shall submit to the General Assembly a report detailing the effectiveness of the use of the on-board computer diagnostic test. The report shall include the number of failures, the reason for each failure, the number of vehicle damage complaints, and the average wait time at the test stations."; and

on page 4, line 10, by replacing "regulations." with "regulations, or for vehicles with known on-board diagnostic communications or software problems, as determined by the Agency.".

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

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

On motion of Senator T. Walsh, House Bill No. 5307 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, House Bill No. 5334 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, House Bill No. 5343 having been printed, was taken up and read by title a second time.

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

## AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 5343 on page 1, by replacing lines 30 and 31 with the following:

~~"non-recurring--expenses.~~ Any other permanent interfund transfers authorized by any provision or judicial interpretation of this Code for which the transferee fund is not precisely and specifically set forth in the provision of this Code authorizing such transfer shall be made to the fund of the school district most in need of the funds being transferred, as determined by resolution of the school board."; and

on page 2, by deleting lines 1 through 5.

Senator Sieben offered the following amendment and moved its adoption:

## AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 5343, AS AMENDED, in Section 5, Sec. 17-2A, by replacing "~~;-provided-such-transfer-is-made--solely-for-the-purpose-of-meeting-one-time,-non-recurring-expenses.-"~~ with ", provided such transfer is made solely for the purpose of meeting one-time, non-recurring expenses.".

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

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

On motion of Senator Dillard, House Bill No. 5592 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 House Bill 5592 on page 8, line 27, after "purposes", by inserting the following:  
 ", except that this provision shall not relieve the public utility from the obligation to pay for any physical damage it causes to improvements lawfully located in the right-of-way. Owners of abutting property whose descriptions include the right-of-way but are made subject to the right-of-way shall be entitled to compensation for use of the right-of-way"; and

on page 10, line 12, after "road.", by inserting the following:

"For purposes of the preceding sentence, property that includes a portion of a highway or road but is subject to the highway or road shall not be considered to end at the highway or road."; and

on page 10, line 19, after "consent.", by inserting the following:

"This provision is not intended to absolve a utility from obtaining consent from a lawful owner of the roadway or highway property (i.e. a person whose deed of conveyance lawfully includes the property, whether or not made subject to the highway or road) but who does not pay taxes by reason of Division 6 of Article 10 of the Property Tax Code."; and

on page 11, line 28, after "property being conveyed", by inserting the following:

"or expressly states that the road, street, highway, or alley is excepted from the property being conveyed. A conveyance does not expressly exclude a road, street, highway, or alley if the conveyance is described as being "subject to" the road, street, highway, or alley. The rights accruing in the abutting property owner under this Act shall be subject to all existing uses and easements located within the right-of-way; the rights shall also be subject to such future uses and easements as may be permitted to be located within the right-of-way under the provisions of the Illinois Highway Code or any successor statute thereto".

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

On motion of Senator Sullivan, House Bill No. 5610 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 House Bill 5610 as follows:  
 by replacing everything after the enacting clause with the following:  
 "Section 5. The Illinois Vehicle Code is amended by adding Sections 1-117.7 and 11-1005.1 and changing Section 11-1412.1 as follows:

(625 ILCS 5/1-117.7 new)

Sec. 1-117.7. Electric personal assistive mobility device. A self-balancing 2 non-tandem wheeled device designed to transport only

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one person with an electric propulsion system with average power of 750 watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by a propulsion system of that type while ridden by an operator weighing 170 pounds, is less than 20 miles per hour.

(625 ILCS 5/11-1005.1 new)

Sec. 11-1005.1. Electric personal assistive mobility devices. Every person operating an electric personal assistive mobility device upon a sidewalk or roadway has all the rights and is subject to all the duties applicable to a pedestrian.

(625 ILCS 5/11-1412.1) (from Ch. 95 1/2, par. 11-1412.1)

Sec. 11-1412.1. Driving upon sidewalk. No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. This Section does not apply to any vehicle moved exclusively by human power, to any electric personal assistive mobility device, nor to any motorized wheelchair. (Source: P.A. 84-672.)"

Senators Sullivan - Molaro - Dudycz offered the following amendment:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 5610 as follows:  
by replacing everything after the enacting clause with the following:  
"Section 5. The Illinois Vehicle Code is amended by adding Sections 1-117.7, 11-1005.1, and 11-1412.2 and changing Section 11-1412.1 as follows:

(625 ILCS 5/1-117.7 new)

Sec. 1-117.7. Electric personal assistive mobility device. A self-balancing 2 non-tandem wheeled device designed to transport only one person with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

(625 ILCS 5/11-1005.1 new)

Sec. 11-1005.1. Electric personal assistive mobility devices. Every person operating an electric personal assistive mobility device upon a sidewalk or roadway has all the rights and is subject to all the duties applicable to a pedestrian.

(625 ILCS 5/11-1412.1) (from Ch. 95 1/2, par. 11-1412.1)

Sec. 11-1412.1. Driving upon sidewalk. No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. This Section does not apply to any vehicle moved exclusively by human power, to any electric personal assistive mobility device, nor to any motorized wheelchair. (Source: P.A. 84-672.)

(625 ILCS 5/11-1412.2 new)

Sec. 11-1412.2. Operating an electric personal assistive mobility device on a public sidewalk. A person may not operate an electric personal assistive mobility upon a public sidewalk at a speed greater than 8 miles per hour."

Senator Sullivan moved the adoption of the foregoing amendment.

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

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

On motion of Senator Dillard, House Bill No. 5647 was taken up and read by title a second time.

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

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

On motion of Senator Petka, House Bill No. 5657 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 House Bill 5657 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 1-3 as follows:

(720 ILCS 5/1-3) (from Ch. 38, par. 1-3)

Sec. 1-3. Applicability of common law. No conduct constitutes an offense unless it is described as an offense in this Code or in another statute of this State. However, this provision does not affect the power of a court to punish for contempt or to employ a any sanction authorized by law for the enforcement of an order or civil judgment.

(Source: P.A. 79-1360.)".

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

On motion of Senator Philip, House Bill No. 5823 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 House Bill 5823 by replacing everything after the enacting clause with the following:

"Section 5. The Military Code of Illinois is amended by adding Section 100.5 as follows:

(20 ILCS 1805/100.5 new)

Sec. 100.5. Illinois National Guard; Soldiers' and Sailors' Civil Relief Act of 1940.

(a) Notwithstanding any other provision of law, a person who is a member of the Illinois National Guard and who is on active duty shall be accorded all of the relief and benefits under the laws of this State that are accorded to federal military personnel on active duty under the Soldiers' and Sailors' Civil Relief Act of 1940, as now or hereafter amended, if the person on active duty provides written notice of his or her active duty in the same manner that notice is provided under the Soldiers' and Sailors' Civil Relief Act of 1940.

(b) A person who has provided notice under subsection (a) shall, within 60 days after the termination of his or her active duty, provide written notice of the termination of his or her active duty to the person to whom notice was provided under subsection (a).

(c) For purposes of this Section, the term "active duty", when used in reference to the Illinois National Guard, means a period of active duty in excess of 30 consecutive days pursuant to orders of the Governor, whether or not for training, either under Title 32 of the United States Code or under State Active Duty pursuant to the laws of this State.

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

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

On motion of Senator Sullivan, House Bill No. 5941 having been printed, was taken up and read by title a second time.

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

Senator Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 5941 by replacing the title with the following:

"AN ACT in relation to alcoholic liquor."; and  
by replacing everything after the enacting clause with the following:  
"Section 5. The Liquor Control Act of 1934 is amended by changing Section 4-4 as follows:

(235 ILCS 5/4-4) (from Ch. 43, par. 112)

Sec. 4-4. Each local liquor control commissioner shall also have the following powers, functions and duties with respect to licenses, other than licenses to manufacturers, importing distributors, distributors, foreign importers, non-resident dealers, non-beverage users, brokers, railroads, airplanes and boats.

1. To grant and or suspend for not more than thirty days or revoke for cause all local licenses issued to persons for premises within his jurisdiction;

2. To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Act or any rules or regulations adopted by him or by the State Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith;

3. To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act of 1986 or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this Act by selling or offering for sale at retail alcoholic liquors without a retailer's license;

4. To receive complaint from any citizen within his jurisdiction that any of the provisions of this Act, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided;

5. To receive local license fees and pay the same forthwith to the city, village, town or county treasurer as the case may be.

Each local liquor commissioner also has the duty to notify the Secretary of State of any convictions for a violation of Section 6-20 of this Act or a similar provision of a local ordinance.

In counties and municipalities, the local liquor control commissioners shall also have the power to levy fines in accordance with Section 7-5 of this Act.

(Source: P.A. 91-357, eff. 7-29-99.)

Section 10. The Illinois Vehicle Code is amended by changing Section 6-206 as follows:

(625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that

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the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;
2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;
3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;
4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in death or injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;
5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;
6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;
7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;
8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;
9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;
10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;
11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a judicial driving permit, probationary license to drive, or a restricted driving permit issued under this Code;
12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;
13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;
14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;
15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 relating to criminal trespass to vehicles

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in which case, the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a police officer;

17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of \$1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the provisions of the Cannabis Control Act, in which case the person's driving privileges shall be suspended for one year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the provisions of the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act shall be suspended for 5 years. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a

juvenile prostitute and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, or an intoxicating compound as listed in the Use of Intoxicating Compounds Act, in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

34. Has committed a violation of Section 11-1301.5 of this Code;

35. Has committed a violation of Section 11-1301.6 of this Code; ~~or~~

36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction; ~~or~~

37. Has committed a violation of subsection (c) of Section 11-907 of this Code; ~~or-~~

38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

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2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to obtain a commercial driver's license under Section 6-507 during the period of a disqualification of commercial driving privileges under Section 6-514.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship, issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of his employment related duties, or to allow transportation for the petitioner, or a household member of the petitioner's family, to receive necessary medical care and if the professional evaluation indicates, provide transportation for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or

suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed \$20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination of those offenses, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 18 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

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

(Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01; 92-458, eff. 8-22-01; revised 8-27-01.)"

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

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

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On motion of Senator Parker, House Bill No. 5996 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 House Bill 5996 by replacing everything after the enacting clause with the following:

"Section 5. The Child Labor Law is amended by adding Section 2.5 and by changing Section 3 as follows:

(820 ILCS 205/2.5 new)

Sec. 2.5. Officiating youth activities. Nothing in this Act prohibits a minor who is 12 or 13 years of age from officiating youth sports activities for a not-for-profit youth club, park district, or municipal parks and recreation department if each of the following restrictions is met:

(1) The parent or the guardian of the minor who is officiating shall supervise the minor and must be present while the minor is officiating.

(2) The employer must obtain certification as provided for in Section 9 of this Act.

(3) The minor may work as a sports official for a maximum of 3 hours in any day, may not exceed 9 hours of officiating in any week, and may not work later than 9 p.m.

(4) The minor may only officiate activities in which the participating children are at least 4 years younger than the minor or with adults officiating.

(820 ILCS 205/3) (from Ch. 48, par. 31.3)

Sec. 3. Except as hereinafter provided, no minor under 16 years of age shall be employed, permitted, or allowed to work in any gainful occupation mentioned in Section 1 of this Act for more than 6 consecutive days in any one week, or more than 48 hours in any one week, or more than 8 hours in any one day, or be so employed, permitted or allowed to work between 7 p.m. and 7 a.m. from Labor Day until June 1 or between 9 p.m. and 7 a.m. from June 1 until Labor Day.

The hours of work of minors under the age of 16 years employed outside of school hours shall not exceed 3 a day on days when school is in session, nor shall the combined hours of work outside and in school exceed a total of 8 a day; except that a minor under the age of 16 may work both Saturday and Sunday for not more than 8 hours each day if the following conditions are met: (1) the minor does not work outside school more than 6 consecutive days in any one week, and (2) the number of hours worked by the minor outside school in any week does not exceed 24.

A minor 14 or more years of age who is employed in a recreational or educational activity by a park district, not-for-profit youth club, or municipal parks and recreation department while school is in session may work up to 3 hours per school day twice a week no later than 9 p.m. if the number of hours worked by the minor outside school in any week does not exceed 24 or between 10 p.m. and 7 a.m. during that school district's summer vacation, or if the school district operates on a 12 month basis, the period during which school is not in session for the minor.

(Source: P.A. 90-410, 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.

[May 8, 2002]

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

#### LEGISLATIVE MEASURES FILED

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

Senate Amendment No. 1 to House Bill 3653  
 Senate Amendment No. 3 to House Bill 4081  
 Senate Amendment No. 2 to House Bill 4117  
 Senate Amendment No. 3 to House Bill 5000  
 Senate Amendment No. 2 to House Bill 5375  
 Senate Amendment No. 2 to House Bill 5941  
 Senate Amendment No. 1 to House Bill 5996

#### READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Dillard, House Bill No. 811 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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  
 Brady  
 Burzynski  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland

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Obama  
 O'Daniel  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 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.

#### HOUSE BILLS RECALLED

On motion of Senator Donahue, House Bill No. 1033 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. 2

AMENDMENT NO. 2. Amend House Bill 1033, AS AMENDED, by inserting after the end of Section 1 the following:

"Section 5. Gulf War Veterans Memorial. A Gulf War Veterans Memorial may be constructed by a private entity on a portion of the State property in Oak Ridge Cemetery in Springfield, Illinois.

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

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

And House Bill No. 1033, as amended, was returned to the order of third reading.

On motion of Senator Karpiel, House Bill No. 1081 was recalled from the order of third reading to the order of second reading.

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

Senator Karpiel offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2

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AMENDMENT NO. 2. Amend House Bill 1081 on page 1, by replacing lines 9 through 11 with the following:  
"incorporated under this Act may, by ordinance,"; and  
 on page 1, line 12, after "open burning" by inserting "within the district"; and  
 on page 1, line 16, after "corporate limits of a", by inserting the following:  
"county with a population of 3,000,000 or more or a".

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

And House Bill No. 1081, as amended, was returned to the order of third reading.

On motion of Senator Cronin, House Bill No. 1436 was recalled from the order of third reading to the order of second reading.

Senator Cronin offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1436 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 21-2, 21-14, and 21-16 as follows:

(105 ILCS 5/21-2) (from Ch. 122, par. 21-2)

Sec. 21-2. Grades of certificates.

(a) ~~Until February 15, 2000,~~ All certificates issued under this Article shall be State certificates valid, except as limited in Section 21-1, in every school district coming under the provisions of this Act and shall be limited in time and designated as follows: Provisional vocational certificate, temporary provisional vocational certificate, early childhood certificate, elementary school certificate, special certificate, secondary high-school certificate, school service personnel certificate, administrative certificate, provisional certificate, and substitute certificate. The requirement of student teaching under close and competent supervision for obtaining a teaching certificate may be waived by the State Teacher Certification Board upon presentation to the Board by the teacher of evidence of 5 years successful teaching experience on a valid certificate and graduation from a recognized institution of higher learning with a bachelor's degree ~~with not less than 120 semester hours and a minimum of 16 semester hours in professional education.~~

(b) Initial Teaching Certificate. ~~Beginning February 15, 2000,~~ Persons who (1) have completed an approved teacher preparation program, (2) are recommended by an approved teacher preparation program, (3) have successfully completed the Initial Teaching Certification examinations required by the State Board of Education, and (4) have met all other criteria established by the State Board of Education in consultation with the State Teacher Certification Board, shall be issued an Initial Teaching Certificate valid for 4 years of teaching, as defined in Section 21-14 of this Code. Initial Teaching Certificates shall be issued for categories corresponding to Early Childhood, Elementary, Secondary, and Special K-12, with special certification designations for Special Education, Bilingual Education, fundamental learning areas (including Language Arts, Reading, Mathematics, Science, Social Science, Physical Development and Health, Fine Arts, and Foreign Language), and other areas designated by the State Board of Education, in consultation with the State Teacher Certification Board.

(c) Standard Certificate. ~~Beginning February 15, 2000,~~

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(1) Persons who (i) {1} have completed 4 years of teaching, as defined in Section 21-14 of this Code, with an Initial Certificate or an Initial Alternative Teaching Certificate and have met all other criteria established by the State Board of Education in consultation with the State Teacher Certification Board, (ii) {2} have completed 4 years of teaching on a valid equivalent certificate in another State or territory of the United States, or have completed 4 years of teaching in a nonpublic Illinois elementary or secondary school with an Initial Certificate or an Initial Alternative Teaching Certificate, and have met all other criteria established by the State Board of Education, in consultation with the State Teacher Certification Board, or (iii) {3} were issued teaching certificates prior to February 15, 2000 and are renewing those certificates after February 15, 2000, shall be issued a Standard Certificate valid for 5 years, which may be renewed thereafter every 5 years by the State Teacher Certification Board based on proof of continuing education or professional development. Beginning July 1, 2003, persons who have completed 4 years of teaching, as described in clauses (i) {1} and (ii) {2} of this paragraph (1) subsection-(e), have successfully completed the requirements of paragraphs (2) through (4) of this subsection (c) Standard-Teaching-Certificate-Examinations, and have met all other criteria established by the State Board of Education, in consultation with the State Teacher Certification Board, shall be issued Standard Certificates. Standard Certificates shall be issued for categories corresponding to Early Childhood, Elementary, Secondary, and Special K-12, with special certification designations for Special Education, Bilingual Education, fundamental learning areas (including Language Arts, Reading, Mathematics, Science, Social Science, Physical Development and Health, Fine Arts, and Foreign Language), and other areas designated by the State Board of Education, in consultation with the State Teacher Certification Board.

(2) This paragraph (2) applies only to those persons required to successfully complete the requirements of this paragraph under paragraph (1) of this subsection (c). In order to receive a Standard Teaching Certificate, a person must satisfy one of the following requirements, which the person must identify, in writing, as the requirement that the person has chosen to satisfy to the responsible local professional development committee established pursuant to subsection (f) of Section 21-14 of this Code:

(A) Completion of a program of induction and mentoring for new teachers that is based upon a specific plan approved by the State Board of Education, in consultation with the State Teacher Certification Board. The plan must describe the role of mentor teachers, the criteria and process for their selection, and how all the following components are to be provided:

(i) Assignment of a formally trained mentor teacher to each new teacher for a specified period of time, which shall be established by the employing school or school district but shall be at least 2 school years in duration, provided that a mentor teacher may not directly or indirectly participate in the evaluation of a new teacher pursuant to Article 24A of this Code or the evaluation procedure of the school.

(ii) Formal mentoring for each new teacher.

(iii) Support for each new teacher in relation to the Illinois Professional Teaching Standards, the content-area standards applicable to the new teacher's area of certification, and any applicable local school improvement and professional development plans.

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(iv) Professional development specifically designed to foster the growth of each new teacher's knowledge and skills.

(v) Formative assessment that is based on the Illinois Professional Teaching Standards and designed to provide feedback to the new teacher and opportunities for reflection on his or her performance, which must not be used directly or indirectly in any evaluation of a new teacher pursuant to Article 24A of this Code or the evaluation procedure of the school and which must include the activities specified in clauses (B)(i), (B)(ii), and (B)(iii) of this paragraph (2).

(vi) Assignment of responsibility for coordination of the induction and mentoring program within each school district participating in the program.

(B) Successful completion of 4 semester hours of graduate-level coursework on the assessment of one's own performance in relation to the Illinois Professional Teaching Standards. The coursework must be approved by the State Board of Education, in consultation with the State Teacher Certification Board; must be offered either by an institution of higher education, by such an institution in partnership with a teachers' association or union or with a regional office of education, or by another entity authorized to issue college credit; and must include demonstration of performance through all of the following activities for each of the Illinois Professional Teaching Standards:

(i) Observation, by the course instructor or another experienced teacher, of the new teacher's classroom practice (the observation may be recorded for later viewing) for the purpose of identifying and describing how the new teacher made content meaningful for students; how the teacher motivated individuals and the group and created an environment conducive to positive social interactions, active learning, and self-motivation; what instructional strategies the teacher used to encourage students' development of critical thinking, problem solving, and performance; how the teacher communicated using written, verbal, nonverbal, and visual communication techniques; and how the teacher maintained standards of professional conduct and provided leadership to improve students' learning.

(ii) Review and analysis, by the course instructor or another experienced teacher, of written documentation (i.e., lesson plans, assignments, assessment instruments, and samples of students' work) prepared by the new teacher for at least 2 lessons. The documentation must provide evidence of classroom performance related to Illinois Professional Teaching Standards 1 through 9, with an emphasis on how the teacher used his or her understanding of students, assessment data, and subject matter to decide on learning goals; how the teacher designed or selected activities and instructional materials and aligned instruction to the relevant Illinois Learning Standards; how the teacher adapted or modified curriculum to meet individual students' needs; and how the teacher sequenced instruction and designed or selected student assessment strategies.

(iii) Demonstration of professional expertise on the part of the new teacher in reflecting on his or her practice, which was observed under clause (B)(i) of this paragraph (2) and documented under clause (B)(ii) of this paragraph (2), in terms of teaching strengths, weaknesses,

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and implications for improvement according to the Illinois Professional Teaching Standards.

(C) Successful completion of a minimum of 4 semester hours of graduate-level coursework addressing preparation to meet the requirements for certification by the National Board for Professional Teaching Standards (NBPTS). The coursework must be approved by the State Board of Education, in consultation with the State Teacher Certification Board, and must be offered either by an institution of higher education, by such an institution in partnership with a teachers' association or union or with a regional office of education, or by another entity authorized to issue college credit. The course must address the 5 NBPTS Core Propositions and relevant standards through such means as the following:

(i) Observation, by the course instructor or another experienced teacher, of the new teacher's classroom practice (the observation may be recorded for later viewing) for the purpose of identifying and describing how the new teacher made content meaningful for students; how the teacher motivated individuals and the group and created an environment conducive to positive social interactions, active learning, and self-motivation; what instructional strategies the teacher used to encourage students' development of critical thinking, problem solving, and performance; how the teacher communicated using written, verbal, nonverbal, and visual communication techniques; and how the teacher maintained standards of professional conduct and provided leadership to improve students' learning.

(ii) Review and analysis, by the course instructor or another experienced teacher, of written documentation (i.e., lesson plans, assignments, assessment instruments, and samples of students' work) prepared by the new teacher for at least 2 lessons. The documentation must provide evidence of classroom performance, including how the teacher used his or her understanding of students, assessment data, and subject matter to decide on learning goals; how the teacher designed or selected activities and instructional materials and aligned instruction to the relevant Illinois Learning Standards; how the teacher adapted or modified curriculum to meet individual students' needs; and how the teacher sequenced instruction and designed or selected student assessment strategies.

(iii) Demonstration of professional expertise on the part of the new teacher in reflecting on his or her practice, which was observed under clause (C)(i) of this paragraph (2) and documented under clause (C)(ii) of this paragraph (2), in terms of teaching strengths, weaknesses, and implications for improvement.

(D) Receipt of an advanced degree from an accredited institution of higher education in an education-related field, provided that at least 8 semester hours of the coursework completed count toward a degree, certificate, or endorsement in a teaching field.

(E) Accumulation of 60 continuing professional development units (CPDUs), earned by completing selected activities that comply with paragraphs (3) and (4) of this subsection (c). However, for an individual who holds an Initial Teaching Certificate on the effective date of this amendatory Act of the 92nd General Assembly, the number of CPDUs shall be reduced to reflect the teaching time remaining on the Initial Teaching

Certificate.

(F) Completion of a nationally normed, performance-based assessment, if made available by the State Board of Education in consultation with the State Teacher Certification Board, provided that the cost to the person shall not exceed the cost of the coursework described in clause (B) of this paragraph (2).

(3) This paragraph (3) applies only to those persons required to successfully complete the requirements of this paragraph under paragraph (1) of this subsection (c). At least one-half the CPDUs a person must accrue in order to qualify for a Standard Teaching Certificate must be earned through completion of coursework, workshops, seminars, conferences, and other similar training events that are pre-approved by the State Board of Education, in consultation with the State Teacher Certification Board, for the purpose of reflection on teaching practices in order to address all of the Illinois Professional Teaching Standards necessary to obtain a Standard Teaching Certificate. These activities must meet all of the following requirements:

(A) Each activity must be designed to advance a person's knowledge and skills in relation to one or more of the Illinois Professional Teaching Standards or in relation to the content-area standards applicable to the teacher's field of certification.

(B) Taken together, the activities completed must address each of the Illinois Professional Teaching Standards as provided in clauses (B)(i), (B)(ii), and (B)(iii) of paragraph (2) of this subsection (c).

(C) Each activity must be provided by an entity approved by the State Board of Education, in consultation with the State Teacher Certification Board, for this purpose.

(D) Each activity, integral to its successful completion, must require participants to demonstrate the degree to which they have acquired new knowledge or skills, such as through performance, through preparation of a written product, through assembling samples of students' or teachers' work, or by some other means that is appropriate to the subject matter of the activity.

(E) One CPDU shall be available for each hour of direct participation by a holder of an Initial Teaching Certificate in a qualifying activity. An activity may be attributed to more than one of the Illinois Professional Teaching Standards, but credit for any activity shall be counted only once.

(4) This paragraph (4) applies only to those persons required to successfully complete the requirements of this paragraph under paragraph (1) of this subsection (c). The balance of the CPDUs a person must accrue in order to qualify for a Standard Teaching Certificate, in combination with those earned pursuant to paragraph (3) of this subsection (c), may be chosen from among the following, provided that an activity listed in clause (C) of this paragraph (4) shall be creditable only if its provider is approved for this purpose by the State Board of Education, in consultation with the State Teacher Certification Board:

(A) Collaboration and partnership activities related to improving a person's knowledge and skills as a teacher, including all of the following:

(i) Peer review and coaching.

(ii) Mentoring in a formal mentoring program, including service as a consulting teacher participating in a remediation process formulated under Section 24A-5 of this Code.

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(iii) Facilitating parent education programs directly related to student achievement for a school, school district, or regional office of education.

(iv) Participating in business, school, or community partnerships directly related to student achievement.

(B) Teaching college or university courses in areas relevant to a teacher's field of certification, provided that the teaching may only be counted once during the course of 4 years.

(C) Conferences, workshops, institutes, seminars, and symposiums related to improving a person's knowledge and skills as a teacher, including all of the following:

(i) Completing non-university credit directly related to student achievement, the Illinois Professional Teaching Standards, or content-area standards.

(ii) Participating in or presenting at workshops, seminars, conferences, institutes, and symposiums.

(iii) Training as external reviewers for the State Board of Education.

(iv) Training as reviewers of university teacher preparation programs.

(D) Other educational experiences related to improving a person's knowledge and skills as a teacher, including all of the following:

(i) Participating in action research and inquiry projects.

(ii) Observing programs or teaching in schools, related businesses, or industry that is systematic, purposeful, and relevant to a teacher's field of certification.

(iii) Participating in study groups related to student achievement, the Illinois Professional Teaching Standards, or content-area standards.

(iv) Participating in work/learn programs or internships.

(v) Developing a portfolio of students' and teacher's work.

(E) Professional leadership experiences related to improving a person's knowledge and skills as a teacher, including all of the following:

(i) Participating in curriculum development or assessment activities at the school, school district, regional office of education, State, or national level.

(ii) Participating in team or department leadership in a school or school district.

(iii) Participating on external or internal school or school district review teams.

(iv) Publishing educational articles, columns, or books relevant to a teacher's field of certification.

(v) Participating in non-strike related activities of a professional association or labor organization that are related to professional development.

(5) A person must complete his or her chosen requirement under paragraph (2) of this subsection (c) before the expiration of his or her Initial Teaching Certificate and must submit evidence of having done so to the local professional development committee. Within 30 days after receipt of a person's evidence of completion, the local professional development committee shall forward the evidence of completion to the responsible regional superintendent of schools along with the local professional development committee's recommendation, based on that evidence, as to whether the person is

eligible to receive a Standard Teaching Certificate. The local professional development committee shall provide a copy of this recommendation to the affected person.

The regional superintendent of schools shall review the evidence of completion submitted by a person and, based upon compliance with all of the requirements for receipt of a Standard Teaching Certificate, shall forward to the State Board of Education a recommendation for issuance or non-issuance. The regional superintendent of schools shall notify the affected person of the recommendation forwarded.

Upon review of a regional superintendent of school's recommendations, the State Board of Education shall issue Standard Teaching Certificates to those who qualify and shall notify a person, in writing, of a decision denying a Standard Teaching Certificate. Any decision denying issuance of a Standard Teaching Certificate to a person may be appealed to the State Teacher Certification Board.

(6) The State Board of Education, in consultation with the State Teacher Certification Board, may adopt rules to implement this subsection (c) and may periodically evaluate any of the methods of qualifying for a Standard Teaching Certificate described in this subsection (c).

(d) Master Certificate. ~~Beginning-February--15,--2000,~~ Persons who have successfully achieved National Board certification through the National Board for Professional Teaching Standards shall be issued a Master Certificate, valid for 10 years and renewable thereafter every 10 years through compliance with requirements set forth by the State Board of Education, in consultation with the State Teacher Certification Board. However, each teacher who holds a Master Certificate shall be eligible for a teaching position in this State in the areas for which he or she holds a Master Certificate without satisfying any other requirements of this Code, except for those requirements pertaining to criminal background checks. A teacher who holds a Master Certificate shall be deemed to meet State certification renewal requirements in the area or areas for which he or she holds a Master Certificate for the 10-year term of the teacher's Master Certificate.

(Source: P.A. 91-102, eff. 7-12-99; 91-606, eff. 8-16-99; 91-609, eff. 1-1-00; 92-16, eff. 6-28-01.)

(105 ILCS 5/21-14) (from Ch. 122, par. 21-14)

(Text of Section before amendment by P.A. 92-510)

Sec. 21-14. Registration and renewal of certificates.

(a) A limited four-year certificate or a certificate issued after July 1, 1955, shall be renewable at its expiration or within 60 days thereafter by the county superintendent of schools having supervision and control over the school where the teacher is teaching upon certified evidence of meeting the requirements for renewal as required by this Act and prescribed by the State Board of Education in consultation with the State Teacher Certification Board. An elementary supervisory certificate shall not be renewed at the end of the first four-year period covered by the certificate unless the holder thereof has filed certified evidence with the State Teacher Certification Board that he has a master's degree or that he has earned 8 semester hours of credit in the field of educational administration and supervision in a recognized institution of higher learning. The holder shall continue to earn 8 semester hours of credit each four-year period until such time as he has earned a master's degree.

All certificates not renewed or registered as herein provided shall lapse after a period of 5 years from the expiration of the last year of registration. Such certificates may be reinstated for a one

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year period upon payment of all accumulated registration fees. Such reinstated certificates shall only be renewed: (1) by earning 5 semester hours of credit in a recognized institution of higher learning in the field of professional education or in courses related to the holder's contractual teaching duties; or (2) by presenting evidence of holding a valid regular certificate of some other type. Any certificate may be voluntarily surrendered by the certificate holder. A voluntarily surrendered certificate shall be treated as a revoked certificate.

(b) When those teaching certificates issued before February 15, 2000 are renewed for the first time after February 15, 2000, all such teaching certificates shall be exchanged for Standard Teaching Certificates as provided in subsection (c) of Section 21-2. All Initial and Standard Teaching Certificates, including those issued to persons who previously held teaching certificates issued before February 15, 2000, shall be renewable under the conditions set forth in this subsection (b).

Initial Teaching Certificates are nonrenewable and are valid for 4 years of teaching. Standard Teaching Certificates are renewable every 5 years as provided in subsection (c) of Section 21-2 and subsection (c) of this Section. For purposes of this Section, "teaching" is defined as employment and performance of services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, in a certificated teaching position, or a charter school operating in compliance with the Charter Schools Law.

(c) In compliance with subsection (c) of Section 21-2 of this Code, which provides that a Standard Teaching Certificate may be renewed by the State Teacher Certification Board based upon proof of continuing professional development, the State Board of Education and the State Teacher Certification Board shall jointly:

(1) establish a procedure for renewing Standard Teaching Certificates, which shall include but not be limited to annual timelines for the renewal process and the components set forth in subsections (d) through (k) of this Section;

(2) establish the standards for certificate renewal;

(3) approve the providers of continuing professional development activities;

(4) determine the maximum credit for each category of continuing professional development activities, based upon recommendations submitted by a continuing professional development activity task force, which shall consist of 6 staff members from the State Board of Education, appointed by the State Superintendent of Education, and 6 teacher representatives, 3 of whom are selected by the Illinois Education Association and 3 of whom are selected by the Illinois Federation of Teachers;

(5) designate the type and amount of documentation required to show that continuing professional development activities have been completed; and

(6) provide, on a timely basis to all Illinois teachers, certificate holders, regional superintendents of schools, school districts, and others with an interest in continuing professional development, information about the standards and requirements established pursuant to this subsection (c).

(d) Any Standard Teaching Certificate held by an individual employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control in a certificated teaching position or a charter school in compliance with the Charter Schools Law must be maintained Valid and Active through

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certificate renewal activities specified in the certificate renewal procedure established pursuant to subsection (c) of this Section, provided that a holder of a Valid and Active certificate who is only employed on either a part-time basis or day-to-day basis as a substitute teacher shall pay only the required registration fee to renew his or her certificate and maintain it as Valid and Active. All other Standard Teaching Certificates held may be maintained as Valid and Exempt through the registration process provided for in the certificate renewal procedure established pursuant to subsection (c) of this Section. A Valid and Exempt certificate must be immediately activated, through procedures developed jointly by the State Board of Education and the State Teacher Certification Board, upon the certificate holder becoming employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control in a certificated teaching position or a charter school operating in compliance with the Charter Schools Law. A holder of a Valid and Exempt certificate may activate his or her certificate through procedures provided for in the certificate renewal procedure established pursuant to subsection (c) of this Section.

(e)(1) A Standard Teaching Certificate that has been maintained as Valid and Active for the 5 years of the certificate's validity shall be renewed as Valid and Active upon the certificate holder: (i) completing an advanced degree from an approved institution in an education-related field; (ii) completing at least 8 semester hours of coursework as described in subdivision (B) (A) of paragraph (3) of this subsection (e); (iii) (iii) earning at least 24 continuing education units as described in subdivision (C) (B) of paragraph (3) of this subsection (e); (iv) (iii) completing the National Board for Professional Teaching Standards process as described in subdivision (D) (E) of paragraph (3) of this subsection (e); or (v) (iv) earning 120 continuing professional development units ("CPDU") as described in subdivision (E) (D) of paragraph (3) of this subsection (e). The maximum continuing professional development units for each continuing professional development activity identified in subdivisions (F) (E) through (J) (I) of paragraph (3) of this subsection (e) shall be jointly determined by the State Board of Education and the State Teacher Certification Board. If, however, the certificate holder has maintained the certificate as Valid and Exempt for a portion of the 5-year period of validity, the number of continuing professional development units needed to renew the certificate as Valid and Active shall be proportionately reduced by the amount of time the certificate was Valid and Exempt. Furthermore, if a certificate holder is employed and performs teaching services on a part-time basis for all or a portion of the certificate's 5-year period of validity, the number of continuing professional development units needed to renew the certificate as Valid and Active shall be reduced by 50% for the amount of time the certificate holder has been employed and performed teaching services on a part-time basis. Part-time shall be defined as less than 50% of the school day or school term.

(2) Each Valid and Active Standard Teaching Certificate holder shall develop a certificate renewal plan for satisfying the continuing professional development requirement provided for in subsection (c) of Section 21-2 of this Code. Certificate holders with multiple certificates shall develop a certificate renewal plan that addresses only that certificate or those certificates that are required of his or her certificated teaching position, if the certificate holder is employed and performing services in an Illinois

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public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, or that certificate or those certificates most closely related to his or her teaching position, if the certificate holder is employed in a charter school. Except as otherwise provided in this subsection (e), a certificate renewal plan shall include a minimum of 3 individual improvement goals developed by the certificate holder and shall reflect purposes (A), (B), and (C) and may reflect purpose (D) of the following continuing professional development purposes:

(A) Advance both the certificate holder's knowledge and skills as a teacher consistent with the Illinois Professional Teaching Standards and the Illinois Content Area Standards in the certificate holder's areas of certification, endorsement, or teaching assignment in order to keep the certificate holder current in those areas.

(B) Develop the certificate holder's knowledge and skills in areas determined to be critical for all Illinois teachers, as defined by the State Board of Education, known as "State priorities".

(C) Address the knowledge, skills, and goals of the certificate holder's local school improvement plan, if the teacher is employed in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control.

(D) Expand the certificate holder's knowledge and skills in an additional teaching field or toward the acquisition of another teaching certificate, endorsement, or relevant education degree.

A certificate renewal plan must include a description of how these goals are to be achieved and an explanation of selected continuing professional development activities to be completed, each of which must meet one or more of the continuing professional development purposes specified in this paragraph (2). The plan shall identify potential activities and include projected timelines for those activities that will assure completion of the plan before the expiration of the 5-year validity of the Standard Teaching Certificate. Except as otherwise provided in this subsection (e), at least 50% of continuing professional development units must relate to purposes (A) and (B) set forth in this paragraph (2): the advancement of a certificate holder's knowledge and skills as a teacher consistent with the Illinois Professional Teaching Standards and the Illinois Content Area Standards in the certificate holder's areas of certification, endorsement, or teaching assignment in order to keep the certificate holder current in those areas and the development of a certificate holder's knowledge and skills in the State priorities that exist at the time the certificate renewal plan is developed.

(3) Continuing professional development activities included in a certificate renewal plan may include, but are not limited to, the following activities:

(A) completion of an advanced degree from an approved institution in an education-related field;

(B) {A} at least 8 semester hours of coursework in an approved education-related program, of which at least 2 semester hours relate to the continuing professional development purpose set forth in purpose (A) of paragraph (2) of this subsection (e), provided that such a plan need not include any other continuing professional development activities nor reflect or contain activities related to the other continuing professional development purposes set forth in paragraph (2) of this subsection (e);

(C) {B} continuing education units that satisfy the

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continuing professional development purposes set forth in paragraph (2) of this subsection (e), with each continuing education unit equal to 5 clock hours, provided that a plan that includes at least 24 continuing education units (or 120 clock/contact hours) need not include any other continuing professional development activities;

(D) (E) completion of the National Board of Professional Teaching Standards ("NBPTS") process, provided that a plan that includes completion of the NBPTS process need not include any other continuing professional development activities nor reflect or contain activities related to the continuing professional development purposes set forth in paragraph (2) of subsection (e) of this Section;

(E) (D) completion of 120 continuing professional development units that satisfy the continuing professional development purposes set forth in paragraph (2) of this subsection (e) and may include without limitation the activities identified in subdivisions (F) (E) through (J) (I) of this paragraph (3);

(F) (E) collaboration and partnership activities related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) participating on collaborative planning and professional improvement teams and committees;

(ii) peer review and coaching;

(iii) mentoring in a formal mentoring program, including service as a consulting teacher participating in a remediation process formulated under Section 24A-5 of this Code;

(iv) participating in site-based management or decision making teams, relevant committees, boards, or task forces directly related to school improvement plans;

(v) coordinating community resources in schools, if the project is a specific goal of the school improvement plan;

(vi) facilitating parent education programs for a school, school district, or regional office of education directly related to student achievement or school improvement plans;

(vii) participating in business, school, or community partnerships directly related to student achievement or school improvement plans; or

(viii) supervising a student teacher or teacher education candidate in clinical supervision, provided that the supervision may only be counted once during the course of 5 years;

(G) (F) college or university coursework related to improving the teacher's knowledge and skills as a teacher as follows:

(i) completing undergraduate or graduate credit earned from a regionally accredited institution in coursework relevant to the certificate area being renewed, including coursework that incorporates induction activities and development of a portfolio of both student and teacher work that provides experience in reflective practices, provided the coursework meets Illinois Professional Teaching Standards or Illinois Content Area Standards and supports the essential characteristics of quality professional development; or

(ii) teaching college or university courses in areas

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relevant to the certificate area being renewed, provided that the teaching may only be counted once during the course of 5 years;

(H) ~~(G)~~ conferences, workshops, institutes, seminars, and symposiums related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) completing non-university credit directly related to student achievement, school improvement plans, or State priorities;

(ii) participating in or presenting at workshops, seminars, conferences, institutes, and symposiums;

(iii) training as external reviewers for Quality Assurance; or

(iv) training as reviewers of university teacher preparation programs;

(I) ~~(H)~~ other educational experiences related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) participating in action research and inquiry projects;

(ii) observing programs or teaching in schools, related businesses, or industry that is systematic, purposeful, and relevant to certificate renewal;

(iii) traveling related to one's teaching assignment, directly related to student achievement or school improvement plans and approved at least 30 days prior to the travel experience, provided that the traveling shall not include time spent commuting to destinations where the learning experience will occur;

(iv) participating in study groups related to student achievement or school improvement plans;

(v) serving on a statewide education-related committee, including but not limited to the State Teacher Certification Board, State Board of Education strategic agenda teams, or the State Advisory Council on Education of Children with Disabilities;

(vi) participating in work/learn programs or internships; or

(vii) developing a portfolio of student and teacher work; or

(J) ~~(I)~~ professional leadership experiences related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) participating in curriculum development or assessment activities at the school, school district, regional office of education, State, or national level;

(ii) participating in team or department leadership in a school or school district;

(iii) participating on external or internal school or school district review teams;

(iv) publishing educational articles, columns, or books relevant to the certificate area being renewed; or

(v) participating in non-strike related professional association or labor organization service or activities related to professional development.

(4) A certificate renewal plan must initially be approved by the certificate holder's local professional development committee, as provided for in subsection (f) of this Section. If the local professional development committee does not approve the certificate renewal plan, the certificate holder may appeal that determination to

the regional professional development review committee, as provided for in paragraph (2) of subsection (g) of this Section. If the regional professional development review committee disagrees with the local professional development committee's determination, the certificate renewal plan shall be deemed approved and the certificate holder may begin satisfying the continuing professional development activities set forth in the plan. If the regional professional development review committee agrees with the local professional development committee's determination, the certificate renewal plan shall be deemed disapproved and shall be returned to the certificate holder to develop a revised certificate renewal plan. In all cases, the regional professional development review committee shall immediately notify both the local professional development committee and the certificate holder of its determination.

(5) A certificate holder who wishes to modify the continuing professional development activities or goals in his or her certificate renewal plan must submit the proposed modifications to his or her local professional development committee for approval prior to engaging in the proposed activities. If the local professional development committee does not approve the proposed modification, the certificate holder may appeal that determination to the regional professional development review committee, as set forth in paragraph (4) of this subsection (e).

(6) When a certificate holder changes assignments or school districts during the course of completing a certificate renewal plan, the professional development and continuing education credit earned pursuant to the plan shall transfer to the new assignment or school district and count toward the total requirements. This certificate renewal plan must be reviewed by the appropriate local professional development committee and may be modified to reflect the certificate holder's new work assignment or the school improvement plan of the new school district or school building.

(f) Notwithstanding any other provisions of this Code, each school district, charter school, and cooperative or joint agreement with a governing body or board of control that employs certificated staff, shall establish and implement, in conjunction with its exclusive representative, if any, one or more local professional development committees, as set forth in this subsection (f), which shall perform the following functions:

(1) review and approve certificate renewal plans and any modifications made to these plans, including transferred plans;

(2) maintain a file of approved certificate renewal plans;

(3) monitor certificate holders' progress in completing approved certificate renewal plans, provided that a local professional development committee shall not be required to maintain materials submitted by certificate holders to demonstrate their progress in completing their certificate renewal plans after the committee has reviewed the materials and the credits have been awarded;

(4) assist in the development of professional development plans based upon needs identified in certificate renewal plans;

(5) determine whether certificate holders have met the requirements of their certificate renewal plans and notify certificate holders of its determination;

(6) provide a certificate holder with the opportunity to address the committee when it has determined that the certificate holder has not met the requirements of his or her certificate renewal plan;

(7) issue and forward recommendations for renewal or nonrenewal of certificate holders' Standard Teaching Certificates

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to the appropriate regional superintendent of schools, based upon whether certificate holders have met the requirements of their approved certificate renewal plans, with 30-day written notice of its recommendation provided to the certificate holder prior to forwarding the recommendation to the regional superintendent of schools, provided that if the local professional development committee's recommendation is for certificate nonrenewal, the written notice provided to the certificate holder shall include a return receipt; and

(8) reconsider its recommendation of certificate nonrenewal, upon request of the certificate holder within 30 days of receipt of written notification that the local professional development committee will make such a recommendation, and forward to the regional superintendent of schools its recommendation within 30 days of receipt of the certificate holder's request.

Each local professional development committee shall consist of at least 3 classroom teachers; one superintendent or chief administrator of the school district, charter school, or cooperative or joint agreement or his or her designee; and one at-large member who shall be either (i) a parent, (ii) a member of the business community, (iii) a community member, or (iv) an administrator, with preference given to an individual chosen from among those persons listed in items (i), (ii), and (iii) in order to secure representation of an interest not already represented on the committee. Except in a school district in a city having a population exceeding 500,000, a local professional development committee shall be responsible for no more than 200 certificate renewal plans annually unless otherwise mutually agreed upon by the school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any. If mutually agreed upon by the school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any, additional members may be added to a local professional development committee, provided that a majority of members are classroom teachers. Except in a school district in a city having a population exceeding 500,000, if additional members are added to a local professional development committee, the maximum number of certificate renewal plans for which the committee shall annually be responsible may be increased by 50 plans for each additional member, unless otherwise mutually agreed upon by the school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any. The school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any, shall determine the term of service of the members of a local professional development committee. All individuals selected to serve on local professional development committees must be known to demonstrate the best practices in teaching or their respective field of practice.

The exclusive representative, if any, shall select the classroom teacher members of the local professional development committee. If no exclusive representative exists, then the classroom teacher members of a local professional development committee shall be selected by the classroom teachers that come within the local professional development committee's authority. The school district, charter school, or governing body or board of control of a cooperative or joint agreement shall select the 2 non-classroom teacher members (the superintendent or chief administrator of the school district, charter school, or cooperative or joint agreement or

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his or her designee and the at-large member) of a local professional development committee. Vacancies in positions on a local professional development committee shall be filled in the same manner as the original selections. The members of a local professional development committee shall select a chairperson. Local professional development committee meetings shall be scheduled so as not to interfere with committee members' regularly scheduled teaching duties, except when otherwise permitted by the policies of or agreed to or approved by the school district, charter school, or governing body or board of control of a cooperative or joint agreement, or its designee.

The board of education or governing board shall convene the first meeting of the local professional development committee. All actions taken by the local professional development committee shall require that a majority of committee members be present, and no committee action may be taken unless 50% or more of those present are teacher members.

The State Board of Education and the State Teacher Certification Board shall jointly provide local professional development committee members with a training manual, and the members shall certify that they have received and read the manual.

Notwithstanding any other provisions of this subsection (f), for a teacher employed and performing services in a nonpublic or State-operated elementary or secondary school, all references to a local professional development committee shall mean the regional superintendent of schools of the regional office of education for the geographic area where the teaching is done.

(g)(1) Each regional superintendent of schools shall review and concur or nonconcur with each recommendation for renewal or nonrenewal of a Standard Teaching Certificate he or she receives from a local professional development committee or, if a certificate holder appeals the recommendation to the regional professional development review committee, the recommendation for renewal or nonrenewal he or she receives from a regional professional development review committee and, within 14 days of receipt of the recommendation, shall provide the State Teacher Certification Board with verification of the following, if applicable:

(A) a certificate renewal plan was filed and approved by the appropriate local professional development committee;

(B) the professional development and continuing education activities set forth in the approved certificate renewal plan have been satisfactorily completed;

(C) the local professional development committee has recommended the renewal of the certificate holder's Standard Teaching Certificate and forwarded the recommendation, along with all supporting documentation as jointly required by the State Board of Education and the State Teacher Certification Board, to the regional superintendent of schools;

(D) the certificate holder has appealed his or her local professional development committee's recommendation of nonrenewal to the regional professional development review committee and the result of that appeal;

(E) the regional superintendent of schools has concurred or nonconcurred with the local professional development committee's or regional professional development review committee's recommendation to renew or nonrenew the certificate holder's Standard Teaching Certificate and made a recommendation to that effect; and

(F) the established registration fee for the Standard Teaching Certificate has been paid.

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At the same time the regional superintendent of schools provides the State Teacher Certification Board with the notice required by this subsection (g), he or she shall also notify the certificate holder in writing that this notice has been provided to the State Teacher Certification Board, provided that if the notice provided by the regional superintendent of schools to the State Teacher Certification Board includes a recommendation of certificate nonrenewal, the written notice provided to the certificate holder shall be by certified mail, return receipt requested.

(2) Each certificate holder shall have the right to appeal his or her local professional development committee's recommendation of nonrenewal to the regional professional development review committee, within 14 days of receipt of notice that the recommendation has been sent to the regional superintendent of schools. Each regional superintendent of schools shall establish a regional professional development review committee or committees for the purpose of advising the regional superintendent of schools, upon request, and handling certificate holder appeals. This committee shall consist of at least 4 classroom teachers, one non-administrative certificated educational employee, 2 administrators, and one at-large member who shall be either (i) a parent, (ii) a member of the business community, (iii) a community member, or (iv) an administrator, with preference given to an individual chosen from among those persons listed in items (i), (ii), and (iii) in order to secure representation of an interest not already represented on the committee. The teacher and non-administrative certificated educational employee members of the review committee shall be selected by their exclusive representative, if any, and the administrators and at-large member shall be selected by the regional superintendent of schools. A regional superintendent of schools may add additional members to the committee, provided that the same proportion of teachers to administrators and at-large members on the committee is maintained. Any additional teacher and non-administrative certificated educational employee members shall be selected by their exclusive representative, if any. Vacancies in positions on a regional professional development review committee shall be filled in the same manner as the original selections. Committee members shall serve staggered 3-year terms. All individuals selected to serve on regional professional development review committees must be known to demonstrate the best practices in teaching or their respective field of practice.

The exclusive representative responsible for choosing the individuals that serve on a regional professional development review committee shall notify each school district, charter school, or governing body or board of control of a cooperative or joint agreement employing the individuals chosen to serve and provide their names to the appropriate regional superintendent of schools. Regional professional development review committee meetings shall be scheduled so as not to interfere with the committee members' regularly scheduled teaching duties, except when otherwise permitted by the policies of or agreed to or approved by the school district, charter school, or governing body or board of control of a cooperative or joint agreement, or its designee, provided that the school district, charter school, or governing body or board of control shall not unreasonably withhold permission for a committee member to attend regional professional development review committee meetings.

In a city having a population exceeding 500,000 that does not have a regional office of education, one or more separate regional professional development review committees shall be established as

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mutually agreed upon by the board of education of the school district organized under Article 34 of this Code and the exclusive representative. The composition of each committee shall be the same as for a regional professional development review committee, except that members of the committee shall be jointly appointed by the board of education and the exclusive representative. All other provisions of this Section concerning regional professional development review committees shall apply to these committees.

The regional professional development review committee may require information in addition to that received from a certificate holder's local professional development committee or request that the certificate holder appear before it, shall either concur or nonconcur with a local professional development committee's recommendation of nonrenewal, and shall forward to the regional superintendent of schools its recommendation of renewal or nonrenewal. All actions taken by the regional professional development review committee shall require a quorum and be by a simple majority of those present and voting. A record of all votes shall be maintained. The committee shall have 45 days from receipt of a certificate holder's appeal to make its recommendation to the regional superintendent of schools.

The State Board of Education and the State Teacher Certification Board shall jointly provide regional professional development review committee members with a training manual, and the members shall be required to attend one training seminar sponsored jointly by the State Board of Education and the State Teacher Certification Board.

(h)(1) The State Teacher Certification Board shall review the regional superintendent of schools' recommendations to renew or nonrenew Standard Teaching Certificates and notify certificate holders in writing whether their certificates have been renewed or nonrenewed within 90 days of receipt of the recommendations, unless a certificate holder has appealed a regional superintendent of schools' recommendation of nonrenewal, as provided in paragraph (2) of this subsection (h). The State Teacher Certification Board shall verify that the certificate holder has met the renewal criteria set forth in paragraph (1) of subsection (g) of this Section.

(2) Each certificate holder shall have the right to appeal a regional superintendent of school's recommendation to nonrenew his or her Standard Teaching Certificate to the State Teacher Certification Board, within 14 days of receipt of notice that the decision has been sent to the State Teacher Certification Board, which shall hold an appeal hearing within 60 days of receipt of the appeal. When such an appeal is taken, the certificate holder's Standard Teaching Certificate shall continue to be valid until the appeal is finally determined. The State Teacher Certification Board shall review the regional superintendent of school's recommendation, the regional professional development review committee's recommendation, if any, and the local professional development committee's recommendation and all relevant documentation to verify whether the certificate holder has met the renewal criteria set forth in paragraph (1) of subsection (g) of this Section. The State Teacher Certification Board may request that the certificate holder appear before it. All actions taken by the State Teacher Certification Board shall require a quorum and be by a simple majority of those present and voting. A record of all votes shall be maintained. The State Teacher Certification Board shall notify the certificate holder in writing, within 7 days of completing the review, whether his or her Standard Teaching Certificate has been renewed or nonrenewed, provided that if the State Teacher Certification Board determines to nonrenew a certificate, the written notice provided to the certificate holder shall be by certified mail, return receipt requested. All

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certificate renewal or nonrenewal decisions of the State Teacher Certification Board are final and subject to administrative review, as set forth in Section 21-24 of this Code.

(i) Holders of Master Teaching Certificates shall meet the same requirements and follow the same procedures as holders of Standard Teaching Certificates, except that their renewal cycle shall be as set forth in subsection (d) of Section 21-2 of this Code.

(j) Holders of Valid and Exempt Standard and Master Teaching Certificates who are not employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, in a certificated teaching position, may voluntarily activate their certificates by developing and submitting a certificate renewal plan to the regional superintendent of schools of the regional office of education for the geographic area where their teaching is done, who, or whose designee, shall approve the plan and serve as the certificate holder's local professional development committee. These certificate holders shall follow the same renewal criteria and procedures as all other Standard and Master Teaching Certificate holders, except that their continuing professional development plans shall not be required to reflect or address the knowledge, skills, and goals of a local school improvement plan.

(k) Each school district, charter school, or cooperative or joint agreement shall be paid an annual amount of not less than \$1,000, as determined by a formula based on the number of Standard Teaching and Master Teaching Certificate holders, subject to renewal and established by rule, not to exceed \$1,000,000 annually for all school districts, charter schools, and cooperatives or joint agreements, for administrative costs associated with conducting the meetings of the local professional development committee, as determined in consultation with the committee. Each regional office of education shall receive \$2,000 annually to pay school districts, charter schools, or cooperatives or joint agreements for costs, as defined by rule, incurred in staff attendance at regional professional development review committee meetings and the training seminar required under paragraph (2) of subsection (g) of this Section.

(l) The State Board of Education and the State Teacher Certification Board shall jointly contract with an independent party to conduct a comprehensive evaluation of the certificate renewal system pursuant to this Section. The first report of this evaluation shall be presented to the General Assembly on January 1, 2005 and on January 1 of every third year thereafter.

(Source: P.A. 90-548, eff. 1-1-98; 90-653, eff. 7-29-98; 90-811, eff. 1-26-99; 91-102, eff. 7-12-99.)

(Text of Section after amendment by P.A. 92-510)

Sec. 21-14. Registration and renewal of certificates.

(a) A limited four-year certificate or a certificate issued after July 1, 1955, shall be renewable at its expiration or within 60 days thereafter by the county superintendent of schools having supervision and control over the school where the teacher is teaching upon certified evidence of meeting the requirements for renewal as required by this Act and prescribed by the State Board of Education in consultation with the State Teacher Certification Board. An elementary supervisory certificate shall not be renewed at the end of the first four-year period covered by the certificate unless the holder thereof has filed certified evidence with the State Teacher Certification Board that he has a master's degree or that he has earned 8 semester hours of credit in the field of educational

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administration and supervision in a recognized institution of higher learning. The holder shall continue to earn 8 semester hours of credit each four-year period until such time as he has earned a master's degree.

All certificates not renewed or registered as herein provided shall lapse after a period of 5 years from the expiration of the last year of registration. Such certificates may be reinstated for a one year period upon payment of all accumulated registration fees. Such reinstated certificates shall only be renewed: (1) by earning 5 semester hours of credit in a recognized institution of higher learning in the field of professional education or in courses related to the holder's contractual teaching duties; or (2) by presenting evidence of holding a valid regular certificate of some other type. Any certificate may be voluntarily surrendered by the certificate holder. A voluntarily surrendered certificate shall be treated as a revoked certificate.

(b) When those teaching certificates issued before February 15, 2000 are renewed for the first time after February 15, 2000, all such teaching certificates shall be exchanged for Standard Teaching Certificates as provided in subsection (c) of Section 21-2. All Initial and Standard Teaching Certificates, including those issued to persons who previously held teaching certificates issued before February 15, 2000, shall be renewable under the conditions set forth in this subsection (b).

Initial Teaching Certificates are nonrenewable and are valid for 4 years of teaching. Standard Teaching Certificates are renewable every 5 years as provided in subsection (c) of Section 21-2 and subsection (c) of this Section. For purposes of this Section, "teaching" is defined as employment and performance of services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, in a certificated teaching position, or a charter school operating in compliance with the Charter Schools Law.

(c) In compliance with subsection (c) of Section 21-2 of this Code, which provides that a Standard Teaching Certificate may be renewed by the State Teacher Certification Board based upon proof of continuing professional development, the State Board of Education and the State Teacher Certification Board shall jointly:

(1) establish a procedure for renewing Standard Teaching Certificates, which shall include but not be limited to annual timelines for the renewal process and the components set forth in subsections (d) through (k) of this Section;

(2) establish the standards for certificate renewal;

(3) approve the providers of continuing professional development activities;

(4) determine the maximum credit for each category of continuing professional development activities, based upon recommendations submitted by a continuing professional development activity task force, which shall consist of 6 staff members from the State Board of Education, appointed by the State Superintendent of Education, and 6 teacher representatives, 3 of whom are selected by the Illinois Education Association and 3 of whom are selected by the Illinois Federation of Teachers;

(5) designate the type and amount of documentation required to show that continuing professional development activities have been completed; and

(6) provide, on a timely basis to all Illinois teachers, certificate holders, regional superintendents of schools, school districts, and others with an interest in continuing professional development, information about the standards and requirements

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established pursuant to this subsection (c).

(d) Any Standard Teaching Certificate held by an individual employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control in a certificated teaching position or a charter school in compliance with the Charter Schools Law must be maintained Valid and Active through certificate renewal activities specified in the certificate renewal procedure established pursuant to subsection (c) of this Section, provided that a holder of a Valid and Active certificate who is only employed on either a part-time basis or day-to-day basis as a substitute teacher shall pay only the required registration fee to renew his or her certificate and maintain it as Valid and Active. All other Standard Teaching Certificates held may be maintained as Valid and Exempt through the registration process provided for in the certificate renewal procedure established pursuant to subsection (c) of this Section. A Valid and Exempt certificate must be immediately activated, through procedures developed jointly by the State Board of Education and the State Teacher Certification Board, upon the certificate holder becoming employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control in a certificated teaching position or a charter school operating in compliance with the Charter Schools Law. A holder of a Valid and Exempt certificate may activate his or her certificate through procedures provided for in the certificate renewal procedure established pursuant to subsection (c) of this Section.

(e)(1) A Standard Teaching Certificate that has been maintained as Valid and Active for the 5 years of the certificate's validity shall be renewed as Valid and Active upon the certificate holder: (i) completing an advanced degree from an approved institution in an education-related field; (ii) completing at least 8 semester hours of coursework as described in subdivision (B) (A) of paragraph (3) of this subsection (e); (iii) (iii) earning at least 24 continuing education units as described in subdivision (C) (B) of paragraph (3) of this subsection (e); (iv) (iii) completing the National Board for Professional Teaching Standards process as described in subdivision (D) (E) of paragraph (3) of this subsection (e); or (v) (iv) earning 120 continuing professional development units ("CPDU") as described in subdivision (E) (D) of paragraph (3) of this subsection (e). The maximum continuing professional development units for each continuing professional development activity identified in subdivisions (F) (E) through (J) (I) of paragraph (3) of this subsection (e) shall be jointly determined by the State Board of Education and the State Teacher Certification Board. If, however, the certificate holder has maintained the certificate as Valid and Exempt for a portion of the 5-year period of validity, the number of continuing professional development units needed to renew the certificate as Valid and Active shall be proportionately reduced by the amount of time the certificate was Valid and Exempt. Furthermore, if a certificate holder is employed and performs teaching services on a part-time basis for all or a portion of the certificate's 5-year period of validity, the number of continuing professional development units needed to renew the certificate as Valid and Active shall be reduced by 50% for the amount of time the certificate holder has been employed and performed teaching services on a part-time basis. Part-time shall be defined as less than 50% of the school day or school term.

(2) Each Valid and Active Standard Teaching Certificate holder

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shall develop a certificate renewal plan for satisfying the continuing professional development requirement provided for in subsection (c) of Section 21-2 of this Code. Certificate holders with multiple certificates shall develop a certificate renewal plan that addresses only that certificate or those certificates that are required of his or her certificated teaching position, if the certificate holder is employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, or that certificate or those certificates most closely related to his or her teaching position, if the certificate holder is employed in a charter school. Except as otherwise provided in this subsection (e), a certificate renewal plan shall include a minimum of 3 individual improvement goals developed by the certificate holder and shall reflect purposes (A), (B), and (C) and may reflect purpose (D) of the following continuing professional development purposes:

(A) Advance both the certificate holder's knowledge and skills as a teacher consistent with the Illinois Professional Teaching Standards and the Illinois Content Area Standards in the certificate holder's areas of certification, endorsement, or teaching assignment in order to keep the certificate holder current in those areas.

(B) Develop the certificate holder's knowledge and skills in areas determined to be critical for all Illinois teachers, as defined by the State Board of Education, known as "State priorities".

(C) Address the knowledge, skills, and goals of the certificate holder's local school improvement plan, if the teacher is employed in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control.

(D) Expand the certificate holder's knowledge and skills in an additional teaching field or toward the acquisition of another teaching certificate, endorsement, or relevant education degree.

A certificate renewal plan must include a description of how these goals are to be achieved and an explanation of selected continuing professional development activities to be completed, each of which must meet one or more of the continuing professional development purposes specified in this paragraph (2). The plan shall identify potential activities and include projected timelines for those activities that will assure completion of the plan before the expiration of the 5-year validity of the Standard Teaching Certificate. Except as otherwise provided in this subsection (e), at least 50% of continuing professional development units must relate to purposes (A) and (B) set forth in this paragraph (2): the advancement of a certificate holder's knowledge and skills as a teacher consistent with the Illinois Professional Teaching Standards and the Illinois Content Area Standards in the certificate holder's areas of certification, endorsement, or teaching assignment in order to keep the certificate holder current in those areas and the development of a certificate holder's knowledge and skills in the State priorities that exist at the time the certificate renewal plan is developed.

A speech-language pathologist or audiologist who is licensed under the Illinois Speech-Language Pathology and Audiology Practice Act and who has met the continuing education requirements of that Act and the rules promulgated under that Act shall be deemed to have satisfied the continuing professional development requirements established by the State Board of Education and the Teacher Certification Board to renew a Standard Certificate.

(3) Continuing professional development activities included in a

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certificate renewal plan may include, but are not limited to, the following activities:

(A) completion of an advanced degree from an approved institution in an education-related field;

(B) (A) at least 8 semester hours of coursework in an approved education-related program, of which at least 2 semester hours relate to the continuing professional development purpose set forth in purpose (A) of paragraph (2) of this subsection (e), provided that such a plan need not include any other continuing professional development activities nor reflect or contain activities related to the other continuing professional development purposes set forth in paragraph (2) of this subsection (e);

(C) (B) continuing education units that satisfy the continuing professional development purposes set forth in paragraph (2) of this subsection (e), with each continuing education unit equal to 5 clock hours, provided that a plan that includes at least 24 continuing education units (or 120 clock/contact hours) need not include any other continuing professional development activities;

(D) (C) completion of the National Board of Professional Teaching Standards ("NBPTS") process, provided that a plan that includes completion of the NBPTS process need not include any other continuing professional development activities nor reflect or contain activities related to the continuing professional development purposes set forth in paragraph (2) of subsection (e) of this Section;

(E) (D) completion of 120 continuing professional development units that satisfy the continuing professional development purposes set forth in paragraph (2) of this subsection (e) and may include without limitation the activities identified in subdivisions (F) (E) through (J) (I) of this paragraph (3);

(F) (E) collaboration and partnership activities related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) participating on collaborative planning and professional improvement teams and committees;

(ii) peer review and coaching;

(iii) mentoring in a formal mentoring program, including service as a consulting teacher participating in a remediation process formulated under Section 24A-5 of this Code;

(iv) participating in site-based management or decision making teams, relevant committees, boards, or task forces directly related to school improvement plans;

(v) coordinating community resources in schools, if the project is a specific goal of the school improvement plan;

(vi) facilitating parent education programs for a school, school district, or regional office of education directly related to student achievement or school improvement plans;

(vii) participating in business, school, or community partnerships directly related to student achievement or school improvement plans; or

(viii) supervising a student teacher or teacher education candidate in clinical supervision, provided that the supervision may only be counted once during the course of 5 years;

(G) ~~(F)~~ college or university coursework related to improving the teacher's knowledge and skills as a teacher as follows:

(i) completing undergraduate or graduate credit earned from a regionally accredited institution in coursework relevant to the certificate area being renewed, including coursework that incorporates induction activities and development of a portfolio of both student and teacher work that provides experience in reflective practices, provided the coursework meets Illinois Professional Teaching Standards or Illinois Content Area Standards and supports the essential characteristics of quality professional development; or

(ii) teaching college or university courses in areas relevant to the certificate area being renewed, provided that the teaching may only be counted once during the course of 5 years;

(H) ~~(G)~~ conferences, workshops, institutes, seminars, and symposiums related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) completing non-university credit directly related to student achievement, school improvement plans, or State priorities;

(ii) participating in or presenting at workshops, seminars, conferences, institutes, and symposiums;

(iii) training as external reviewers for Quality Assurance; or

(iv) training as reviewers of university teacher preparation programs;

(I) ~~(H)~~ other educational experiences related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) participating in action research and inquiry projects;

(ii) observing programs or teaching in schools, related businesses, or industry that is systematic, purposeful, and relevant to certificate renewal;

(iii) traveling related to one's teaching assignment, directly related to student achievement or school improvement plans and approved at least 30 days prior to the travel experience, provided that the traveling shall not include time spent commuting to destinations where the learning experience will occur;

(iv) participating in study groups related to student achievement or school improvement plans;

(v) serving on a statewide education-related committee, including but not limited to the State Teacher Certification Board, State Board of Education strategic agenda teams, or the State Advisory Council on Education of Children with Disabilities;

(vi) participating in work/learn programs or internships; or

(vii) developing a portfolio of student and teacher work; or

(J) ~~(I)~~ professional leadership experiences related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) participating in curriculum development or assessment activities at the school, school district, regional office of education, State, or national level;

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- (ii) participating in team or department leadership in a school or school district;
- (iii) participating on external or internal school or school district review teams;
- (iv) publishing educational articles, columns, or books relevant to the certificate area being renewed; or
- (v) participating in non-strike related professional association or labor organization service or activities related to professional development.

(4) A certificate renewal plan must initially be approved by the certificate holder's local professional development committee, as provided for in subsection (f) of this Section. If the local professional development committee does not approve the certificate renewal plan, the certificate holder may appeal that determination to the regional professional development review committee, as provided for in paragraph (2) of subsection (g) of this Section. If the regional professional development review committee disagrees with the local professional development committee's determination, the certificate renewal plan shall be deemed approved and the certificate holder may begin satisfying the continuing professional development activities set forth in the plan. If the regional professional development review committee agrees with the local professional development committee's determination, the certificate renewal plan shall be deemed disapproved and shall be returned to the certificate holder to develop a revised certificate renewal plan. In all cases, the regional professional development review committee shall immediately notify both the local professional development committee and the certificate holder of its determination.

(5) A certificate holder who wishes to modify the continuing professional development activities or goals in his or her certificate renewal plan must submit the proposed modifications to his or her local professional development committee for approval prior to engaging in the proposed activities. If the local professional development committee does not approve the proposed modification, the certificate holder may appeal that determination to the regional professional development review committee, as set forth in paragraph (4) of this subsection (e).

(6) When a certificate holder changes assignments or school districts during the course of completing a certificate renewal plan, the professional development and continuing education credit earned pursuant to the plan shall transfer to the new assignment or school district and count toward the total requirements. This certificate renewal plan must be reviewed by the appropriate local professional development committee and may be modified to reflect the certificate holder's new work assignment or the school improvement plan of the new school district or school building.

(f) Notwithstanding any other provisions of this Code, each school district, charter school, and cooperative or joint agreement with a governing body or board of control that employs certificated staff, shall establish and implement, in conjunction with its exclusive representative, if any, one or more local professional development committees, as set forth in this subsection (f), which shall perform the following functions:

- (1) review and approve certificate renewal plans and any modifications made to these plans, including transferred plans;
- (2) maintain a file of approved certificate renewal plans;
- (3) monitor certificate holders' progress in completing approved certificate renewal plans, provided that a local professional development committee shall not be required to maintain materials submitted by certificate holders to

demonstrate their progress in completing their certificate renewal plans after the committee has reviewed the materials and the credits have been awarded;

(4) assist in the development of professional development plans based upon needs identified in certificate renewal plans;

(5) determine whether certificate holders have met the requirements of their certificate renewal plans and notify certificate holders of its determination;

(6) provide a certificate holder with the opportunity to address the committee when it has determined that the certificate holder has not met the requirements of his or her certificate renewal plan;

(7) issue and forward recommendations for renewal or nonrenewal of certificate holders' Standard Teaching Certificates to the appropriate regional superintendent of schools, based upon whether certificate holders have met the requirements of their approved certificate renewal plans, with 30-day written notice of its recommendation provided to the certificate holder prior to forwarding the recommendation to the regional superintendent of schools, provided that if the local professional development committee's recommendation is for certificate nonrenewal, the written notice provided to the certificate holder shall include a return receipt; and

(8) reconsider its recommendation of certificate nonrenewal, upon request of the certificate holder within 30 days of receipt of written notification that the local professional development committee will make such a recommendation, and forward to the regional superintendent of schools its recommendation within 30 days of receipt of the certificate holder's request.

Each local professional development committee shall consist of at least 3 classroom teachers; one superintendent or chief administrator of the school district, charter school, or cooperative or joint agreement or his or her designee; and one at-large member who shall be either (i) a parent, (ii) a member of the business community, (iii) a community member, or (iv) an administrator, with preference given to an individual chosen from among those persons listed in items (i), (ii), and (iii) in order to secure representation of an interest not already represented on the committee. Except in a school district in a city having a population exceeding 500,000, a local professional development committee shall be responsible for no more than 200 certificate renewal plans annually unless otherwise mutually agreed upon by the school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any. If mutually agreed upon by the school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any, additional members may be added to a local professional development committee, provided that a majority of members are classroom teachers. Except in a school district in a city having a population exceeding 500,000, if additional members are added to a local professional development committee, the maximum number of certificate renewal plans for which the committee shall annually be responsible may be increased by 50 plans for each additional member, unless otherwise mutually agreed upon by the school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any. The school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any, shall determine

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the term of service of the members of a local professional development committee. All individuals selected to serve on local professional development committees must be known to demonstrate the best practices in teaching or their respective field of practice.

The exclusive representative, if any, shall select the classroom teacher members of the local professional development committee. If no exclusive representative exists, then the classroom teacher members of a local professional development committee shall be selected by the classroom teachers that come within the local professional development committee's authority. The school district, charter school, or governing body or board of control of a cooperative or joint agreement shall select the 2 non-classroom teacher members (the superintendent or chief administrator of the school district, charter school, or cooperative or joint agreement or his or her designee and the at-large member) of a local professional development committee. Vacancies in positions on a local professional development committee shall be filled in the same manner as the original selections. The members of a local professional development committee shall select a chairperson. Local professional development committee meetings shall be scheduled so as not to interfere with committee members' regularly scheduled teaching duties, except when otherwise permitted by the policies of or agreed to or approved by the school district, charter school, or governing body or board of control of a cooperative or joint agreement, or its designee.

The board of education or governing board shall convene the first meeting of the local professional development committee. All actions taken by the local professional development committee shall require that a majority of committee members be present, and no committee action may be taken unless 50% or more of those present are teacher members.

The State Board of Education and the State Teacher Certification Board shall jointly provide local professional development committee members with a training manual, and the members shall certify that they have received and read the manual.

Notwithstanding any other provisions of this subsection (f), for a teacher employed and performing services in a nonpublic or State-operated elementary or secondary school, all references to a local professional development committee shall mean the regional superintendent of schools of the regional office of education for the geographic area where the teaching is done.

(g)(1) Each regional superintendent of schools shall review and concur or nonconcur with each recommendation for renewal or nonrenewal of a Standard Teaching Certificate he or she receives from a local professional development committee or, if a certificate holder appeals the recommendation to the regional professional development review committee, the recommendation for renewal or nonrenewal he or she receives from a regional professional development review committee and, within 14 days of receipt of the recommendation, shall provide the State Teacher Certification Board with verification of the following, if applicable:

(A) a certificate renewal plan was filed and approved by the appropriate local professional development committee;

(B) the professional development and continuing education activities set forth in the approved certificate renewal plan have been satisfactorily completed;

(C) the local professional development committee has recommended the renewal of the certificate holder's Standard Teaching Certificate and forwarded the recommendation, along with all supporting documentation as jointly required by the State

Board of Education and the State Teacher Certification Board, to the regional superintendent of schools;

(D) the certificate holder has appealed his or her local professional development committee's recommendation of nonrenewal to the regional professional development review committee and the result of that appeal;

(E) the regional superintendent of schools has concurred or nonconcurred with the local professional development committee's or regional professional development review committee's recommendation to renew or nonrenew the certificate holder's Standard Teaching Certificate and made a recommendation to that effect; and

(F) the established registration fee for the Standard Teaching Certificate has been paid.

At the same time the regional superintendent of schools provides the State Teacher Certification Board with the notice required by this subsection (g), he or she shall also notify the certificate holder in writing that this notice has been provided to the State Teacher Certification Board, provided that if the notice provided by the regional superintendent of schools to the State Teacher Certification Board includes a recommendation of certificate nonrenewal, the written notice provided to the certificate holder shall be by certified mail, return receipt requested.

(2) Each certificate holder shall have the right to appeal his or her local professional development committee's recommendation of nonrenewal to the regional professional development review committee, within 14 days of receipt of notice that the recommendation has been sent to the regional superintendent of schools. Each regional superintendent of schools shall establish a regional professional development review committee or committees for the purpose of advising the regional superintendent of schools, upon request, and handling certificate holder appeals. This committee shall consist of at least 4 classroom teachers, one non-administrative certificated educational employee, 2 administrators, and one at-large member who shall be either (i) a parent, (ii) a member of the business community, (iii) a community member, or (iv) an administrator, with preference given to an individual chosen from among those persons listed in items (i), (ii), and (iii) in order to secure representation of an interest not already represented on the committee. The teacher and non-administrative certificated educational employee members of the review committee shall be selected by their exclusive representative, if any, and the administrators and at-large member shall be selected by the regional superintendent of schools. A regional superintendent of schools may add additional members to the committee, provided that the same proportion of teachers to administrators and at-large members on the committee is maintained. Any additional teacher and non-administrative certificated educational employee members shall be selected by their exclusive representative, if any. Vacancies in positions on a regional professional development review committee shall be filled in the same manner as the original selections. Committee members shall serve staggered 3-year terms. All individuals selected to serve on regional professional development review committees must be known to demonstrate the best practices in teaching or their respective field of practice.

The exclusive representative responsible for choosing the individuals that serve on a regional professional development review committee shall notify each school district, charter school, or governing body or board of control of a cooperative or joint agreement employing the individuals chosen to serve and provide their

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names to the appropriate regional superintendent of schools. Regional professional development review committee meetings shall be scheduled so as not to interfere with the committee members' regularly scheduled teaching duties, except when otherwise permitted by the policies of or agreed to or approved by the school district, charter school, or governing body or board of control of a cooperative or joint agreement, or its designee, provided that the school district, charter school, or governing body or board of control shall not unreasonably withhold permission for a committee member to attend regional professional development review committee meetings.

In a city having a population exceeding 500,000 that does not have a regional office of education, one or more separate regional professional development review committees shall be established as mutually agreed upon by the board of education of the school district organized under Article 34 of this Code and the exclusive representative. The composition of each committee shall be the same as for a regional professional development review committee, except that members of the committee shall be jointly appointed by the board of education and the exclusive representative. All other provisions of this Section concerning regional professional development review committees shall apply to these committees.

The regional professional development review committee may require information in addition to that received from a certificate holder's local professional development committee or request that the certificate holder appear before it, shall either concur or nonconcur with a local professional development committee's recommendation of nonrenewal, and shall forward to the regional superintendent of schools its recommendation of renewal or nonrenewal. All actions taken by the regional professional development review committee shall require a quorum and be by a simple majority of those present and voting. A record of all votes shall be maintained. The committee shall have 45 days from receipt of a certificate holder's appeal to make its recommendation to the regional superintendent of schools.

The State Board of Education and the State Teacher Certification Board shall jointly provide regional professional development review committee members with a training manual, and the members shall be required to attend one training seminar sponsored jointly by the State Board of Education and the State Teacher Certification Board.

(h)(1) The State Teacher Certification Board shall review the regional superintendent of schools' recommendations to renew or nonrenew Standard Teaching Certificates and notify certificate holders in writing whether their certificates have been renewed or nonrenewed within 90 days of receipt of the recommendations, unless a certificate holder has appealed a regional superintendent of schools' recommendation of nonrenewal, as provided in paragraph (2) of this subsection (h). The State Teacher Certification Board shall verify that the certificate holder has met the renewal criteria set forth in paragraph (1) of subsection (g) of this Section.

(2) Each certificate holder shall have the right to appeal a regional superintendent of school's recommendation to nonrenew his or her Standard Teaching Certificate to the State Teacher Certification Board, within 14 days of receipt of notice that the decision has been sent to the State Teacher Certification Board, which shall hold an appeal hearing within 60 days of receipt of the appeal. When such an appeal is taken, the certificate holder's Standard Teaching Certificate shall continue to be valid until the appeal is finally determined. The State Teacher Certification Board shall review the regional superintendent of school's recommendation, the regional professional development review committee's recommendation, if any,

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and the local professional development committee's recommendation and all relevant documentation to verify whether the certificate holder has met the renewal criteria set forth in paragraph (1) of subsection (g) of this Section. The State Teacher Certification Board may request that the certificate holder appear before it. All actions taken by the State Teacher Certification Board shall require a quorum and be by a simple majority of those present and voting. A record of all votes shall be maintained. The State Teacher Certification Board shall notify the certificate holder in writing, within 7 days of completing the review, whether his or her Standard Teaching Certificate has been renewed or nonrenewed, provided that if the State Teacher Certification Board determines to nonrenew a certificate, the written notice provided to the certificate holder shall be by certified mail, return receipt requested. All certificate renewal or nonrenewal decisions of the State Teacher Certification Board are final and subject to administrative review, as set forth in Section 21-24 of this Code.

(i) Holders of Master Teaching Certificates shall meet the same requirements and follow the same procedures as holders of Standard Teaching Certificates, except that their renewal cycle shall be as set forth in subsection (d) of Section 21-2 of this Code.

A holder of a teaching certificate endorsed as a speech-language pathologist who has been granted the Certificate of Clinical Competence by the American Speech-Language Hearing Association may renew his or her Standard Teaching Certificate pursuant to the 10-year renewal cycle set forth in subsection (d) of Section 21-2 of this Code.

(j) Holders of Valid and Exempt Standard and Master Teaching Certificates who are not employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, in a certificated teaching position, may voluntarily activate their certificates by developing and submitting a certificate renewal plan to the regional superintendent of schools of the regional office of education for the geographic area where their teaching is done, who, or whose designee, shall approve the plan and serve as the certificate holder's local professional development committee. These certificate holders shall follow the same renewal criteria and procedures as all other Standard and Master Teaching Certificate holders, except that their continuing professional development plans shall not be required to reflect or address the knowledge, skills, and goals of a local school improvement plan.

(k) Each school district, charter school, or cooperative or joint agreement shall be paid an annual amount of not less than \$1,000, as determined by a formula based on the number of Standard Teaching and Master Teaching Certificate holders, subject to renewal and established by rule, not to exceed \$1,000,000 annually for all school districts, charter schools, and cooperatives or joint agreements, for administrative costs associated with conducting the meetings of the local professional development committee, as determined in consultation with the committee. Each regional office of education shall receive \$2,000 annually to pay school districts, charter schools, or cooperatives or joint agreements for costs, as defined by rule, incurred in staff attendance at regional professional development review committee meetings and the training seminar required under paragraph (2) of subsection (g) of this Section.

(l) The State Board of Education and the State Teacher Certification Board shall jointly contract with an independent party

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to conduct a comprehensive evaluation of the certificate renewal system pursuant to this Section. The first report of this evaluation shall be presented to the General Assembly on January 1, 2005 and on January 1 of every third year thereafter.

(Source: P.A. 91-102, eff. 7-12-99; 92-510, eff. 6-1-02.)

(105 ILCS 5/21-16) (from Ch. 122, par. 21-16)

Sec. 21-16. Fees - Requirement for registration.

(a) Until February 15, 2000, every applicant when issued a certificate shall pay to the regional superintendent of schools a fee of \$1, which shall be paid into the institute fund. Every certificate issued under the provisions of this Act shall be registered annually or, at the option of the holder of the certificate, once every 3 years. The regional superintendent of schools having supervision and control over the school where the teaching is done shall register the certificate before the holder begins to teach, otherwise it shall be registered in any county in the State of Illinois; and one fee of \$4 per year for registration or renewal of one or more certificates which have been issued to the same holder shall be paid into the institute fund.

Until February 15, 2000, requirements for registration of any certificate limited in time shall include evidence of professional growth defined as successful teaching experience since last registration of certificate, attendance at professional meetings, membership in professional organizations, additional credits earned in recognized teacher-training institutions, travel specifically for educational experience, reading of professional books and periodicals, filing all reports as required by the regional superintendent of schools and the State Superintendent of Education or such other professional experience or combination of experiences as are presented by the teacher and are approved by the State Superintendent of Education in consultation with the State Teacher Certification Board. A duplicate certificate may be issued to the holder of a valid life certificate or valid certificate limited in time by the State Superintendent of Education; however, it shall only be issued upon request of a regional superintendent of schools and upon payment to the regional superintendent of schools who requests such duplicate a fee of \$4.

(b) Beginning February 15, 2000, all persons who are issued Standard Teaching Certificates pursuant to clause (ii) of paragraph (1) {2} of subsection (c) of Section 21-2 and all persons who renew Standard Teaching Certificates shall pay a \$25 fee for registration of all certificates held. All persons who are issued Standard Teaching Certificates under clause (i) of paragraph (1) of subsection (c) of Section 21-2 and all other applicants for Standard Teaching Certificates shall pay an original application fee, pursuant to Section 21-12, and a \$25 fee for registration of all certificates held. These certificates shall be registered and the registration fee paid once every 5 years. Standard Teaching Certificate applicants and holders shall not be required to pay any other registration fees for issuance or renewal of their certificates, except as provided in Section 21-17 of this Code. Beginning February 15, 2000, Master Teaching Certificates shall be issued and renewed upon payment by the applicant or certificate holder of a \$50 fee for registration of all certificates held. These certificates shall be registered and the fee paid once every 10 years. Master Teaching Certificate applicants and holders shall not be required to pay any other application or registration fees for issuance or renewal of their certificates, except as provided in Section 21-17 of this Code. All other certificates issued under the provisions of this Code shall be registered for the validity period of the certificate at the rate

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of \$5 per year for the total number of years for which the certificate is valid for registration of all certificates held, or for a maximum of 5 years for life certificates. The regional superintendent of schools having supervision and control over the school where the teaching is done shall register the certificate before the holder begins to teach, otherwise it shall be registered in any county in the State of Illinois. Each holder shall pay the appropriate registration fee to the regional superintendent of schools. The regional superintendent of schools shall deposit the registration fees into the institute fund. Any certificate holder who teaches in more than one educational service region shall register the certificate or certificates in all regions where the teaching is done, but shall be required to pay one registration fee for all certificates held, provided holders of certificates issued pursuant to Section 21-9 of this Code shall be required to pay one registration fee, in each educational service region in which his or her certificate or certificates are registered, for all certificates held.

A duplicate certificate may be issued to the holder of a valid life certificate or valid certificate limited in time by the State Superintendent of Education; however, it shall only be issued upon request of a regional superintendent of schools and upon payment to the regional superintendent of schools who requests the duplicate a fee of \$4, which shall be deposited into the institute fund. (Source: P.A. 91-102, eff. 7-12-99.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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

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

Senator Cronin offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1436, AS AMENDED, by inserting immediately after the enacting clause the following:

"Section 3. The School Code is amended by changing Sections 21-7.1 and 21-27 as follows:

(105 ILCS 5/21-7.1) (from Ch. 122, par. 21-7.1)

Sec. 21-7.1. Administrative certificate.

(a) After July 1, 1999, an administrative certificate valid for 5 years of supervising and administering in the public common schools (unless changed under subsection (a-5) of this Section) may be issued to persons who have graduated from a regionally accredited institution of higher learning with a master's degree and who have been recommended by a recognized institution of higher learning as having completed a program of preparation for one or more of these endorsements. Such programs of academic and professional preparation required for endorsement shall be administered by the institution in accordance with standards set forth by the State Superintendent of Education in consultation with the State Teacher Certification Board.

(a-5) Beginning July 1, 2003, if an administrative certificate holder holds a Standard Teaching Certificate, the validity period of the administrative certificate shall be changed, if necessary, so

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that the validity period of the administrative certificate coincides with the validity period of the Standard Teaching Certificate. Beginning July 1, 2003, if an administrative certificate holder holds a Master Teaching Certificate, the validity period of the administrative certificate shall be changed so that the validity period of the administrative certificate coincides with the validity period of the Master Teaching Certificate.

(b) No administrative certificate shall be issued for the first time after June 30, 1987 and no endorsement provided for by this Section shall be made or affixed to an administrative certificate for the first time after June 30, 1987 unless the person to whom such administrative certificate is to be issued or to whose administrative certificate such endorsement is to be affixed has been required to demonstrate as a part of a program of academic or professional preparation for such certification or endorsement: (i) an understanding of the knowledge called for in establishing productive parent-school relationships and of the procedures fostering the involvement which such relationships demand; and (ii) an understanding of the knowledge required for establishing a high quality school climate and promoting good classroom organization and management, including rules of conduct and instructional procedures appropriate to accomplishing the tasks of schooling; and (iii) a demonstration of the knowledge and skills called for in providing instructional leadership. The standards for demonstrating an understanding of such knowledge shall be set forth by the State Board of Education in consultation with the State Teacher Certification Board, and shall be administered by the recognized institutions of higher learning as part of the programs of academic and professional preparation required for certification and endorsement under this Section. As used in this subsection: "establishing productive parent-school relationships" means the ability to maintain effective communication between parents and school personnel, to encourage parental involvement in schooling, and to motivate school personnel to engage parents in encouraging student achievement, including the development of programs and policies which serve to accomplish this purpose; and "establishing a high quality school climate" means the ability to promote academic achievement, to maintain discipline, to recognize substance abuse problems among students and utilize appropriate law enforcement and other community resources to address these problems, to support teachers and students in their education endeavors, to establish learning objectives and to provide instructional leadership, including the development of policies and programs which serve to accomplish this purpose; and "providing instructional leadership" means the ability to effectively evaluate school personnel, to possess general communication and interpersonal skills, and to establish and maintain appropriate classroom learning environments. The provisions of this subsection shall not apply to or affect the initial issuance or making on or before June 30, 1987 of any administrative certificate or endorsement provided for under this Section, nor shall such provisions apply to or affect the renewal after June 30, 1987 of any such certificate or endorsement initially issued or made on or before June 30, 1987.

(c) Administrative certificates shall be renewed every 5 five years with the first renewal being 5 five years following the initial receipt of an administrative certificate, unless the validity period for the administrative certificate has been changed under subsection (a-5) of this Section, in which case the certificate shall be renewed at the same time that the Standard or Master Teaching Certificate is renewed.

(c-5) Before July 1, 2003, renewal requirements for

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administrators whose positions require certification shall be based upon evidence of continuing professional education which promotes the following goals: (1) improving administrators' knowledge of instructional practices and administrative procedures; (2) maintaining the basic level of competence required for initial certification; and (3) improving the mastery of skills and knowledge regarding the improvement of teaching performance in clinical settings and assessment of the levels of student performance in their schools. Evidence of continuing professional education must include verification of biennial attendance in a program developed by the Illinois Administrators' Academy and verification of annual participation in a school district approved activity which contributes to continuing professional education.

(c-10) Beginning July 1, 2003, persons holding administrative certificates must follow the certificate renewal procedure set forth in this subsection (c-10), provided that those persons holding administrative certificates on June 30, 2003 who are renewing those certificates on or after July 1, 2003 shall be issued new administrative certificates valid for 5 years (unless changed under subsection (a-5) of this Section), which may be renewed thereafter as set forth in this subsection (c-10).

(1) A person holding an administrative certificate and employed in a position requiring administrative certification, including a regional superintendent of schools, must develop an administrative certificate renewal plan for satisfying the continuing professional development required to renew his or her administrative certificate. An administrative certificate renewal plan must include a minimum of 3 individual improvement goals developed by the certificate holder and must include without limitation the following continuing professional development purposes:

(A) To improve the administrator's knowledge of instructional practices and administrative procedures in accordance with the Illinois Professional School Leader Standards.

(B) To maintain the basic level of competence required for initial certification.

(C) To improve the administrator's mastery of skills and knowledge regarding the improvement of teaching performance in clinical settings and assessment of the levels of student performance in the schools.

An administrative certificate renewal plan must include a description of how the improvement goals are to be achieved and an explanation of the selected continuing professional development activities to be completed, each of which must meet one or more of the continuing professional development purposes specified in this paragraph (1).

(2) In addition to the requirements in paragraph (1) of this subsection (c-10), the administrative certificate renewal plan must include the following in order for the certificate to be renewed:

(A) Participation in continuing professional development activities, which must total a minimum of 100 hours of continuing professional development and which must meet all of the following requirements:

(i) The participation must consist of a minimum of 5 activities per validity period of the certificate.

(ii) The activities must address the goals in the certificate holder's professional development plan.

(iii) The activities must be aligned with the

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Illinois Professional School Leader Standards.

(iv) A portion of the activities must address the certificate holder's school improvement plan at either the district or school level.

(v) The participation must include a communication, dissemination, or application component.

(vi) There must be documentation of completion of each activity.

(B) Participation every year in an Illinois Administrators' Academy course, which participation must total a minimum of 36 continuing professional development hours during the period of the certificate's validity and which must include all of the following:

(i) Completion of applicable required coursework, as defined by the State Board of Education.

(ii) Completion of a communication, dissemination, or application component.

(iii) Documentation of completion of each activity.

(3) Each administrator who is subject to the requirements of this subsection (c-10) but who is not serving as a district or regional superintendent, a director of a cooperative program or special education program, or a director of a State-operated school must submit his or her administrative certificate renewal plan for review to the superintendent of the employing school district or to the director of the cooperative or special education program or State-operated school (or to the superintendent's or director's designee). Each district or regional superintendent, director of a cooperative program or special education program, or director of a State-operated school must submit his or her administrative certificate renewal plan for review to a review panel comprised of peers established by the regional superintendent of schools for the geographic area where the certificate holder is employed as an administrator.

(4) If the certificate holder's plan does not conform to the requirements of this subsection (c-10), the reviewer or review panel must notify the certificate holder, who must revise the administrative certificate renewal plan. A certificate holder who is not a regional superintendent of schools may appeal that determination to the regional superintendent of schools for the geographic area where the certificate holder is employed as an administrator. A certificate holder who is a regional superintendent of schools may appeal that determination to the State Superintendent of Education. The regional superintendent of schools or the State Superintendent of Education (or the regional superintendent's or State Superintendent's designee) shall facilitate any modification of the plan, if necessary, to make it acceptable.

(5) A certificate holder may modify his or her administrative certificate renewal plan at any time during the validity period of the administrative certificate through the process outlined in paragraphs (3) and (4) of this subsection (c-10).

(6) Evidence of completion of the activities in the administrative certificate renewal plan must be submitted to the responsible reviewer or review panel. Before the expiration of the administrative certificate, the certificate holder must request from the responsible reviewer or review panel a signed verification form developed by the State Board of Education confirming that the certificate holder has met the requirements

for renewal contained in this Section. A certificate holder who is not a regional superintendent of schools must submit this form to the responsible regional superintendent of schools (or his or her designee) at the time of application for renewal of the certificate. A certificate holder who is a regional superintendent of schools must submit this form for validation to the State Superintendent of Education (or his or her designee) at the time of application for renewal of the certificate.

(7) The regional superintendent of schools shall review and validate the verification form for a certificate holder. Based on compliance with all of the requirements for renewal, the regional superintendent of schools shall forward a recommendation for renewal or non-renewal to the State Superintendent of Education and shall notify the certificate holder of the recommendation. The State Superintendent of Education shall review the recommendation to renew or non-renew and shall notify, in writing, the certificate holder of a decision denying renewal of his or her certificate. Any decision regarding non-renewal of an administrative certificate may be appealed to the State Teacher Certification Board.

The State Board of Education, in consultation with the State Teacher Certification Board, shall adopt rules to implement this subsection (c-10).

The regional superintendent of schools shall monitor the process for renewal of administrative certificates established in this subsection (c-10).

(c-15) The State Board of Education, in consultation with the State Teacher Certification Board, shall develop procedures for implementing this Section and shall administer the renewal of administrative certificates. Failure to submit satisfactory evidence of continuing professional education which contributes to promoting the goals of this Section shall result in a loss of administrative certification.

(d) Any limited or life supervisory certificate issued prior to July 1, 1968 shall continue to be valid for all administrative and supervisory positions in the public schools for which it is valid as of that date as long as its holder meets the requirements for registration or renewal as set forth in the statutes or until revoked according to law.

(e) The administrative or supervisory positions for which the certificate shall be valid shall be determined by one or more of 3 endorsements: general supervisory, general administrative and superintendent.

Subject to the provisions of Section 21-1a, endorsements shall be made under conditions set forth in this Section. The State Board of Education shall, in consultation with the State Teacher Certification Board, adopt rules pursuant to the Illinois Administrative Procedure Act, establishing requirements for obtaining administrative certificates where the minimum administrative or supervisory requirements surpass those set forth in this Section.

The State Teacher Certification Board shall file with the State Board of Education a written recommendation when considering additional administrative or supervisory requirements. All additional requirements shall be based upon the requisite knowledge necessary to perform those tasks required by the certificate. The State Board of Education shall in consultation with the State Teacher Certification Board, establish standards within its rules which shall include the academic and professional requirements necessary for certification. These standards shall at a minimum contain, but not be limited to, those used by the State Board of Education in

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determining whether additional knowledge will be required. Additionally, the State Board of Education shall in consultation with the State Teacher Certification Board, establish provisions within its rules whereby any member of the educational community or the public may file a formal written recommendation or inquiry regarding requirements.

(1) Until July 1, 2003, the general supervisory endorsement shall be affixed to the administrative certificate of any holder who has at least 16 semester hours of graduate credit in professional education including 8 semester hours of graduate credit in curriculum and research and who has at least 2 years of full-time teaching experience or school service personnel experience in public schools, schools under the supervision of the Department of Corrections, schools under the administration of the Department of Rehabilitation Services, or nonpublic schools meeting the standards established by the State Superintendent of Education or comparable out-of-state recognition standards approved by the State Superintendent of Education.

Such endorsement shall be required for supervisors, curriculum directors and for such similar and related positions as determined by the State Superintendent of Education in consultation with the State Teacher Certification Board.

(2) The general administrative endorsement shall be affixed to the administrative certificate of any holder who has at least 20 semester hours of graduate credit in educational administration and supervision and who has at least 2 years of full-time teaching experience or school service personnel experience in public schools, schools under the supervision of the Department of Corrections, schools under the administration of the Department of Rehabilitation Services, or nonpublic schools meeting the standards established by the State Superintendent of Education or comparable out-of-state recognition standards approved by the State Superintendent of Education.

Such endorsement shall be required for principal, assistant principal, assistant or associate superintendent, junior college dean and for related or similar positions as determined by the State Superintendent of Education in consultation with the State Teacher Certification Board.

Notwithstanding any other provisions of this Act, after January 1, 1990 and until January 1, 1991, any teacher employed by a district subject to Article 34 shall be entitled to receive an administrative certificate with a general administrative endorsement affixed thereto if he or she: (i) had at least 3 years of experience as a certified teacher for such district prior to August 1, 1985; (ii) obtained a Master's degree prior to August 1, 1985; (iii) completed at least 20 hours of graduate credit in education courses (including at least 12 hours in educational administration and supervision) prior to September 1, 1987; and (iv) has received a rating of superior for at least each of the last 5 years. Any person who obtains an administrative certificate with a general administrative endorsement affixed thereto under this paragraph shall not be qualified to serve in any administrative position except assistant principal.

(3) The chief school business official endorsement shall be affixed to the administrative certificate of any holder who qualifies by having a Master's degree, two years of administrative experience in school business management, and a

minimum of 20 semester hours of graduate credit in a program established by the State Superintendent of Education in consultation with the State Teacher Certification Board for the preparation of school business administrators. Such endorsement shall also be affixed to the administrative certificate of any holder who qualifies by having a Master's Degree in Business Administration, Finance or Accounting from a regionally accredited institution of higher education.

After June 30, 1977, such endorsement shall be required for any individual first employed as a chief school business official.

(4) The superintendent endorsement shall be affixed to the administrative certificate of any holder who has completed 30 semester hours of graduate credit beyond the master's degree in a program for the preparation of superintendents of schools including 16 semester hours of graduate credit in professional education and who has at least 2 years experience as an administrator or supervisor in the public schools or the State Board of Education or education service regions or in nonpublic schools meeting the standards established by the State Superintendent of Education or comparable out-of-state recognition standards approved by the State Superintendent of Education and holds general supervisory or general administrative endorsement, or who has had 2 years of experience as a supervisor or administrator while holding an all-grade supervisory certificate or a certificate comparable in validity and educational and experience requirements.

After June 30, 1968, such endorsement shall be required for a superintendent of schools, except as provided in the second paragraph of this Section and in Section 34-6.

Any person appointed to the position of superintendent between the effective date of this Act and June 30, 1993 in a school district organized pursuant to Article 32 with an enrollment of at least 20,000 pupils shall be exempt from the provisions of this paragraph Subsection (4) until June 30, 1996.

(f) All official interpretations or acts of issuing or denying administrative certificates or endorsements by the State Teacher's Certification Board, State Board of Education or the State Superintendent of Education, from the passage of P.A. 81-1208 on November 8, 1979 through September 24, 1981 are hereby declared valid and legal acts in all respects and further that the purported repeal of the provisions of this Section by P.A. 81-1208 and P.A. 81-1509 is declared null and void.

(Source: P.A. 91-102, eff. 7-12-99.)

(105 ILCS 5/21-27)

Sec. 21-27. The Illinois Teaching Excellence Program. The Illinois Teaching Excellence Program is hereby established to provide categorical funding for monetary incentives and bonuses for teachers who are employed by school districts and who hold a Master Certificate. The State Board of Education shall allocate and distribute to each school district an amount as annually appropriated by the General Assembly from federal funds for the Illinois Teaching Excellence Program. Unless otherwise provided by appropriation, each school district's annual allocation shall be the sum of the amounts earned for the following incentives and bonuses:

(1) An annual ~~A--one-time~~ payment of \$3,000 to be paid to each teacher who successfully completes the program leading to and who receives a Master Certificate and is employed as a teacher by a school district. The school district shall distribute this payment to each eligible teacher as a single

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payment or in not more than 3 payments.

(2) An annual incentive equal to \$1,000 shall be paid to each teacher who holds a Master Certificate, who is employed as a teacher by a school district, and who agrees, in writing, to provide 60 hours of mentoring during that year to classroom teachers. This mentoring may include, either singly or in combination, (i) providing high quality professional development for new and experienced teachers, and (ii) assisting National Board for Professional Teaching Standards (NBPTS) candidates through the NBPTS certification process. The school district shall distribute 50% of each annual incentive payment upon completion of 30 hours of the required mentoring and the remaining 50% of the incentive upon completion of the required 60 hours of mentoring. Credit may not be granted by a school district for mentoring or related services provided during a regular school day or during the total number of days of required service for the school year.

(3) An annual incentive equal to \$3,000 shall be paid to each teacher who holds a Master Certificate, who is employed as a teacher by a school district, and who agrees, in writing, to provide 60 hours of mentoring during that year to classroom teachers in schools on the Academic Early Warning List or in schools in which 50% or more of the students receive free or reduced price lunches, or both. The school district shall distribute 50% of each annual incentive payment upon completion of 30 hours of the required mentoring and the remaining 50% of the incentive upon completion of the required 60 hours of mentoring. Credit may not be granted by a school district for mentoring or related services provided during a regular school day or during the total number of days of required service for the school year.

Each regional superintendent of schools shall provide information about the Master Certificate Program of the National Board for Professional Teaching Standards (NBPTS) and this amendatory Act of the 91st General Assembly to each individual seeking to register or renew a certificate under Section 21-14 of this Code.

(Source: P.A. 91-606, eff. 8-16-99.)"; and  
by replacing Section 99 with the following:

"Section 99. Effective date. This Act takes effect upon becoming law, except that Section 3 takes effect on July 1, 2002."

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

Senator Cronin offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 1436, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, as follows:

on page 4, line 19, after "2003," by inserting "except as otherwise provided in subsection (c-15) of this Section"; and  
on page 9, immediately below line 2, by inserting the following:

"(c-15) This subsection (c-15) applies to the first period of an administrative certificate's validity during which the holder becomes subject to the requirements of subsection (c-10) of this Section if the certificate has less than 5 years' validity or has less than 5 years' validity remaining when the certificate holder becomes subject to the requirements of subsection (c-10) of this Section. With respect to this period, the 100 hours of continuing professional

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development and 5 activities per validity period specified in clause (A) of paragraph (2) of subsection (c-10) of this Section shall instead be deemed to mean 20 hours of continuing professional development and one activity per year of the certificate's validity or remaining validity and the 36 continuing professional development hours specified in clause (B) of paragraph (2) of subsection (c-10) of this Section shall instead be deemed to mean completion of at least one course per year of the certificate's validity or remaining validity. If the certificate has 3 or fewer years of validity or 3 or fewer years of validity remaining, the certificate holder is not subject to the requirements for submission and approval of plans for continuing professional development described in paragraphs (1) through (4) of subsection (c-10) of this Section with respect to that period of the certificate's validity."; and  
on page 9, by replacing "(c-15)" with "(c-20)".

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

And House Bill No. 1436, as amended, was returned to the order of third reading.

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Dillard, House Bill No. 1720 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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  
Brady  
Burzynski  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Molaro

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Radogno, House Bill No. 1961 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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  
 Brady  
 Burzynski  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs

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Jones, W.  
 Karpel  
 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  
 Silverstein  
 Smith  
 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 in the Senate Amendment adopted thereto.

On motion of Senator DeLeo, House Bill No. 2271 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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  
 Brady  
 Burzynski  
 Cronin  
 Cullerton

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DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 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  
 Silverstein  
 Smith  
 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 in the Senate Amendment adopted thereto.

On motion of Senator Luechtefeld, House Bill No. 2370 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title

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

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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.

On motion of Senator W. Jones, House Bill No. 3336 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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  
Brady  
Burzynski  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw

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Sieben  
 Silverstein  
 Smith  
 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 in the Senate Amendment adopted thereto.

#### HOUSE BILL RECALLED

On motion of Senator Myers, House Bill No. 3673 was recalled from the order of third reading to the order of second reading.

Senator Demuzio offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 3673 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 18-9 as follows:

(105 ILCS 5/18-9) (from Ch. 122, par. 18-9)

Sec. 18-9. Requirement for special equalization and supplementary State aid.

(a) Any school district claiming an equalization quota may not increase its annual net cash balance in the educational fund for the fiscal school year by failing to expend for educational purposes the total of (1) the general grant, (2) the equalization quota, and (3) the amount determined by applying the qualifying rate to the equalized assessed valuation of the district. Any district which increases such annual net cash balance by failing to expend the amount received from the sum of (1) the general grant, (2) the equalization quota, and (3) the amount determined by applying the qualifying rate to the equalized assessed valuation of the district, shall have its next claim for an equalization quota reduced in an amount equal to the difference between its expenditures for educational purposes and that sum.

Current expenditures made in any district receiving a special equalization quota and governed by a board of directors must be approved in advance by the regional superintendent.

If, as a result of tax objections based on inequities of assessment, a final decision of any court, entered not more than one year before or 3 years after August 26, 1963, reduces the taxes received by the educational fund of a school district, for any given year, in an amount equal to or more than 3% of the total amount of taxes extended for educational purposes of the district, that

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district may amend its claim for equalization aid for that year by adding thereto an amount determined by multiplying the deficiency in tax receipts by a percentage computed by dividing the tax rate required in Section 18-8 to receive an equalization quota by the tax rate originally extended for educational purposes. The amended claim including any additional monies to which the district may be entitled shall be filed within three years of the date of such decision and the additional amount paid as supplementary state equalization aid.

(b) Any elementary, high school or unit district which for the year 1971, as compared to the year 1970, has a decrease of more than 40% in the value of all its taxable property as equalized or assessed by the Department of Revenue, shall be entitled to file a claim for supplementary State aid with the Office of the State Superintendent of Education. The amount of such aid shall be determined by multiplying the amount of the decrease in the value of the district's taxable property times the total of the 1972 tax rates for school purposes less the sum of the district's qualifying tax rates for educational and transportation purposes extended by such district. Such claims shall be filed on forms prescribed by the Superintendent, and the Superintendent upon receipt of such claims shall adjust the claim of each such district in accordance with the provisions of this Section.

(c) Where property comprising an aggregate assessed valuation equal to 3% or more of the total assessed valuation of all taxable property in the district is owned by a person or corporation who is the subject of bankruptcy proceedings or has been adjudged a bankrupt and, as a result thereof, has not paid taxes on that property for 2 or more years, that district may amend its claim back to the inception of such bankruptcy, not to exceed 6 years, in which time such taxes were not paid and for each succeeding year that such taxes remain unpaid by adding to that claim an amount determined by multiplying the assessed valuation of the property on which taxes have not been paid due to bankruptcy by the tax rate required in Section 18-8 to receive an equalization quota or after July 1, 1973, by the district's operating tax rate for general state aid purposes. If at any time a district which receives additional State aid under the provisions of this paragraph receives tax revenue from such property for the years that taxes were not paid, its next claim for State aid shall be reduced in an amount equal to the taxes paid on such property, not to exceed the additional State aid received under the provisions of this subsection (c) paragraph. Such claims shall be filed on forms prescribed by the Superintendent, and the Superintendent upon receipt of such claims shall adjust the claim of each such district in accordance with the provisions of this subsection (c) paragraph.

(d) If property comprising an aggregate assessed valuation equal to 6% or more of the total assessed valuation of all taxable property in a school district is owned by a person or corporation that is the subject of bankruptcy proceedings or that has been adjudged a bankrupt and, as a result thereof, has not paid taxes on the property, then the district may amend its general State aid claim (i) back to the inception of the bankruptcy, not to exceed 6 years, in which time those taxes were not paid and (ii) for each succeeding year that those taxes remain unpaid, by adding to the claim an amount determined by multiplying the assessed valuation of the property on which taxes have not been paid due to the bankruptcy by the lesser of the total tax rate for the district for the tax year for which the taxes are unpaid or the applicable rate used in calculating the district's general State aid under paragraph (3) of subsection (D) of Section 18-8.05 of this Code. If at any time a district that receives

additional State aid under this subsection (d) receives tax revenue from the property for the years that taxes were not paid, the district's next claim for State aid shall be reduced in an amount equal to the taxes paid on the property, not to exceed the additional State aid received under this subsection (d). Claims under this subsection (d) shall be filed on forms prescribed by the State Superintendent of Education, and the State Superintendent of Education, upon receipt of a claim, shall adjust the claim in accordance with the provisions of this subsection (d). Supplementary State aid for each succeeding year under this subsection (d) shall be paid beginning with the first general State aid claim paid after the district has filed a completed claim in accordance with this subsection (d).

(Source: P.A. 81-1509.)

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

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

Senator Myers offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 3673, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 1, line 5, by replacing "Section 18-9" with "Sections 18-9 and 18-12"; and

on page 4, immediately below line 27, by inserting the following:

"(105 ILCS 5/18-12) (from Ch. 122, par. 18-12)

Sec. 18-12. Dates for filing State aid claims.} The school board of each school district shall require teachers, principals, or superintendents to furnish from records kept by them such data as it needs in preparing and certifying under oath or affirmation to the regional superintendent its school district report of claims provided in Sections 18-8 through 18-10 on blanks to be provided by the State Superintendent of Education. The district claim shall be based on the latest available equalized assessed valuation and tax rates, as provided in Section 18-8.05 18-8 and shall use the average daily attendance as determined by the method outlined in Section 18-8.05 18-8 and shall be certified and filed with the regional superintendent by July 1. Failure to so file by July 1 constitutes a forfeiture of the right to receive payment by the State until such claim is filed and vouchered for payment. The regional superintendent of schools shall certify the county report of claims by July 15; and the State Superintendent of Education shall voucher for payment those claims to the State Comptroller as provided in Section 18-11.

Except as otherwise provided in this Section, if any school district fails to provide the minimum school term specified in Section 10-19, the State aid claim for that year shall be reduced by the State Superintendent of Education in an amount equivalent to .56818% for each day less than the number of days required by this Code Act. However,

If the State Superintendent of Education determines that the such failure to provide the minimum school term was occasioned by an act or acts of God, or was occasioned by conditions beyond the control of the school district which posed a hazardous threat to the health and safety of pupils, the State aid claim need not be reduced.

If the State Superintendent of Education determines that the failure to provide the minimum school term was due to a school being

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closed on or after September 11, 2001 for more than one-half day of attendance due to a bioterrorism or terrorism threat that was investigated by a law enforcement agency, the State aid claim shall not be reduced.

If, during any school day, (i) a school district has provided at least one clock hour of instruction but must close the schools due to adverse weather conditions or due to a condition beyond the control of the school district that poses a hazardous threat to the health and safety of pupils prior to providing the minimum hours of instruction required for a full day of attendance, or (ii) the school district must delay the start of the school day due to adverse weather conditions and this delay prevents the district from providing the minimum hours of instruction required for a full day of attendance, the partial day of attendance may be counted as a full day of attendance. The partial day of attendance and the reasons therefor shall be certified in writing within a month of the closing or delayed start by the local school district superintendent to the Regional Superintendent of Schools for forwarding to the State Superintendent of Education for approval.

If a school building is ordered to be closed by the school board, in consultation with a local emergency response agency, due to a condition that poses a hazardous threat to the health and safety of pupils, then the school district shall have a grace period of 4 days in which the general State aid claim shall not be reduced so that alternative housing of the pupils may be located.

No exception to the requirement of providing a minimum school term may be approved by the State Superintendent of Education pursuant to this Section unless a school district has first used all emergency days provided for in its regular calendar.

If the State Superintendent of Education declares that an energy shortage exists during any part of the school year for the State or a designated portion of the State, a district may operate the school attendance centers within the district 4 days of the week during the time of the shortage by extending each existing school day by one clock hour of school work, and the State aid claim shall not be reduced, nor shall the employees of that district suffer any reduction in salary or benefits as a result thereof. A district may operate all attendance centers on this revised schedule, or may apply the schedule to selected attendance centers, taking into consideration such factors as pupil transportation schedules and patterns and sources of energy for individual attendance centers.

No State aid claim may be filed for any district unless the clerk or secretary of the school board executes and files with the State Superintendent of Education, on forms prescribed by the Superintendent, a sworn statement that the district has complied with the requirements of Section 10-22.5 in regard to the nonsegregation of pupils on account of color, creed, race, sex or nationality.

No State aid claim may be filed for any district unless the clerk or secretary of the school board executes and files with the State Superintendent of Education, on forms prescribed by the Superintendent, a sworn statement that to the best of his or her knowledge or belief the employing or assigning personnel have complied with Section 24-4 in all respects.

(Source: P.A. 90-98, eff. 7-11-97.)"

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

And House Bill No. 3673, as amended, was returned to the order of third reading.

[May 8, 2002]

## READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Karpel, House Bill No. 3697 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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  
Brady  
Burzynski  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito

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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.

#### HOUSE BILLS RECALLED

On motion of Senator Luechtefeld, House Bill No. 3713 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 House Bill 3713, AS AMENDED, in Section 10, in the introductory clause, after "Section 3-654", by inserting "and changing Section 11-208.3"; and

in Section 10, below Sec. 3-654, by inserting the following:

"(625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

Sec. 11-208.3. Administrative adjudication of violations of traffic regulations concerning the standing, parking, or condition of vehicles.

(a) Any municipality may provide by ordinance for a system of administrative adjudication of vehicular standing and parking violations and vehicle compliance violations as defined in this subsection. The administrative system shall have as its purpose the fair and efficient enforcement of municipal regulations through the administrative adjudication of violations of municipal ordinances regulating the standing and parking of vehicles, the condition and use of vehicle equipment, and the display of municipal wheel tax licenses within the municipality's borders. The administrative system shall only have authority to adjudicate civil offenses carrying fines not in excess of \$250 that occur after the effective date of the ordinance adopting such a system under this Section. For purposes of this Section, "compliance violation" means a violation of a municipal regulation governing the condition or use of equipment on a vehicle or governing the display of a municipal wheel tax license.

(b) Any ordinance establishing a system of administrative adjudication under this Section shall provide for:

(1) A traffic compliance administrator authorized to adopt, distribute and process parking and compliance violation notices and other notices required by this Section, collect money paid as fines and penalties for violation of parking and compliance ordinances, and operate an administrative adjudication system. The traffic compliance administrator also may make a certified report to the Secretary of State under Section 6-306.5.

(2) A parking, standing, or compliance violation notice that shall specify the date, time, and place of violation of a parking, standing, or compliance regulation; the particular regulation violated; the fine and any penalty that may be

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assessed for late payment, when so provided by ordinance; the vehicle make and state registration number; and the identification number of the person issuing the notice. With regard to municipalities with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the State registration number or vehicle make specified is incorrect. The violation notice shall state that the payment of the indicated fine, and of any applicable penalty for late payment, shall operate as a final disposition of the violation. The notice also shall contain information as to the availability of a hearing in which the violation may be contested on its merits. The violation notice shall specify the time and manner in which a hearing may be had.

(3) Service of the parking, standing, or compliance violation notice by affixing the original or a facsimile of the notice to an unlawfully parked vehicle or by handing the notice to the operator of a vehicle if he or she is present. A person authorized by ordinance to issue and serve parking, standing, and compliance violation notices shall certify as to the correctness of the facts entered on the violation notice by signing his or her name to the notice at the time of service or in the case of a notice produced by a computerized device, by signing a single certificate to be kept by the traffic compliance administrator attesting to the correctness of all notices produced by the device while it was under his or her control. The original or a facsimile of the violation notice or, in the case of a notice produced by a computerized device, a printed record generated by the device showing the facts entered on the notice, shall be retained by the traffic compliance administrator, and shall be a record kept in the ordinary course of business. A parking, standing, or compliance violation notice issued, signed and served in accordance with this Section, ~~or~~ a copy of the notice, or the computer generated record shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice. The notice, ~~or~~ copy, or computer generated record shall be admissible in any subsequent administrative or legal proceedings.

(4) An opportunity for a hearing for the registered owner of the vehicle cited in the parking, standing, or compliance violation notice in which the owner may contest the merits of the alleged violation, and during which formal or technical rules of evidence shall not apply; provided, however, that under Section 11-1306 of this Code the lessee of a vehicle cited in the violation notice likewise shall be provided an opportunity for a hearing of the same kind afforded the registered owner. The hearings shall be recorded, and the person conducting the hearing on behalf of the traffic compliance administrator shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. Persons appearing at a hearing under this Section may be represented by counsel at their expense. The ordinance may also provide for internal administrative review following the decision of the hearing officer.

(5) Service of additional notices, sent by first class United States mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or, under Section 11-1306 of this Code, to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of lease. The service shall be deemed complete as of the date of deposit in the United

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States mail. The notices shall be in the following sequence and shall include but not be limited to the information specified herein:

(i) A second notice of violation. This notice shall specify the date and location of the violation cited in the parking, standing, or compliance violation notice, the particular regulation violated, the vehicle make and state registration number, the fine and any penalty that may be assessed for late payment when so provided by ordinance, the availability of a hearing in which the violation may be contested on its merits, and the time and manner in which the hearing may be had. The notice of violation shall also state that failure either to pay the indicated fine and any applicable penalty, or to appear at a hearing on the merits in the time and manner specified, will result in a final determination of violation liability for the cited violation in the amount of the fine or penalty indicated, and that, upon the occurrence of a final determination of violation liability for the failure, and the exhaustion of, or failure to exhaust, available administrative or judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the municipality.

(ii) A notice of final determination of parking, standing, or compliance violation liability. This notice shall be sent following a final determination of parking, standing, or compliance violation liability and the conclusion of judicial review procedures taken under this Section. The notice shall state that the unpaid fine or penalty is a debt due and owing the municipality. The notice shall contain warnings that failure to pay any fine or penalty due and owing the municipality within the time specified may result in the municipality's filing of a petition in the Circuit Court to have the unpaid fine or penalty rendered a judgment as provided by this Section, or may result in suspension of the person's drivers license for failure to pay fines or penalties for 10 or more parking violations under Section 6-306.5.

(6) A Notice of impending drivers license suspension. This notice shall be sent to the person liable for any fine or penalty that remains due and owing on 10 or more parking violations. The notice shall state that failure to pay the fine or penalty owing within 45 days of the notice's date will result in the municipality notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5 of this Code. The notice shall also state that the person may obtain a photostatic copy of an original ticket imposing a fine or penalty by sending a self addressed, stamped envelope to the municipality along with a request for the photostatic copy. The notice of impending drivers license suspension shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary of State.

(7) Final determinations of violation liability. A final determination of violation liability shall occur following failure to pay the fine or penalty after a hearing officer's determination of violation liability and the exhaustion of or failure to exhaust any administrative review procedures provided by ordinance. Where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in a prior mailed notice, the hearing officer's determination of violation liability shall become final: (A) upon denial of a

timely petition to set aside that determination, or (B) upon expiration of the period for filing the petition without a filing having been made.

(8) A petition to set aside a determination of parking, standing, or compliance violation liability that may be filed by a person owing an unpaid fine or penalty. The petition shall be filed with and ruled upon by the traffic compliance administrator in the manner and within the time specified by ordinance. The grounds for the petition may be limited to: (A) the person not having been the owner or lessee of the cited vehicle on the date the violation notice was issued, (B) the person having already paid the fine or penalty for the violation in question, and (C) excusable failure to appear at or request a new date for a hearing. With regard to municipalities with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the State registration number or vehicle make specified is incorrect. After the determination of parking, standing, or compliance violation liability has been set aside upon a showing of just cause, the registered owner shall be provided with a hearing on the merits for that violation.

(9) Procedures for non-residents. Procedures by which persons who are not residents of the municipality may contest the merits of the alleged violation without attending a hearing.

(10) A schedule of civil fines for violations of vehicular standing, parking, and compliance regulations enacted by ordinance pursuant to this Section, and a schedule of penalties for late payment of the fines, provided, however, that the total amount of the fine and penalty for any one violation shall not exceed \$250.

(11) Other provisions as are necessary and proper to carry into effect the powers granted and purposes stated in this Section.

(c) Any municipality establishing vehicular standing, parking, and compliance regulations under this Section may also provide by ordinance for a program of vehicle immobilization for the purpose of facilitating enforcement of those regulations. The program of vehicle immobilization shall provide for immobilizing any eligible vehicle upon the public way by presence of a restraint in a manner to prevent operation of the vehicle. Any ordinance establishing a program of vehicle immobilization under this Section shall provide:

(1) Criteria for the designation of vehicles eligible for immobilization. A vehicle shall be eligible for immobilization when the registered owner of the vehicle has accumulated the number of unpaid final determinations of parking, standing, or compliance violation liability as determined by ordinance.

(2) A notice of impending vehicle immobilization and a right to a hearing to challenge the validity of the notice by disproving liability for the unpaid final determinations of parking, standing, or compliance violation liability listed on the notice.

(3) The right to a prompt hearing after a vehicle has been immobilized or subsequently towed without payment of the outstanding fines and penalties on parking, standing, or compliance violations for which final determinations have been issued. An order issued after the hearing is a final administrative decision within the meaning of Section 3-101 of the Code of Civil Procedure.

(4) A post immobilization and post-towing notice advising the registered owner of the vehicle of the right to a hearing to challenge the validity of the impoundment.

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(d) Judicial review of final determinations of parking, standing, and compliance violations and final administrative decisions issued after hearings regarding vehicle immobilization and impoundment made under this Section shall be subject to the provisions of the Administrative Review Law.

(e) Any fine, penalty, or part of any fine or any penalty remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies created under this Section and the conclusion of any judicial review procedures shall be a debt due and owing the municipality and, as such, may be collected in accordance with applicable law. Payment in full of any fine or penalty resulting from a standing, parking, or compliance violation shall constitute a final disposition of that violation.

(f) After the expiration of the period within which judicial review may be sought for a final determination of parking, standing, or compliance violation, the municipality may commence a proceeding in the Circuit Court for purposes of obtaining a judgment on the final determination of violation. Nothing in this Section shall prevent a municipality from consolidating multiple final determinations of parking, standing, or compliance violation against a person in a proceeding. Upon commencement of the action, the municipality shall file a certified copy of the final determination of parking, standing, or compliance violation, which shall be accompanied by a certification that recites facts sufficient to show that the final determination of violation was issued in accordance with this Section and the applicable municipal ordinance. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines and penalties for final determinations of parking, standing, or compliance violations does not exceed \$2500. If the court is satisfied that the final determination of parking, standing, or compliance violation was entered in accordance with the requirements of this Section and the applicable municipal ordinance, and that the registered owner or the lessee, as the case may be, had an opportunity for an administrative hearing and for judicial review as provided in this Section, the court shall render judgment in favor of the municipality and against the registered owner or the lessee for the amount indicated in the final determination of parking, standing, or compliance violation, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money.  
(Source: P.A. 88-415; 88-437; 88-670, eff. 12-2-94; 89-190, eff. 1-1-96.)".

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

And House Bill No. 3713, as amended, was returned to the order of third reading.

On motion of Senator Watson, House Bill No. 3812 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. 1

AMENDMENT NO. 1. Amend House Bill 3812 on page 2 in line 30 by adding "either" immediately after "equal to"; and on page 2 by replacing line 32 with the following:  
"property in the township, or 100% of the highest amount levied for

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general assistance purposes in any of the three previous fiscal years."

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

And House Bill No. 3812, as amended, was returned to the order of third reading.

On motion of Senator Shaw, House Bill No. 3938 was recalled from the order of third reading to the order of second reading.

Senator Shaw offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3938 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 10-20.28 and 34-18.14 as follows:

(105 ILCS 5/10-20.28) (from Ch. 122, par. 10-20.28)

Sec. 10-20.28. Cellular radio telecommunication devices prohibition.

(a) The General Assembly finds and declares that the educational development of all persons to the limits of their capacities is a fundamental goal of the people of this State and that to achieve such goal it is essential to provide a safe and secure learning environment within the public schools. While recognizing that cellular radio telecommunication devices may be used for inappropriate activities during school hours and on school property and may, on occasion, cause disruption to the classroom environment, the General Assembly also recognizes that the use of cellular radio telecommunication devices can decrease the response time of officials to emergency situations. In addition, cellular radio telecommunication devices allow parents an additional and timely method of contacting their children should an emergency situation arise. Therefore, it is the purpose and intention of the General Assembly in enacting this legislation to (i) reduce the occurrence of inappropriate and disruptive activities during school hours and on school property occurring through the use of cellular radio telecommunication devices and (ii) increase the safety of students and school personnel during school hours and on school property.

(b) The school board may establish appropriate rules and disciplinary procedures governing the use or possession of cellular radio telecommunication devices by a student while in a school or on school property, during regular school hours, or at any other time. To prohibit the use or possession of any cellular radio telecommunication device by any pupil while such pupil is in any school building or on any school property, during regular school hours or at any other time, and to by rule provide for the imposition of appropriate discipline upon any pupil who violates such prohibition. Exceptions may be made by the school board with the approval of the school principal.

(Source: P.A. 86-1391.)

(105 ILCS 5/34-18.14) (from Ch. 122, par. 34-18.14)

Sec. 34-18.14. Cellular radio telecommunication devices prohibition.

(a) The General Assembly finds and declares that the educational development of all persons to the limits of their capacities is a fundamental goal of the people of this State and that to achieve such goal it is essential to provide a safe and secure learning environment within the public schools. While recognizing that

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cellular radio telecommunication devices may be used for inappropriate activities during school hours and on school property and may, on occasion, cause disruption to the classroom environment, the General Assembly also recognizes that the use of cellular radio telecommunication devices can decrease the response time of officials to emergency situations. In addition, cellular radio telecommunication devices allow parents an additional and timely method of contacting their children should an emergency situation arise. Therefore, it is the purpose and intention of the General Assembly in enacting this legislation to (i) reduce the occurrence of inappropriate and disruptive activities during school hours and on school property occurring through the use of cellular radio telecommunication devices and (ii) increase the safety of students and school personnel during school hours and on school property.

(b) The board may establish appropriate rules and disciplinary procedures governing the use or possession of cellular radio telecommunication devices by a student while in a school or on school property, during regular school hours, or at any other time. The board shall prohibit the use or possession of any cellular radio telecommunication device by any pupil while such pupil is in any school building or on any school property, during regular school hours or at any other time, and shall by rule provide for the imposition of appropriate discipline upon any pupil who violates such prohibition. Exceptions may be made by the board of education with the approval of the school principal.

(Source: P.A. 86-1391.)

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

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

And House Bill No. 3938, as amended, was returned to the order of third reading.

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator DeLeo, House Bill No. 4004 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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  
Brady  
Burzynski  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson

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Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 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  
 Silverstein  
 Smith  
 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 in the Senate Amendment adopted thereto.

On motion of Senator Cullerton, House Bill No. 4014 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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

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

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On motion of Senator Rauschenberger, House Bill No. 4023 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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  
Brady  
Burzynski  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson

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Weaver  
 Welch  
 Woolard  
 Mr. President

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Roskam, House Bill No. 4078 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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  
 Brady  
 Burzynski  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Karpel  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam

[May 8, 2002]

Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 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.

On motion of Senator Petka, House Bill No. 4129 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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; Present 1.

The following voted in the affirmative:

Bowles  
 Burzynski  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Dillard  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hendon  
 Jacobs  
 Jones, E.  
 Karpel  
 Lauzen  
 Lightford  
 Link  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Obama  
 O'Malley  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen

[May 8, 2002]

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

The following voted in the negative:

Bomke  
Donahue  
Hawkinson  
Jones, W.  
Luechtefeld  
Madigan  
Noland  
O'Daniel  
Parker  
Sieben  
Watson

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.

On motion of Senator Sullivan, House Bill No. 4159 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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 1; Present 4.

The following voted in the affirmative:

Bomke  
Bowles  
Brady  
Burzynski  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue

[May 8, 2002]

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

The following voted in the negative:

Woolard

The following voted present:

Lauzen  
Shadid  
Syverson  
Walsh, L.

This bill, having received the vote of a 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.

On motion of Senator Dillard, House Bill No. 4335 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

[May 8, 2002]

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

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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.

HOUSE BILL RECALLED

On motion of Senator Shadid, House Bill No. 4344 was recalled from the order of third reading to the order of second reading.

Senator Shadid offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4344 on page 1, line 6 by deleting "3-104,"; and

on page 1, by replacing lines 11 through 13 with the following:

"least 25 years of age and of a model year after 1948 or a vehicle that has been certified by an inspector of the National Street Rod Association, on a form prescribed by the Secretary of State, to be a custom vehicle manufactured to resemble a vehicle at least 25 years of age and of a model year after 1948 and has been"; and

on page 1, by replacing lines 21 and 22 with the following:

"1948 or older vehicle or a vehicle that has been certified by an inspector of the National Street Rod Association, on a form prescribed by the Secretary of State, to be a street rod that was manufactured after 1948 to resemble a vehicle that was manufactured before"; and

by deleting lines 29 and 30 on page 1, all of pages 2 through 4, and lines 1 through 10 on page 5; and

on page 6, by replacing line 33 with the following:

"cycle, or pedalcycle, and obtain a custom vehicle plate. An applicant for the special plate shall be charged, in addition to the standard registration fee, \$15 for original issuance to be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray administrative costs. For each renewal period, in addition to the standard registration fee, the applicant shall be charged \$2, which shall be deposited into the Secretary of State Special License Plate Fund. The"; and

on page 7, by replacing lines 9 through 11 with the following:

"generally, as provided in Section 3-414.1. Any person requesting custom"; and

on page 7, by replacing line 31 with the following:

"pedalcycle, and obtain a street rod plate. An applicant for the special plate shall be charged, in addition to the standard registration fee, \$15 for original issuance to be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray administrative costs. For each renewal period, in addition to the standard registration fee, the applicant shall be charged \$2, which shall be deposited into the Secretary of State Special License Plate Fund. The application"; and

on page 8, by replacing lines 7 and 8 with the following:

"3-414.1. Any person".

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

And House Bill No. 4344, as amended, was returned to the order of

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third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator T. Walsh, House Bill No. 4357 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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  
Brady  
Burzynski  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan

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

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Karpel, House Bill No. 4444 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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  
Brady  
Burzynski  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley

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Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 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.

#### HOUSE BILL RECALLED

On motion of Senator Donahue, House Bill No. 4453 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. 2

AMENDMENT NO.2. Amend House Bill 4453, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 7, by inserting the following after line 31:

"Section 1-35. Upon the payment of the sum of \$3,000.00 to the State of Illinois, and subject to the conditions set forth in Section 1-900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title, and interest in and to the following described land in Morgan County, Illinois, to George H. Perbix Jr. Trust dated March 22, 1991; Jo Ellen Perbix Kuzila Trust dated November 30, 1998; Jill Perbix Chabut Trust dated December 24, 1991.

Parcel No. 675X218

A part of the East Half of the West Half of Section 26, Township 15 North, Range 11 West of the Third Principal Meridian, Morgan County, Illinois, described as follows:

Commencing at a found stone at the southwest corner of the Southeast Quarter of the Southwest Quarter of aforesaid Section 26; thence North 00 degrees 50 minutes 20 seconds East (bearings based on the Illinois State Plane Coordinate System NAD83-West Zone), 1324.84 feet; thence North 00 degrees 32 minutes 00 seconds East, 1327.74 feet; thence North 00 degrees 41 minutes 11 seconds East,

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354.98 feet; thence South 89 degrees 18 minutes 49 seconds East, 295.10 feet to the Point of Beginning; thence North 08 degrees 47 minutes 02 seconds East, 233.91 feet; thence North 18 degrees 09 minutes 01 second East, 315.12 feet; thence North 31 degrees 15 minutes 06 seconds East, 407.45 feet; thence North 09 degrees 15 minutes 32 seconds East, 345.11 feet to the existing southerly right of way line of U.S. 36; thence along said right of way line, North 68 degrees 31 minutes 49 seconds East, 288.25 feet; thence South 06 degrees 29 minutes 15 seconds West, 119.09 feet; thence South 11 degrees 55 minutes 55 seconds East, 239.08 feet; thence South 10 degrees 17 minutes 52 seconds West, 206.65 feet; thence South 39 degrees 16 minutes 07 seconds West, 206.65 feet; thence South 51 degrees 55 minutes 59 seconds West, 577.52 feet; thence South 14 degrees 48 minutes 19 seconds West, 257.29 feet; thence South 74 degrees 29 minutes 23 seconds West, 17.49 feet to the Point of Beginning, containing 6.883 acres, more or less.

Section 1-40. Upon the payment of the sum of \$44,200.00 to the State of Illinois, and subject to the conditions set forth in Section 1-900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Monroe County, Illinois:

Parcel No. 800XB09

That part of Tax Lot 4 in the Northeast Quarter of the Northwest Quarter of Fractional Section 21, Township 1 South, Range 10 West of the Third Principal Meridian, Monroe County, Illinois, described as follows:

Commencing at the northwest corner of said Tax Lot 4, also being the northwest corner of Lot 1 in Admiral Parkway Center, a subdivision recorded January 23, 1997 in Envelope 2-48A in the Monroe County, Illinois Recorder's Office; thence on an assumed bearing of North 89 degrees 45 minutes 43 seconds East on the north line of said Tax Lot 4, also being the north line of said Lot 1 of Admiral Parkway Center, 75.35 feet to the most northerly northeast corner of said Lot 1 of Admiral Parkway Center, said most northerly northeast corner being on the southwesterly right of way line of FA Route 4 (Illinois Route 3), said most northerly northeast corner also being the Point of Beginning.

From said Point of Beginning; thence North 89 degrees 45 minutes 43 seconds East on said north line of Tax Lot 4, a distance of 98.81 feet to a point 100.00 feet radially distant southwesterly of the centerline of said FA Route 4 (Illinois Route 3); thence southeasterly 225.92 feet on a curve to the left, having a radius of 3,680.99 feet, said curve being 100.00 feet southwesterly of and concentric with the centerline of survey of said FA Route 4 (Illinois Route 3), the chord of said curve bears South 51 degrees 26 minutes 20 seconds East, 225.88 feet; thence South 12 degrees 47 minutes 21 seconds West, 71.05 feet to a point on said southwesterly right of way line of FA Route 4 (Illinois Route 3), said point also being on the northeasterly line of said Lot 1 in Admiral Parkway Center; thence northwesterly 333.90 feet on said southwesterly right of way line, also being the northeasterly line of said Lot 1, being a curve to the right, having a radius of 3,745.99 feet, the chord of said curve bears North 51 degrees 05 minutes 04 seconds West, 333.78 feet to the Point of Beginning.

Parcel 800XB09 herein described contains 0.418 acre (18,208 sq. ft.).

Revised Southeasterly Access Control Line

A line through part of Tax Lot 4 in the Northeast Quarter of the Northwest Quarter of Fractional Section 21, Township 1 South, Range 10 West of the Third Principal Meridian, Monroe County,

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Illinois, described as follows:

Commencing at the northwest corner of said Tax Lot 4, also being the northwest corner of Lot 1 in Admiral Parkway Center, a subdivision recorded January 23, 1997 in Envelope 2-48A in the Monroe County, Illinois Recorder's Office; thence on an assumed bearing of North 89 degrees 45 minutes 43 seconds East on the north line of said Tax Lot 4, also being the north line of said Lot 1 of Admiral Parkway Center, 75.35 feet to the most northerly northeast corner of said Lot 1 of Admiral Parkway Center, said most northerly northeast corner being on the southwesterly right of way line of FA Route 4 (Illinois Route 3), said most northerly northeast corner also being the Point of Beginning.

From said Point of Beginning; thence North 89 degrees 45 minutes 43 seconds East on said north line of Tax Lot 4, a distance of 98.81 feet to a point 100.00 feet radially distant southwesterly of the centerline of said FA Route 4 (Illinois Route 3); thence southeasterly 225.92 feet on a curve to the left, having a radius of 3,680.99 feet, said curve being 100.00 feet southwesterly of and concentric with the centerline of survey of said FA Route 4 (Illinois Route 3), the chord of said curve bears South 51 degrees 26 minutes 20 seconds East, 225.88 feet; thence South 12 degrees 47 minutes 21 seconds West, 71.05 feet to a point on said southwesterly right of way line of FA Route 4 (Illinois Route 3), said point also being on the northeasterly line of said Lot 1 in Admiral Parkway Center; thence southeasterly 15.27 feet on said southwesterly right of way line, also being the northeasterly line of said Lot 1, being a curve to the left, having a radius of 3,745.99 feet, the chord of said curve bears South 53 degrees 48 minutes 07 seconds East, 15.27 feet to the most easterly northeast corner of said Lot 1 in Admiral Parkway Center for the Point of Terminus.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FA Route 4, previously declared a freeway."

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

And House Bill No. 4453, as amended, was returned to the order of third reading.

#### READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator T. Walsh, House Bill No. 4462 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 38; Nays 14; Present 1.

The following voted in the affirmative:

Bomke  
Cronin  
Cullerton  
DeLeo  
del Valle  
Dillard

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Dudycz  
Geo-Karis  
Halvorson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Lightford  
Link  
Luechtefeld  
Molaro  
Munoz  
Myers  
Noland  
O'Daniel  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Shaw  
Silverstein  
Smith  
Syverson  
Trotter  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Woolard  
Mr. President

The following voted in the negative:

Bowles  
Brady  
Burzynski  
Demuzio  
Donahue  
Hawkinson  
Lauzen  
Mahar  
Obama  
Roskam  
Shadid  
Sieben  
Sullivan  
Welch

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.

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## HOUSE BILLS RECALLED

On motion of Senator Cronin, House Bill No. 4912 was recalled from the order of third reading to the order of second reading.

Senator Cronin offered the following amendment and moved its adoption:

## AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4912 on page 5, by replacing lines 32 through 34 with "collection fees."; and on page 6, in line 1, by deleting "amount may not exceed \$5,000."; and on page 9, by replacing lines 31 through 34 with "reasonable collection fees. The Commission is"; and on page 13, in line 34, by deleting "(i)"; and on page 14, by replacing lines 6 through 9 with "legal disability. Payments received by the".

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

And House Bill No. 4912, as amended, was returned to the order of third reading.

On motion of Senator O'Malley, House Bill No. 4926 was recalled from the order of third reading to the order of second reading.

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

## AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 4926 as follows: on page 2, by replacing line 28 with the following: "is a Class X felony. A violation of subsection (a)(1) is a Class X felony for which 10 years shall be added to the term of imprisonment imposed by the court. A violation of subsection".

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

And House Bill No. 4926, as amended, was returned to the order of third reading.

On motion of Senator Syverson, House Bill No. 4933 was recalled from the order of third reading to the order of second reading.

Senator Jacobs offered the following amendment and moved its adoption:

## AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4933 on page 1, line 10, by replacing "600" with "900 600".

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

And House Bill No. 4933, as amended, was returned to the order of third reading.

## READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Parker, House Bill No. 4937 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title

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a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 52; Nays 4.

The following voted in the affirmative:

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

The following voted in the negative:

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Burzynski  
 Radogno  
 Rauschenberger  
 Welch

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator L. Walsh, House Bill No. 4938 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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  
 Brady  
 Burzynski  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam

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Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 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.

#### HOUSE BILLS RECALLED

On motion of Senator Shadid, House Bill No. 4948 was recalled from the order of third reading to the order of second reading.

Senator Shadid offered the following amendment and moved its adoption:

##### AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 4948 on page 6, line 11, by replacing "second" with "fifth ~~second~~"; and on page 6, by replacing line 21 with "~~be recorded in-the-record--book for-essential-parts~~ and".

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

And House Bill No. 4948, as amended, was returned to the order of third reading.

On motion of Senator Syverson, House Bill No. 4975 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 House Bill 4975 by replacing everything after the enacting clause:

"Section 5. The Illinois Vehicle Code is amended by changing Section 5-101 and 5-102 as follows:

(625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

Sec. 5-101. New vehicle dealers must be licensed.

(a) No person shall engage in this State in the business of selling or dealing in, on consignment or otherwise, new vehicles of any make, or act as an intermediary or agent or broker for any licensed dealer or vehicle purchaser other than as a salesperson, or represent or advertise that he is so engaged or intends to so engage in such business unless licensed to do so in writing by the Secretary

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of State under the provisions of this Section.

(b) An application for a new vehicle dealer's license shall be filed with the Secretary of State, duly verified by oath, on such form as the Secretary of State may by rule or regulation prescribe and shall contain:

1. The name and type of business organization of the applicant and his established and additional places of business, if any, in this State.

2. If the applicant is a corporation, a list of its officers, directors, and shareholders having a ten percent or greater ownership interest in the corporation, setting forth the residence address of each; if the applicant is a sole proprietorship, a partnership, an unincorporated association, a trust, or any similar form of business organization, the name and residence address of the proprietor or of each partner, member, officer, director, trustee, or manager.

3. The make or makes of new vehicles which the applicant will offer for sale at retail in this State.

4. The name of each manufacturer or franchised distributor, if any, of new vehicles with whom the applicant has contracted for the sale of such new vehicles. As evidence of this fact, the application shall be accompanied by a signed statement from each such manufacturer or franchised distributor. If the applicant is in the business of offering for sale new conversion vehicles, trucks or vans, except for trucks modified to serve a special purpose which includes but is not limited to the following vehicles: street sweepers, fertilizer spreaders, emergency vehicles, implements of husbandry or maintenance type vehicles, he must furnish evidence of a sales and service agreement from both the chassis manufacturer and second stage manufacturer.

5. A statement that the applicant has been approved for registration under the Retailers' Occupation Tax Act by the Department of Revenue: Provided that this requirement does not apply to a dealer who is already licensed hereunder with the Secretary of State, and who is merely applying for a renewal of his license. As evidence of this fact, the application shall be accompanied by a certification from the Department of Revenue showing that that Department has approved the applicant for registration under the Retailers' Occupation Tax Act.

6. A statement that the applicant has complied with the appropriate liability insurance requirement. A Certificate of Insurance in a solvent company authorized to do business in the State of Illinois shall be included with each application covering each location at which he proposes to act as a new vehicle dealer. The policy must provide liability coverage in the minimum amounts of \$100,000 for bodily injury to, or death of, any person, \$300,000 for bodily injury to, or death of, two or more persons in any one accident, and \$50,000 for damage to property. Such policy shall expire not sooner than December 31 of the year for which the license was issued or renewed. The expiration of the insurance policy shall not terminate the liability under the policy arising during the period for which the policy was filed. Trailer and mobile home dealers are exempt from this requirement.

The liability insurance policy must provide automobile liability coverage in the minimum amounts of \$100,000 for bodily injury to or death of any person, \$300,000 for bodily injury to or death of 2 or more persons in any one accident, and \$50,000 for damage to property for any permitted user of the new vehicle dealer's automobile if the permitted user has no automobile

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liability insurance of his or her own or if the permitted user has automobile liability insurance in amounts of less than \$100,000 for bodily injury to or death of any person, \$300,000 for bodily injury to or death of 2 or more persons in any one accident, and \$50,000 for damage to property.

If the permitted user of the new vehicle dealer's automobile has automobile liability coverage in the minimum amounts of \$100,000 for bodily injury to or death of any person, \$300,000 for bodily injury to or death of 2 or more persons in any one accident, and \$50,000 for damage to property, the permitted user's insurance shall be primary and the new vehicle dealer's insurance shall be secondary, unless the permitted user is "test driving" the new vehicle dealer's automobile. When a permitted user is "test driving" a new vehicle dealer's automobile, the new vehicle dealer's insurance shall be primary and the permitted user's insurance shall be secondary.

As used in this paragraph 6, "test driving" occurs when a permitted user who, with the permission of the new vehicle dealer or an employee of the new vehicle dealer, drives a vehicle owned and held for sale or lease by a new vehicle dealer that the person is considering to purchase or lease, for the exclusive purpose of evaluating the performance, reliability, or condition of the vehicle. As used in this paragraph 6, a "permitted user" means a person who is not an officer, director, or employee or a spouse of an officer, director, or employee of the new vehicle dealer and is permitted or authorized to drive a vehicle owned by the new vehicle dealer.

7. (A) An application for a new motor vehicle dealer's license shall be accompanied by the following license fees:

\$100 for applicant's established place of business, and \$50 for each additional place of business, if any, to which the application pertains; but if the application is made after June 15 of any year, the license fee shall be \$50 for applicant's established place of business plus \$25 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State. All moneys received by the Secretary of State as license fees under this Section shall be deposited into the Motor Vehicle Review Board Fund and shall be used to administer the Motor Vehicle Review Board under the Motor Vehicle Franchise Act.

(B) An application for a new vehicle dealer's license, other than for a new motor vehicle dealer's license, shall be accompanied by the following license fees:

\$50 for applicant's established place of business, and \$25 for each additional place of business, if any, to which the application pertains; but if the application is made after June 15 of any year, the license fee shall be \$25 for applicant's established place of business plus \$12.50 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State.

8. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, a partner, member, officer, director, trustee, manager or other principals in the business have not committed in the past 3 years any one violation as determined in any civil, criminal or administrative proceedings of any one of the

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following Acts:

- (A) The Anti Theft Laws of the Illinois Vehicle Code;
- (B) The Certificate of Title Laws of the Illinois Vehicle Code;
- (C) The Offenses against Registration and Certificates of Title Laws of the Illinois Vehicle Code;
- (D) The Dealers, Transporters, Wreckers and Rebuilders Laws of the Illinois Vehicle Code;
- (E) Section 21-2 of the Criminal Code of 1961, Criminal Trespass to Vehicles; or
- (F) The Retailers' Occupation Tax Act.

9. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager or other principals in the business have not committed in any calendar year 3 or more violations, as determined in any civil, criminal or administrative proceedings, of any one or more of the following Acts:

- (A) The Consumer Finance Act;
- (B) The Consumer Installment Loan Act;
- (C) The Retail Installment Sales Act;
- (D) The Motor Vehicle Retail Installment Sales Act;
- (E) The Interest Act;
- (F) The Illinois Wage Assignment Act;
- (G) Part 8 of Article XII of the Code of Civil Procedure; or
- (H) The Consumer Fraud Act.

10. A bond or certificate of deposit in the amount of \$20,000 for each location at which the applicant intends to act as a new vehicle dealer. The bond shall be for the term of the license, or its renewal, for which application is made, and shall expire not sooner than December 31 of the year for which the license was issued or renewed. The bond shall run to the People of the State of Illinois, with surety by a bonding or insurance company authorized to do business in this State. It shall be conditioned upon the proper transmittal of all title and registration fees and taxes (excluding taxes under the Retailers' Occupation Tax Act) accepted by the applicant as a new vehicle dealer.

11. Such other information concerning the business of the applicant as the Secretary of State may by rule or regulation prescribe.

12. A statement that the applicant understands Chapter One through Chapter Five of this Code.

(c) Any change which renders no longer accurate any information contained in any application for a new vehicle dealer's license shall be amended within 30 days after the occurrence of such change on such form as the Secretary of State may prescribe by rule or regulation, accompanied by an amendatory fee of \$2.

(d) Anything in this Chapter 5 to the contrary notwithstanding no person shall be licensed as a new vehicle dealer unless:

1. He is authorized by contract in writing between himself and the manufacturer or franchised distributor of such make of vehicle to so sell the same in this State, and

2. Such person shall maintain an established place of business as defined in this Act.

(e) The Secretary of State shall, within a reasonable time after receipt, examine an application submitted to him under this Section and unless he makes a determination that the application submitted to him does not conform with the requirements of this Section or that

grounds exist for a denial of the application, under Section 5-501 of this Chapter, grant the applicant an original new vehicle dealer's license in writing for his established place of business and a supplemental license in writing for each additional place of business in such form as he may prescribe by rule or regulation which shall include the following:

1. The name of the person licensed;
2. If a corporation, the name and address of its officers or if a sole proprietorship, a partnership, an unincorporated association or any similar form of business organization, the name and address of the proprietor or of each partner, member, officer, director, trustee or manager;
3. In the case of an original license, the established place of business of the licensee;
4. In the case of a supplemental license, the established place of business of the licensee and the additional place of business to which such supplemental license pertains;
5. The make or makes of new vehicles which the licensee is licensed to sell.

(f) The appropriate instrument evidencing the license or a certified copy thereof, provided by the Secretary of State, shall be kept posted conspicuously in the established place of business of the licensee and in each additional place of business, if any, maintained by such licensee.

(g) Except as provided in subsection (h) hereof, all new vehicle dealer's licenses granted under this Section shall expire by operation of law on December 31 of the calendar year for which they are granted unless sooner revoked or cancelled under the provisions of Section 5-501 of this Chapter.

(h) A new vehicle dealer's license may be renewed upon application and payment of the fee required herein, and submission of proof of coverage under an approved bond under the "Retailers' Occupation Tax Act" or proof that applicant is not subject to such bonding requirements, as in the case of an original license, but in case an application for the renewal of an effective license is made during the month of December, the effective license shall remain in force until the application is granted or denied by the Secretary of State.

(i) All persons licensed as a new vehicle dealer are required to furnish each purchaser of a motor vehicle:

1. In the case of a new vehicle a manufacturer's statement of origin and in the case of a used motor vehicle a certificate of title, in either case properly assigned to the purchaser;
2. A statement verified under oath that all identifying numbers on the vehicle agree with those on the certificate of title or manufacturer's statement of origin;
3. A bill of sale properly executed on behalf of such person;
4. A copy of the Uniform Invoice-transaction reporting return referred to in Section 5-402 hereof;
5. In the case of a rebuilt vehicle, a copy of the Disclosure of Rebuilt Vehicle Status; and
6. In the case of a vehicle for which the warranty has been reinstated, a copy of the warranty.

(j) Except at the time of sale or repossession of the vehicle, no person licensed as a new vehicle dealer may issue any other person a newly created key to a vehicle unless the new vehicle dealer makes a copy of the driver's license or State identification card of the person requesting or obtaining the newly created key. The new vehicle dealer must retain the copy for 30 days.

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A new vehicle dealer who violates this subsection (j) is guilty of a petty offense. Violation of this subsection (j) is not cause to suspend, revoke, cancel, or deny renewal of the new vehicle dealer's license.

This amendatory Act of 1983 shall be applicable to the 1984 registration year and thereafter.

(Source: P.A. 92-391, eff. 8-16-01.)

(625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

Sec. 5-102. Used vehicle dealers must be licensed.

(a) No person, other than a licensed new vehicle dealer, shall engage in the business of selling or dealing in, on consignment or otherwise, 5 or more used vehicles of any make during the year (except house trailers as authorized by paragraph (j) of this Section and rebuilt salvage vehicles sold by their rebuilders to persons licensed under this Chapter), or act as an intermediary, agent or broker for any licensed dealer or vehicle purchaser (other than as a salesperson) or represent or advertise that he is so engaged or intends to so engage in such business unless licensed to do so by the Secretary of State under the provisions of this Section.

(b) An application for a used vehicle dealer's license shall be filed with the Secretary of State, duly verified by oath, in such form as the Secretary of State may by rule or regulation prescribe and shall contain:

1. The name and type of business organization established and additional places of business, if any, in this State.

2. If the applicant is a corporation, a list of its officers, directors, and shareholders having a ten percent or greater ownership interest in the corporation, setting forth the residence address of each; if the applicant is a sole proprietorship, a partnership, an unincorporated association, a trust, or any similar form of business organization, the names and residence address of the proprietor or of each partner, member, officer, director, trustee or manager.

3. A statement that the applicant has been approved for registration under the Retailers' Occupation Tax Act by the Department of Revenue. However, this requirement does not apply to a dealer who is already licensed hereunder with the Secretary of State, and who is merely applying for a renewal of his license. As evidence of this fact, the application shall be accompanied by a certification from the Department of Revenue showing that the Department has approved the applicant for registration under the Retailers' Occupation Tax Act.

4. A statement that the applicant has complied with the appropriate liability insurance requirement. A Certificate of Insurance in a solvent company authorized to do business in the State of Illinois shall be included with each application covering each location at which he proposes to act as a used vehicle dealer. The policy must provide liability coverage in the minimum amounts of \$100,000 for bodily injury to, or death of, any person, \$300,000 for bodily injury to, or death of, two or more persons in any one accident, and \$50,000 for damage to property. Such policy shall expire not sooner than December 31 of the year for which the license was issued or renewed. The expiration of the insurance policy shall not terminate the liability under the policy arising during the period for which the policy was filed. Trailer and mobile home dealers are exempt from this requirement.

The liability insurance policy must provide automobile liability coverage in the minimum amounts of \$100,000 for bodily injury to or death of any person, \$300,000 for bodily injury to

or death of 2 or more persons in any one accident, and \$50,000 for damage to property for any permitted user of the used vehicle dealer's automobile if the permitted user has no automobile liability insurance of his or her own or if the permitted user has automobile liability insurance in amounts of less than \$100,000 for bodily injury to or death of any person, \$300,000 for bodily injury to or death of 2 or more persons in any one accident, and \$50,000 for damage to property.

If the permitted user of the used vehicle dealer's automobile has automobile liability coverage in the minimum amounts of \$100,000 for bodily injury to or death of any person, \$300,000 for bodily injury to or death of 2 or more persons in any one accident, and \$50,000 for damage to property, the permitted user's insurance shall be primary and the used vehicle dealer's insurance shall be secondary, unless the permitted user is "test driving" the used vehicle dealer's automobile. When a permitted user is "test driving" a used vehicle dealer's automobile, the used vehicle dealer's insurance shall be primary and the permitted user's insurance shall be secondary.

As used in this paragraph 4, "test driving" occurs when a permitted user who, with the permission of the used vehicle dealer or an employee of the used vehicle dealer, drives a vehicle owned and held for sale or lease by a used vehicle dealer that the person is considering to purchase or lease, for the exclusive purpose of evaluating the performance, reliability, or condition of the vehicle. As used in this paragraph 4, a "permitted user" means a person who is not an officer, director, or employee or a spouse of an officer, director, or employee of the used vehicle dealer and is permitted or authorized to drive a vehicle owned by the used vehicle dealer.

5. An application for a used vehicle dealer's license shall be accompanied by the following license fees:

\$50 for applicant's established place of business, and \$25 for each additional place of business, if any, to which the application pertains; however, if the application is made after June 15 of any year, the license fee shall be \$25 for applicant's established place of business plus \$12.50 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State.

6. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager or other principals in the business have not committed in the past 3 years any one violation as determined in any civil, criminal or administrative proceedings of any one of the following Acts:

(A) The Anti Theft Laws of the Illinois Vehicle Code;

(B) The Certificate of Title Laws of the Illinois Vehicle Code;

(C) The Offenses against Registration and Certificates of Title Laws of the Illinois Vehicle Code;

(D) The Dealers, Transporters, Wreckers and Rebuilders Laws of the Illinois Vehicle Code;

(E) Section 21-2 of the Illinois Criminal Code of 1961, Criminal Trespass to Vehicles; or

(F) The Retailers' Occupation Tax Act.

7. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager

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or other principals in the business have not committed in any calendar year 3 or more violations, as determined in any civil or criminal or administrative proceedings, of any one or more of the following Acts:

- (A) The Consumer Finance Act;
- (B) The Consumer Installment Loan Act;
- (C) The Retail Installment Sales Act;
- (D) The Motor Vehicle Retail Installment Sales Act;
- (E) The Interest Act;
- (F) The Illinois Wage Assignment Act;
- (G) Part 8 of Article XII of the Code of Civil Procedure; or
- (H) The Consumer Fraud Act.

8. A bond or Certificate of Deposit in the amount of \$20,000 for each location at which the applicant intends to act as a used vehicle dealer. The bond shall be for the term of the license, or its renewal, for which application is made, and shall expire not sooner than December 31 of the year for which the license was issued or renewed. The bond shall run to the People of the State of Illinois, with surety by a bonding or insurance company authorized to do business in this State. It shall be conditioned upon the proper transmittal of all title and registration fees and taxes (excluding taxes under the Retailers' Occupation Tax Act) accepted by the applicant as a used vehicle dealer.

9. Such other information concerning the business of the applicant as the Secretary of State may by rule or regulation prescribe.

10. A statement that the applicant understands Chapter 1 through Chapter 5 of this Code.

(c) Any change which renders no longer accurate any information contained in any application for a used vehicle dealer's license shall be amended within 30 days after the occurrence of each change on such form as the Secretary of State may prescribe by rule or regulation, accompanied by an amendatory fee of \$2.

(d) Anything in this Chapter to the contrary notwithstanding, no person shall be licensed as a used vehicle dealer unless such person maintains an established place of business as defined in this Chapter.

(e) The Secretary of State shall, within a reasonable time after receipt, examine an application submitted to him under this Section. Unless the Secretary makes a determination that the application submitted to him does not conform to this Section or that grounds exist for a denial of the application under Section 5-501 of this Chapter, he must grant the applicant an original used vehicle dealer's license in writing for his established place of business and a supplemental license in writing for each additional place of business in such form as he may prescribe by rule or regulation which shall include the following:

1. The name of the person licensed;
2. If a corporation, the name and address of its officers or if a sole proprietorship, a partnership, an unincorporated association or any similar form of business organization, the name and address of the proprietor or of each partner, member, officer, director, trustee or manager;
3. In case of an original license, the established place of business of the licensee;
4. In the case of a supplemental license, the established place of business of the licensee and the additional place of business to which such supplemental license pertains.

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(f) The appropriate instrument evidencing the license or a certified copy thereof, provided by the Secretary of State shall be kept posted, conspicuously, in the established place of business of the licensee and in each additional place of business, if any, maintained by such licensee.

(g) Except as provided in subsection (h) of this Section, all used vehicle dealer's licenses granted under this Section expire by operation of law on December 31 of the calendar year for which they are granted unless sooner revoked or cancelled under Section 5-501 of this Chapter.

(h) A used vehicle dealer's license may be renewed upon application and payment of the fee required herein, and submission of proof of coverage by an approved bond under the "Retailers' Occupation Tax Act" or proof that applicant is not subject to such bonding requirements, as in the case of an original license, but in case an application for the renewal of an effective license is made during the month of December, the effective license shall remain in force until the application for renewal is granted or denied by the Secretary of State.

(i) All persons licensed as a used vehicle dealer are required to furnish each purchaser of a motor vehicle:

1. A certificate of title properly assigned to the purchaser;
2. A statement verified under oath that all identifying numbers on the vehicle agree with those on the certificate of title;
3. A bill of sale properly executed on behalf of such person;
4. A copy of the Uniform Invoice-transaction reporting return referred to in Section 5-402 of this Chapter;
5. In the case of a rebuilt vehicle, a copy of the Disclosure of Rebuilt Vehicle Status; and
6. In the case of a vehicle for which the warranty has been reinstated, a copy of the warranty.

(j) A real estate broker holding a valid certificate of registration issued pursuant to "The Real Estate Brokers and Salesmen License Act" may engage in the business of selling or dealing in house trailers not his own without being licensed as a used vehicle dealer under this Section; however such broker shall maintain a record of the transaction including the following:

- (1) the name and address of the buyer and seller,
- (2) the date of sale,
- (3) a description of the mobile home, including the vehicle identification number, make, model, and year, and
- (4) the Illinois certificate of title number.

The foregoing records shall be available for inspection by any officer of the Secretary of State's Office at any reasonable hour.

(k) Except at the time of sale or repossession of the vehicle, no person licensed as a used vehicle dealer may issue any other person a newly created key to a vehicle unless the used vehicle dealer makes a copy of the driver's license or State identification card of the person requesting or obtaining the newly created key. The used vehicle dealer must retain the copy for 30 days.

A used vehicle dealer who violates this subsection (k) is guilty of a petty offense. Violation of this subsection (k) is not cause to suspend, revoke, cancel, or deny renewal of the used vehicle dealer's license.

(Source: P.A. 92-391, eff. 8-16-01.).

The motion prevailed and the amendment was adopted and ordered

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printed.

And House Bill No. 4975, as amended, was returned to the order of third reading.

On motion of Senator Dillard, House Bill No. 5368 was recalled from the order of third reading to the order of second reading.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 5368, AS AMENDED, by inserting the following immediately below the enacting clause:

"Section 5. The Township Code is amended by changing Section 60-5 as follows:".

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

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 5368, AS AMENDED, by inserting the following in its proper numeric sequence:

"Section 1. The Township Code is amended by changing Section 35-55 as follows:

(60 ILCS 1/35-55)

Sec. 35-55. Senior citizens services; authorization of tax levy.

(a) The electors may authorize the township board to levy a tax (at a rate of not more than 0.15% of the value, as equalized and assessed by the Department of Revenue, of all taxable property in the township) for the sole and exclusive purpose of providing services to senior citizens under Article 220 including, but not limited to, the construction, maintenance, repair, and operation of a senior citizens center 270. If the board desires to levy the tax, it shall order a referendum on the proposition to be held at an election in accordance with the general election law. The board shall certify the proposition to the proper election officials, who shall submit the proposition to the voters at an election in accordance with the general election law. If a majority of the votes cast on the proposition is in favor of the proposition, the board may annually levy the tax in addition to any other taxes set forth in Article 235 of this Act, but subject to the extension limitations in the Property Tax Extension Limitation Law of the Property Tax Code.

(b) If the township board of any township authorized to levy a tax under this Section pursuant to a referendum held before January 1, 1987, desires to increase the maximum rate of the tax to 0.15% of the value, as equalized and assessed by the Department of Revenue, of all taxable property in the township, it shall order a referendum on that proposition to be held at an election in accordance with the general election law. The board shall certify the proposition to the proper election officials, who shall submit the proposition to the voters at an election in accordance with the general election law. If a majority of the votes cast on the proposition is in favor of the proposition, the maximum tax rate shall be so increased. (Source: P.A. 85-742; 88-62; revised 12-13-01.)".

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

Floor Amendments numbered 4, 5 and 6 were held in the Committee on Rules.

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And House Bill No. 5368, as amended, was returned to the order of third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Cronin, House Bill No. 5514 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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  
Brady  
Burzynski  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Ronen  
Roskam  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson

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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 in the Senate Amendment adopted thereto.

On motion of Senator Karpier, House Bill No. 5578 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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  
Brady  
Burzynski  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpier  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Molaro  
Munoz  
Myers  
Noland

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Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 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 in the Senate Amendment adopted thereto.

On motion of Senator Rauschenberger, House Bill No. 5593 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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  
 Brady  
 Burzynski  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs

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Jones, E.  
 Jones, W.  
 Karpel  
 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  
 Silverstein  
 Smith  
 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.

#### HOUSE BILL RECALLED

On motion of Senator Watson, House Bill No. 5596 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. 1

AMENDMENT NO. 1. Amend House Bill 5596 on page 1, by inserting the following after line 8:

"(a) A party seeking coverage under a policy as an additional insured must also tender the defense and indemnity of the claim or loss to any other insurer that also provides coverage for the claim

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or loss, including, but not limited to, that party's own insurer.

(b) The allocation of the defense and indemnity for an insured or an additional insured who may be covered for a claim or loss under 2 or more policies of insurance shall be determined by the terms of the particular policies of insurance and shall not be determined on the basis of the insured's, additional insured's, or an insurer's selection of a particular policy of insurance to respond to the claim or loss."

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

And House Bill No. 5596, as amended, was returned to the order of third reading.

#### REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its May 8, 2002 meeting, reported the following Senate Resolutions have been assigned to the indicated Standing Committees of the Senate:

Executive Appointments: Senate Joint Resolution No. 76.  
Executive: Senate Joint Resolution No. 65; Senate Resolution No. 270.

Senator Weaver, Chairperson of the Committee on Rules, during its May 8, 2002 meeting, reported the following House Resolution has been assigned to the indicated Standing Committee of the Senate:

Transportation: House Joint Resolution No. 71.

Senator Weaver, Chairperson of the Committee on Rules, during its May 8, 2002 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Judiciary: Senate Amendment No. 3 to House Bill 4081 and Senate Amendment No. 3 to House Bill 5002.

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

Senate Amendment No. 4 to House Bill 1889  
Senate Amendment No. 4 to House Bill 1975  
Senate Amendment No. 2 to House Bill 4117  
Senate Amendment No. 2 to House Bill 4667  
Senate Amendment No. 3 to House Bill 5000  
Senate Amendment No. 2 to House Bill 5375

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

#### COMMITTEE MEETING ANNOUNCEMENT

Senator Hawkinson, Chairperson of the Committee on Judiciary announced that the Judiciary Committee will meet today in Room 400, Capitol Building, at 12:30 o'clock p.m.

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## HOUSE BILLS RECALLED

On motion of Senator Lauzen, House Bill No. 5608 was recalled from the order of third reading to the order of second reading.

Senator Lauzen offered the following amendment and moved its adoption:

## AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 5608 on page 3 by inserting immediately below line 23 the following:

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

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

And House Bill No. 5608, as amended, was returned to the order of third reading.

On motion of Senator Bowles, House Bill No. 5625 was recalled from the order of third reading to the order of second reading.

Senator Bowles offered the following amendment and moved its adoption:

## AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 5625 on page 1, line 18, by deleting "serious"; and on page 2, line 4, by replacing "must" with "shall".

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

And House Bill No. 5625, as amended, was returned to the order of third reading.

## READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Molaro, House Bill No. 5639 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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  
Brady  
Burzynski  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson

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Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 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  
 Silverstein  
 Smith  
 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.

On motion of Senator Geo-Karis, House Bill No. 5646 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 30; Nays 25; Present 1.

The following voted in the affirmative:

Bomke  
 Brady  
 Burzynski

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Cronin  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Hawkinson  
Jones, W.  
Karpel  
Lauzen  
Luechtefeld  
Mahar  
Myers  
Noland  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Roskam  
Sieben  
Sullivan  
Syverson  
Walsh, T.  
Watson  
Weaver  
Mr. President

The following voted in the negative:

Bowles  
Cullerton  
DeLeo  
Demuzio  
Halvorson  
Hendon  
Jacobs  
Jones, E.  
Lightford  
Link  
Madigan  
Molaro  
Munoz  
Obama  
O'Daniel  
Ronen  
Shadid  
Shaw  
Silverstein  
Smith  
Trotter  
Viverito  
Walsh, L.  
Welch  
Woolard

The following voted present:

del Valle

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This roll call verified.

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator T. Walsh, House Bill No. 5839 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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  
Brady  
Burzynski  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw

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Sieben  
 Silverstein  
 Smith  
 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.

On motion of Senator Parker, House Bill No. 5870 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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  
 Brady  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama

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O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 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.

#### HOUSE BILL RECALLED

On motion of Senator Geo-Karis, House Bill No. 5906 was recalled from the order of third reading to the order of second reading.

Senator Geo-Karis offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 5906, AS AMENDED, in Section 15, item (2), after "Act;" by inserting "and"; and in Section 15, item (3) by replacing "; and" with "."; and in Section 15 by deleting item (4).

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

And House Bill No. 5906, as amended, was returned to the order of third reading.

#### READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Dillard, House Bill No. 5911 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 55; Nays 1.

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The following voted in the affirmative:

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

The following voted in the negative:

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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.

#### HOUSE BILL RECALLED

On motion of Senator Dillard, House Bill No. 5961 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 House Bill 5961 on page 1, line 16 by replacing "\$100,000" with "\$30,000".

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

And House Bill No. 5961, as amended, was returned to the order of third reading.

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator E. Jones, House Bill No. 6004 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 50; Nays 4.

The following voted in the affirmative:

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

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Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Weaver  
Welch  
Woolard

The following voted in the negative:

Burzynski  
Radogno  
Rauschenberger  
Watson

This bill, having received the vote of a 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 in the Senate Amendment adopted thereto.

On motion of Senator Donahue, House Bill No. 6012 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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 1.

The following voted in the affirmative:

Bomke  
Bowles  
Brady  
Burzynski  
Cronin  
Cullerton  
DeLeo  
del Valle

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

The following voted present:

Shaw

This bill, having received the vote of a 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 in the Senate Amendment adopted thereto.

On motion of Senator Watson, House Bill No. 6034 having been printed as received from the House of Representatives, together with

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all Senate Amendments adopted thereto, was taken up and read 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  
Brady  
Burzynski  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Lauzen  
Lightford  
Link  
Madigan  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch

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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.

On motion of Senator Cronin, House Bill No. 6038 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read 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  
Brady  
Burzynski  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw

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Sieben  
 Silverstein  
 Smith  
 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.

#### HOUSE BILLS RECALLED

On motion of Senator Syverson, House Bill No. 6041 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 House Bill 6041, AS AMENDED, as follows: by inserting immediately below the enacting clause the following:

"Section 2. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-560 as follows:

(20 ILCS 2310/2310-560) (was 20 ILCS 2310/55.87)

Sec. 2310-560. Advisory ~~committees~~ committee concerning construction of facilities.

(a) The Director shall appoint an advisory committee. The committee shall be established by the Department by rule. The Director and the Department shall consult with the advisory committee concerning the application of building codes and Department rules related to those building codes to facilities under the Ambulatory Surgical Treatment Center Act and, the Nursing Home Care Act, ~~and the Hospital-Licensing Act.~~

(b) The Director shall appoint an advisory committee to advise the Department and to conduct informal dispute resolution concerning the application of building codes for new and existing construction and related Department rules and standards under the Hospital Licensing Act, including without limitation rules and standards for (i) design and construction, (ii) engineering and maintenance of the physical plant, site, equipment, and systems (heating, cooling, electrical, ventilation, plumbing, water, sewer, and solid waste disposal), and (iii) fire and safety. The advisory committee shall be composed of all of the following members:

(1) The chairperson or an elected representative from the Hospital Licensing Board under the Hospital Licensing Act.

(2) Two health care architects with a minimum of 10 years of experience in institutional design and building code analysis.

(3) Two engineering professionals (one mechanical and one

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electrical) with a minimum of 10 years of experience in institutional design and building code analysis.

(4) One commercial interior design professional with a minimum of 10 years of experience.

(5) Two representatives from provider associations.

(6) The Director or his or her designee, who shall serve as the committee moderator.

Appointments shall be made with the concurrence of the Hospital Licensing Board. The committee shall submit recommendations concerning the application of building codes and related Department rules and standards to the Hospital Licensing Board for review and comment prior to submission to the Department. The committee shall submit recommendations concerning informal dispute resolution to the Director. The Department shall provide per diem and travel expenses to the committee members.

(Source: P.A. 90-327, eff. 8-8-97; 90-655, eff. 7-30-98; 91-239, eff. 1-1-00.)

Section 3. The Illinois Building Commission Act is amended by changing Sections 5, 25, and 50 and adding Section 47 as follows:

(20 ILCS 3918/5)

Sec. 5. Definitions. When used in this Act:

"Commission" means the Illinois Building Commission.

"State agency" has the same meaning as in Section 1-7 of the Illinois State Auditing Act.

"State building requirements" means any law, rule, or executive order implemented by the State of Illinois affecting the construction of buildings in Illinois.

"Health care provider" means a hospital as defined in the Hospital Licensing Act.

(Source: P.A. 90-269, eff. 1-1-98.)

(20 ILCS 3918/25)

Sec. 25. Forum; dispute resolution. The Commission shall provide an ongoing forum for continuing dialogue regarding the purpose and duties of the Commission. The Commission shall also serve as a forum to suggest resolution of conflicts between State agencies, or between a State agency and another entity that consents to the resolution forum, concerning State building requirements. As used in this Section, for dispute resolution arising out of Section 8 or 8.5 of the Hospital Licensing Act, "building requirements" includes the application of building codes for new and existing construction and related Department rules and standards under the Hospital Licensing Act, including without limitation rules and standards for (i) design and construction, (ii) engineering and maintenance of the physical plant, site, equipment, and systems (heating, cooling, electrical, ventilation, plumbing, water, sewer, and solid waste disposal), and (iii) fire and safety.

If the suggested resolution of a conflict between the Department of Public Health and a health care provider is to (i) accept an equivalency determined by the Fire Safety Evaluation System, (ii) waive State rules or standards, or (iii) seek a waiver of federal rules or standards, the Commission may take steps it deems reasonably necessary to facilitate the suggested resolution, including preparing a waiver request and directing the Department of Public Health to recommend the request to the appropriate federal agency.

(Source: P.A. 90-269, eff. 1-1-98.)

(20 ILCS 3918/47 new)

Sec. 47. Rules. The Commission may adopt any rules necessary for the administration of this Act.

(20 ILCS 3918/50)

Sec. 50. The Illinois Building Commission Revolving Fund. The

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Illinois Building Commission Revolving Fund is created in the State treasury. The Illinois Building Commission may establish fees, each of which may not exceed \$250 ~~or an amount approved by the Joint Committee on Administrative Rules~~, for services provided in fulfilling its mandate under this Act, except that for dispute resolution between the Illinois Department of Public Health and a health care provider, the Commission may establish fees to be paid by the health care provider, which may not exceed \$10,000. All fees collected by the Commission shall be deposited into the Illinois Building Commission Revolving Fund. The Commission may also accept donations or moneys from any other source for deposit into this fund. All interest accrued on the fees, donations, and other deposits to the Illinois Building Commission Revolving Fund shall be deposited into the fund. All moneys in the Illinois Building Commission Revolving Fund may be used, subject to appropriation by the General Assembly, to carry out the activities of the Act, including the expenses of the Illinois Building Commission, a clearinghouse on State building requirements, or other purposes consistent with this Act.

(Source: P.A. 91-581, eff. 8-14-99.); and  
 in Section 5, in the introductory clause, by replacing "Section 8.5" with "Sections 7.5, 8.5, 9.2, and 9.3"; and  
 in Section 5, immediately below the introductory clause, by inserting the following:

"(210 ILCS 85/7.5 new)

Sec. 7.5. Fire Safety Evaluation System. Upon request by a hospital, the Department, if applicable, must evaluate or allow for an evaluation of compliance with the Life Safety Code using the Fire Safety Evaluation System."; and

in Section 5, Sec. 8, subsec. (b), the sentence beginning "If denied," after "denial", by inserting "and the applicant may elect to seek dispute resolution pursuant to Section 25 of the Illinois Building Commission Act, which the Department must participate in"; and

in Section 5, Sec. 8.5, in the caption, after "standards", by inserting "for construction or physical plant"; and

in Section 5, Sec. 8.5, the paragraph and sentence beginning "Upon application", before "rule", by inserting "construction or physical plant"; and

in Section 5, Sec. 8.5, the paragraph and sentence beginning "Upon application", after "standard", by inserting the following:

" , including without limitation rules and standards for (i) design and construction, (ii) engineering and maintenance of the physical plant, site, equipment, and systems (heating, cooling, electrical, ventilation, plumbing, water, sewer, and solid waste disposal), and (iii) fire and safety,"; and

in Section 5, Sec. 8.5, the paragraph beginning "Upon application", the sentence beginning "The Department may provide", after "concerning", by inserting "construction or"; and

in Section 5, Sec. 8.5, the paragraph beginning "Upon application", the sentence beginning "The Department shall renew", after "relating to", by inserting "construction or"; and

in Section 5, Sec. 8.5, the paragraph beginning "The Department shall advise", after "waivers", by inserting "about which it is aware and"; and

in Section 5, Sec. 8.5, immediately below the paragraph beginning "The Department shall advise", by inserting the following:

"In the event that the Department does not grant or renew a waiver of a rule or standard, the Department must notify the hospital in writing detailing the specific reasons for not granting or

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renewing the waiver and must discuss possible options, if any, the hospital could take to have the waiver approved."; and in Section 5, immediately below the end of Sec. 8.5, by inserting the following:

"(210 ILCS 85/9.2 new)

Sec. 9.2. Disclosure. Prior to conducting a survey of a hospital operating under an approved waiver, equivalency, or other approval, a surveyor must be made aware of the waiver, equivalency, or other approval prior to entering the hospital. Prior to commencing an inspection, the Department must provide the hospital with documentation that the survey is being conducted, with consideration of the relevant waiver, equivalency, or approval. After conducting the survey, the Department must conduct a comprehensive exit interview with designated hospital representatives at which the hospital may present additional information regarding findings.

(210 ILCS 85/9.3 new)

Sec. 9.3. Informal dispute resolution. The Department must offer an opportunity for informal dispute resolution concerning the application of building codes for new and existing construction and related Department rules and standards before the advisory committee under subsection (b) of Section 2310-560 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Participants in this process must include representatives from the Department, representatives of the hospital, and additional representatives deemed appropriate by both parties with expertise regarding the contested deficiencies and the management of health care facilities."

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

And House Bill No. 6041, as amended, was returned to the order of third reading.

On motion of Senator Watson, House Bill No. 5000 was recalled from the order of third reading to the order of second reading.

Senator Watson moved to reconsider the vote by which Amendments numbered 1 and 2 were adopted.

The motion prevailed.

Senator Watson moved that Amendments numbered 1 and 2 to House Bill No. 5000 be ordered to lie on the table.

The motion to table prevailed.

Senator Weaver offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 5000 by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by changing Sections 3-12 and 6-11 as follows:

(235 ILCS 5/3-12) (from Ch. 43, par. 108)

Sec. 3-12. Powers and duties of State Commission.

(a) The State commission shall have the following powers, functions and duties:

(1) To receive applications and to issue licenses to manufacturers, foreign importers, importing distributors, distributors, non-resident dealers, on premise consumption retailers, off premise sale retailers, special event retailer licensees, special use permit licenses, auction liquor licenses, brew pubs, caterer retailers, non-beverage users, railroads, including owners and lessees of sleeping, dining and cafe cars,

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airplanes, boats, brokers, and wine maker's premises licensees in accordance with the provisions of this Act, and to suspend or revoke such licenses upon the State commission's determination, upon notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation.

In lieu of suspending or revoking a license, the commission may impose a fine, upon the State commission's determination and notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation. The fine imposed under this paragraph may not exceed \$500 for each violation. Each day that the activity, which gave rise to the original fine, continues is a separate violation. The maximum fine that may be levied against any licensee, for the period of the license, shall not exceed \$20,000. The maximum penalty that may be imposed on a licensee for selling a bottle of alcoholic liquor with a foreign object in it or serving from a bottle of alcoholic liquor with a foreign object in it shall be the destruction of that bottle of alcoholic liquor for the first 10 bottles so sold or served from by the licensee. For the eleventh bottle of alcoholic liquor and for each third bottle thereafter sold or served from by the licensee with a foreign object in it, the maximum penalty that may be imposed on the licensee is the destruction of the bottle of alcoholic liquor and a fine of up to \$50.

(2) To adopt such rules and regulations consistent with the provisions of this Act which shall be necessary to carry on its functions and duties to the end that the health, safety and welfare of the People of the State of Illinois shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted and to distribute copies of such rules and regulations to all licensees affected thereby.

(3) To call upon other administrative departments of the State, county and municipal governments, county and city police departments and upon prosecuting officers for such information and assistance as it deems necessary in the performance of its duties.

(4) To recommend to local commissioners rules and regulations, not inconsistent with the law, for the distribution and sale of alcoholic liquors throughout the State.

(5) To inspect, or cause to be inspected, any premises in this State where alcoholic liquors are manufactured, distributed, warehoused, or sold.

(5.1) Upon receipt of a complaint or upon having knowledge that any person is engaged in business as a manufacturer, importing distributor, distributor, or retailer without a license or valid license, to notify the local liquor authority, file a complaint with the State's Attorney's Office of the county where the incident occurred, or initiate an investigation with the appropriate law enforcement officials.

(5.2) To issue a cease and desist notice to persons shipping alcoholic liquor into this State from a point outside of this State if the shipment is in violation of this Act.

(5.3) To receive complaints from licensees, local officials, law enforcement agencies, organizations, and persons stating that any licensee has been or is violating any provision of this Act or the rules and regulations issued pursuant to this Act. Such complaints shall be in writing, signed and sworn to by the person making the complaint, and shall state with specificity the facts in relation to the alleged violation. If the

Commission has reasonable grounds to believe that the complaint substantially alleges a violation of this Act or rules and regulations adopted pursuant to this Act, it shall conduct an investigation. If, after conducting an investigation, the Commission is satisfied that the alleged violation did occur, it shall proceed with disciplinary action against the licensee as provided in this Act.

(6) To hear and determine appeals from orders of a local commission in accordance with the provisions of this Act, as hereinafter set forth. Hearings under this subsection shall be held in Springfield or Chicago, at whichever location is the more convenient for the majority of persons who are parties to the hearing.

(7) The commission shall establish uniform systems of accounts to be kept by all retail licensees having more than 4 employees, and for this purpose the commission may classify all retail licensees having more than 4 employees and establish a uniform system of accounts for each class and prescribe the manner in which such accounts shall be kept. The commission may also prescribe the forms of accounts to be kept by all retail licensees having more than 4 employees, including but not limited to accounts of earnings and expenses and any distribution, payment, or other distribution of earnings or assets, and any other forms, records and memoranda which in the judgment of the commission may be necessary or appropriate to carry out any of the provisions of this Act, including but not limited to such forms, records and memoranda as will readily and accurately disclose at all times the beneficial ownership of such retail licensed business. The accounts, forms, records and memoranda shall be available at all reasonable times for inspection by authorized representatives of the State commission or by any local liquor control commissioner or his or her authorized representative. The commission, may, from time to time, alter, amend or repeal, in whole or in part, any uniform system of accounts, or the form and manner of keeping accounts.

(8) In the conduct of any hearing authorized to be held by the commission, to appoint, at the Commission's discretion, hearing officers to conduct hearings involving complex issues or issues that will require a protracted period of time to resolve, to examine, or cause to be examined, under oath, any licensee, and to examine or cause to be examined the books and records of such licensee; to hear testimony and take proof material for its information in the discharge of its duties hereunder; to administer or cause to be administered oaths; and for any such purpose to issue subpoena or subpoenas to require the attendance of witnesses and the production of books, which shall be effective in any part of this State, and to adopt rules to implement its powers under this paragraph (8).

Any Circuit Court may by order duly entered, require the attendance of witnesses and the production of relevant books subpoenaed by the State commission and the court may compel obedience to its order by proceedings for contempt.

(9) To investigate the administration of laws in relation to alcoholic liquors in this and other states and any foreign countries, and to recommend from time to time to the Governor and through him or her to the legislature of this State, such amendments to this Act, if any, as it may think desirable and as will serve to further the general broad purposes contained in Section 1-2 hereof.

(10) To adopt such rules and regulations consistent with

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the provisions of this Act which shall be necessary for the control, sale or disposition of alcoholic liquor damaged as a result of an accident, wreck, flood, fire or other similar occurrence.

(11) To develop industry educational programs related to responsible serving and selling, particularly in the areas of overserving consumers and illegal underage purchasing and consumption of alcoholic beverages.

(11.1) To license persons providing education and training to alcohol beverage sellers and servers under the Beverage Alcohol Sellers and Servers Education and Training (BASSET) programs and to develop and administer a public awareness program in Illinois to reduce or eliminate the illegal purchase and consumption of alcoholic beverage products by persons under the age of 21. Application for a license shall be made on forms provided by the State Commission.

(12) To develop and maintain a repository of license and regulatory information.

(13) On or before January 15, 1994, the Commission shall issue a written report to the Governor and General Assembly that is to be based on a comprehensive study of the impact on and implications for the State of Illinois of Section 1926 of the Federal ADAMHA Reorganization Act of 1992 (Public Law 102-321). This study shall address the extent to which Illinois currently complies with the provisions of P.L. 102-321 and the rules promulgated pursuant thereto.

As part of its report, the Commission shall provide the following essential information:

(i) the number of retail distributors of tobacco products, by type and geographic area, in the State;

(ii) the number of reported citations and successful convictions, categorized by type and location of retail distributor, for violation of the Sale of Tobacco to Minors Act and the Smokeless Tobacco Limitation Act;

(iii) the extent and nature of organized educational and governmental activities that are intended to promote, encourage or otherwise secure compliance with any Illinois laws that prohibit the sale or distribution of tobacco products to minors; and

(iv) the level of access and availability of tobacco products to individuals under the age of 18.

To obtain the data necessary to comply with the provisions of P.L. 102-321 and the requirements of this report, the Commission shall conduct random, unannounced inspections of a geographically and scientifically representative sample of the State's retail tobacco distributors.

The Commission shall consult with the Department of Public Health, the Department of Human Services, the Illinois State Police and any other executive branch agency, and private organizations that may have information relevant to this report.

The Commission may contract with the Food and Drug Administration of the U.S. Department of Health and Human Services to conduct unannounced investigations of Illinois tobacco vendors to determine compliance with federal laws relating to the illegal sale of cigarettes and smokeless tobacco products to persons under the age of 18.

(b) On or before April 30, 1999, the Commission shall present a written report to the Governor and the General Assembly that shall be based on a study of the impact of this amendatory Act of 1998 on the business of soliciting, selling, and shipping alcoholic liquor from

outside of this State directly to residents of this State.

As part of its report, the Commission shall provide the following information:

(i) the amount of State excise and sales tax revenues generated as a result of this amendatory Act of 1998;

(ii) the amount of licensing fees received as a result of this amendatory Act of 1998;

(iii) the number of reported violations, the number of cease and desist notices issued by the Commission, the number of notices of violations issued to the Department of Revenue, and the number of notices and complaints of violations to law enforcement officials.

(Source: P.A. 91-553, eff. 8-14-99; 91-922, eff. 7-7-00; 92-378, eff. 8-16-01.)

(235 ILCS 5/6-11) (from Ch. 43, par. 127)

Sec. 6-11. No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on if the place of business so exempted is not located in a municipality of more than 500,000 persons, unless required by local ordinance; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where the church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor to a restaurant, the primary business of which is the sale of goods baked on the premises if (i) the restaurant is newly constructed and located on a lot of not less than 10,000 square feet, (ii) the restaurant costs at least \$1,000,000 to construct, (iii) the licensee is the titleholder to the premises and resides on the premises, and (iv) the construction of the restaurant is completed within 18 months of the effective date of this amendatory Act of 1998.

Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor incidental to a restaurant if (1) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food and the applicant is a completely new owner of the restaurant, (2) the immediately prior owner or operator of the premises where the restaurant is located operated the premises as a restaurant and held a valid retail license authorizing the sale of alcoholic liquor at the restaurant for at least part of the 24 months before the change of ownership, and (3) the restaurant is located 75 or more feet from a school.

In the interest of further developing Illinois' economy in the area of commerce, tourism, convention, and banquet business, nothing in this Section shall prohibit issuance of a retail license authorizing the sale of alcoholic beverages to a restaurant, banquet facility, grocery store, or hotel having not fewer than 150 guest room accommodations located in a municipality of more than 500,000 persons, notwithstanding the proximity of such hotel, restaurant, banquet facility, or grocery store to any church or school, if the

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licensed premises described on the license are located within an enclosed mall or building of a height of at least 6 stories, or 60 feet in the case of a building that has been registered as a national landmark, or in a grocery store having a minimum of 56,010 square feet of floor space in a single story building in an open mall of at least 3.96 acres that is adjacent to a public school that opened as a boys technical high school in 1934, and in each of these cases if the sale of alcoholic liquors is not the principal business carried on by the licensee.

For purposes of this Section, a "banquet facility" is any part of a building that caters to private parties and where the sale of alcoholic liquors is not the principal business.

Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

Nothing in this Section shall prohibit a church or church affiliated school located in a home rule municipality or in a municipality with 75,000 or more inhabitants from locating within 100 feet of a property for which there is a preexisting license to sell alcoholic liquor at retail. In these instances, the local zoning authority may, by ordinance adopted simultaneously with the granting of an initial special use zoning permit for the church or church affiliated school, provide that the 100-foot restriction in this Section shall not apply to that church or church affiliated school and future retail liquor licenses.

(Source: P.A. 90-617, eff. 7-10-98; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99; 91-623, 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.

And House Bill No. 5000, as amended, was returned to the order of third reading.

On motion of Senator Luechtefeld, House Bill No. 5375 was recalled from the order of third reading to the order of second reading.

Senator Luechtefeld offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 5375, AS AMENDED, with reference to page and line numbers of Senate Amendment 1, on page 1 by replacing line 16 with the following:  
"2002 allowing revenue received from the Non-Home Rule Municipal Retailer's".

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

And House Bill No. 5375, as amended, was returned to the order of third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Weaver, House Bill No. 822 was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Syverson, House Bill No. 909 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 House Bill 909 on page 1, by deleting lines 6 through 31; and by deleting all of pages 2 and 3.

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 909 on page 1, line 1, by changing "the Illinois work force" to "construction"; and on page 1, by replacing lines 4 through 5 with the following:

"Section 5. The Public Construction Bond Act is amended by changing Section 1 as follows:

(30 ILCS 550/1) (from Ch. 29, par. 15)

Sec. 1. Except as otherwise provided by this Act, all officials, boards, commissions or agents of this State, or of any political subdivision thereof in making contracts for public work of any kind costing over \$5,000 to be performed for the State, or a political subdivision thereof shall require every contractor for the work to furnish, supply and deliver a bond to the State, or to the political subdivision thereof entering into the contract, as the case may be, with good and sufficient sureties. The amount of the bond shall be fixed by the officials, boards, commissions, commissioners or agents, and the bond, among other conditions, shall be conditioned for the completion of the contract, for the payment of material used in the work and for all labor performed in the work, whether by subcontractor or otherwise.

If the contract is for emergency repairs as provided in the Illinois Procurement Code, proof of payment for all labor, materials, apparatus, fixtures, and machinery may be furnished in lieu of the bond required by this Section.

Each such bond is deemed to contain the following provisions whether such provisions are inserted in such bond or not:

"The principal and sureties on this bond agree that all the undertakings, covenants, terms, conditions and agreements of the contract or contracts entered into between the principal and the State or any political subdivision thereof will be performed and fulfilled and to pay all persons, firms and corporations having contracts with the principal or with subcontractors, all just claims due them under the provisions of such contracts for labor performed or materials furnished in the performance of the contract on account of which this bond is given, when such claims are not satisfied out of the contract price of the contract on account of which this bond is given, after final settlement between the officer, board, commission or agent of the State or of any political subdivision thereof and the principal has been made."

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 shall be subject to the right of reasonable approval or disapproval, including suspension, by the State or political subdivision thereof concerned.

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When other than motor fuel tax funds, federal-aid funds, or other funds received from the State are used, a political subdivision may allow the contractor to provide a non-diminishing irrevocable bank letter of credit, in lieu of the bond required by this Section, on contracts under \$100,000 to comply with the requirements of this Section. Any such bank letter of credit shall contain all provisions required for bonds by this Section.  
(Source: P.A. 91-456, eff. 8-6-99.)"

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

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

On motion of Senator Weaver, House Bill No. 1268 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, House Bill No. 1269 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, House Bill No. 1272 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, House Bill No. 1273 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, House Bill No. 1276 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, House Bill No. 1975 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 House Bill 1975 as follows:  
on page 2, by replacing lines 1 and 2 with the following:  
"which the taxes are imposed until the taxes are paid or until a court order transfers ownership of the mobile home."; and  
on page 2, by replacing line 7 with the following:  
"forfeited to the State and there is not an open scavenger buy. The mobile home may be sold under"; and  
on page 4, by replacing line 27 with the following:  
"the mobile home dangerous or hazardous, when the mobile home is in violation of mobile home park rules and regulations, when taxes on the"; and  
on page 5, by replacing line 27 with the following:  
"title to the mobile home and upon acquisition of the certificate of title may manage and operate the"; and  
on page 6, by replacing line 4 with the following:  
"notice. The notice shall list the street or common address, and the mobile home park where the mobile home is sited,"; and  
on page 9, by replacing line 1 with the following:  
"owners, and the street, common address, and mobile home park where the mobile home is sited, if known, the vehicle identification number, the"; and  
on page 13, by replacing line 28 with the following:  
"The record shall set forth the name of the owner and the street, common address, and mobile home park where the mobile home is sited, if"; and

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by replacing line 26 on page 20 through line 17 on page 21 with the following:

"inhabitants, only the published taxes, interest, and costs as advertised in the sale shall be required to be paid forthwith. The purchaser"; and

on page 34, by replacing line 27 with the following:

"Local Services Tax Act. Mobile home park owners are not deemed to have an ownership interest as defined in this Section."; and

on page 57, by replacing lines 17 and 18 with the following:

"provided in Sections 375 and 380 by a special process server."; and on page 59, by replacing line 12 with the following:

"If the mobile home sold is abandoned or if any mobile home park owner,"; and

on page 64, by replacing line 28 with the following:

"Section 380. In addition, the notice shall be served by a process server or"; and

by replacing line 33 on page 64 through line 4 on page 65 with the following:

"In counties of 3,000,000 or more inhabitants where the petitioner is a petitioner for tax certificate of title pursuant to Section 35, in lieu of service by the sheriff or coroner, the notice may be served by a process server."; and

on page 72, by replacing lines 6 through 16 with the following:

"Section 402. Mobile homes located in manufactured home community; requirements. The person who has a certificate of purchase and obtains a court order directing the issuance of a tax certificate of title under Section 400 for a mobile home located on a lot in a manufactured home community is liable for lot rent (at the prevailing rate) beginning on the date of the entry of the court order and shall either (i) qualify for tenancy in the manufactured home community in accordance with the community's normal tenant qualification and screening procedures or (ii) remove the mobile home from the lot no later than 30 days after the date of the entry of the court order."; and

on page 79, line 7, by replacing "2002" with "2003"; and

on page 79, line 10, by replacing "2002" with "2003"; and

on page 79, by replacing line 15 with the following:

"the tax bill to the address of record. The first tax bill mailed for taxable year 2003 shall include the following notice: "The manner in which delinquent taxes on mobile homes are collected has been changed by the enactment of the Mobile Home Local Services Tax Enforcement Act. Failure to pay this tax can result in a penalty of \$25 per month." The county treasurer"; and

on page 81, line 5, by replacing "2002" with "2003"; and

on page 81, line 10, by replacing "2002" with "2003"; and

on page 81, by replacing line 13 with the following:

"shall be required to pay a penalty of \$25 per month, or any portion thereof, not to exceed \$100. If such failure"; and  
on page 105, line 2, by replacing "2002" with "2003".

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1975 on page 59, in lines 15 and 16, by deleting the following:

"or mobile home park rules and regulations,".

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

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Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 1975, AS AMENDED, with reference to the page and line numbers of Senate Amendment #1, on page 1, by replacing lines 11 and 12 with the following:  
 " "the mobile home dangerous or hazardous,".

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

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend House Bill 1975, AS AMENDED, in Section 55, by deleting "When the mobile home is in a city with more than 1,000,000 inhabitants, the advertisement may be in any newspaper published in the same county."; and  
 in Section 90, in the sentence beginning "At the same time", by replacing "it is mandatory for the collector in counties with 3,000,000 or more inhabitants, and in other counties if the county board so orders by resolution, to" with "the collector, if the county board so orders by resolution, must "; and  
 in Section 95, by deleting "In the 10 years next following the completion of a general reassessment of property in any county with 3,000,000 or more inhabitants, made under an order of the Department, applications for judgment and order of sale shall be made as soon as may be and on the day specified in the advertisement required by Sections 55 and 60. If for any cause the court is not held on the day specified, the cause shall stand continued, and it shall be unnecessary to re-advertise the list or notice."; and  
 in Section 105, by deleting ", or in counties with 3,000,000 or more inhabitants, the taxes, interest, and costs due,"; and  
 in Section 145, by deleting "However, in any county with 3,000,000 or more inhabitants, the offer for sale shall be made between 8:00 a.m. and 8:00 p.m."; and  
 in Section 155, by replacing "Section 155. Letter of credit or bond in counties of 3,000,000 or more; registration in other counties. In counties with 3,000,000 or more inhabitants, no person shall make an offer to pay the amount due on any mobile home and the collector shall not accept or acknowledge an offer from any person who has not deposited with the collector, not less than 10 days prior to making such offer, an irrevocable and unconditional letter of credit or such other unconditional bond payable to the order of the collector in an amount not less than 1.5 times the amount of any tax due upon the mobile home. The collector may without notice draw upon the letter of credit or bond in the event payment of the amount due together with interest and costs thereon is not made forthwith by the person purchasing any mobile home. At all times during the sale, any person making an offer or offers to pay the amount or amounts due on any mobile homes shall maintain the letter of credit or bond with the collector in an amount not less than 1.5 times the amount due on the mobile homes which he or she has purchased and for which he or she has not paid." with "Section 155. Registration."; and  
 in Section 175, by deleting "In counties with 3,000,000 or more inhabitants, only the published taxes, interest, and costs as advertised in the sale shall be required to be paid forthwith."; and  
 in Section 180, in the sentence beginning "The county collector", by deleting "in all counties"; and

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in Section 210, in the sentence that begins "The collector may charge", by deleting "and not more than \$100 in counties of 3,000,000 or more inhabitants"; and

in Section 215, in the sentence that begins, "The schedule or schedules shall", by deleting "and \$20 in counties with 3,000,000 or more inhabitants"; and

in Section 240, in subsection (a), in the sentence that begins "The county board in each", by deleting ", and not greater than \$2,000,000 in counties with 3,000,000 or more inhabitants"; and  
by replacing Section 270 with the following:

"Section 270. Orders for payment of interest. The county treasurer may determine in his or her discretion whether payment of interest and costs shall be made as provided in Section 275, 280, or 285. If the treasurer determines not to make payment as provided in those Sections, 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 275 is taken."; and

in Section 275, by deleting "Each person purchasing any mobile home at a sale held under this Act 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 \$15 for each item purchased."; and

in Section 335, by deleting "However, when a certificate of purchase has been recorded in the office of the county recorder by any city, incorporated town, or village with 1,000,000 or more inhabitants in which the mobile home is situated, the recording of a certificate by the county clerk, reciting the cancellation of the certificate of purchase on the tax judgment, sale, redemption and forfeiture record, shall operate as a release of the lien of the city, incorporated town, or village under the certificate of purchase."; and

in Section 345, by deleting "In counties with 3,000,000 or more inhabitants, if an order is entered setting aside a redemption made within the time allowed by law after a petition for tax certificate of title has been filed, the holder of the certificate of purchase shall mail a copy of the order within 7 days of entry of the order by registered or certified mail to the county clerk, to the person who made the redemption, and to all parties entitled to notice of the petition under Section 370, 375, or 385."; and

in Section 370, by deleting the last sentence, which reads "In counties with 3,000,000 or more inhabitants, the notice shall also state the address, room number and time at which the matter is set for hearing."; and

in Section 375, in the paragraph beginning "In counties of 3,000,000", by deleting "In counties of 3,000,000 or more inhabitants where the petitioner is a petitioner for tax certificate of title pursuant to Section 35, in lieu of service by the sheriff or coroner, the notice may be served by a process server. The taxing district may move prior to filing one or more petitions for tax certificate of title for appointment of such a special process server. The court, upon being satisfied that the person named in the motion is at least 18 years of age and is capable of serving notice as required under this Act, shall enter an order appointing such person as a special process server for a period of one year. The appointment may be renewed for successive periods of one year each by motion and order, and a copy of the original and any subsequent order shall be filed in each tax certificate of title case in which a notice is served by the appointed person. Delivery of the notice to and service of the notice by the special process server shall have the same force and effect as its delivery to and service by the sheriff or coroner."; and

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in Section 380, in the paragraph beginning, "If the mobile home is located", in the sentence beginning "If the mobile home is not in a municipality", by deleting "or if the mobile home is in a county with 3,000,000 or more inhabitants,"; and  
 in Section 405, in the paragraph beginning "In cases of the sale of a mobile home in counties with 3,000,000", by deleting "In cases of the sale of a mobile home in counties with 3,000,000 or more inhabitants, a tax certificate of title may also be voided by the court upon petition, filed not more than 3 months after an order for tax certificate of title was entered, if the court finds that the mobile home was owner occupied on the expiration date of the period of redemption and that the order for certificate of title was effectuated pursuant to a negligent or willful error made by an employee of the county clerk or county collector during the period of redemption from the sale that was reasonably relied upon to the detriment of any person having a redeemable interest. In such a case, the tax purchaser shall be entitled to the original amount required to redeem the mobile home plus interest from the sale as of the last date of redemption together with costs actually expended subsequent to the expiration of the period of redemption and reasonable attorney's fees, all of which shall be dispensed from the fund created by Section 235. In those cases of error where the court vacates the tax certificate of title, it may award the petitioner reasonable attorney's fees and court costs actually expended, payable from that fund."; and  
 in Section 405, in the last sentence, by replacing "Act" with "Code".

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

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

On motion of Senator E. Jones, House Bill No. 4725 having been printed, was taken up and read by title a second time.

Senator E. Jones offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4725 on page 1, line 8, by changing "which" to "that ~~whieh~~".

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

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

On motion of Senator Radogno, House Bill No. 5140 having been printed, was taken up and read by title a second time.

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 5140 by replacing lines 13 through 33 on page 2 and lines 1 through 17 on page 3 with the following:

"Section 10. Plan for Unified Child Support Services.

(a) By July 1, 2003 and by July 1 of each subsequent year, a State's Attorney may submit to the Department a Plan for a Unified Child Support Services Program that includes all of the components set forth in Section 15 of this Act and that includes a projected

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budget of the necessary and reasonable direct and indirect costs for operation of the Program. The Plan may provide for phasing in the Program with different implementation dates.

(b) By December 1 of the year in which a Plan is submitted, the Department shall approve or reject the Plan. If the Plan is approved, the Department and the State's Attorney shall enter into an intergovernmental agreement incorporating the Plan, subject to the approval of the Attorney General and the appropriate county board. If the Plan is rejected, the Department must set forth (i) specific reasons that the Plan fails to satisfy the specific goals and requirements of this Act or other State or federal requirements and (ii) specific reasons that the necessary and reasonable costs for operation of the Plan could not be agreed upon.

(c) Any State's Attorney who submits a Plan pursuant to this Act shall commit to manage the Program for a period of no less than 3 years.

(d) If a Plan is rejected, or if for any reason an intergovernmental agreement is not signed, the prior agreement under this Act shall continue in effect until a new intergovernmental agreement is signed or the agreement is terminated.

(e) The Department may impose a restriction that no more than 3 State's Attorneys may begin operating a Program in a given year. The Department shall develop a procedure for fair and orderly consideration of Plans as they are submitted or as interest by a State's Attorney is otherwise demonstrated.

(f) In any county in which a Unified Child Support Services Program is operating, the Clerk of the Circuit Court may submit to the Department a plan for filing, recording, and making available for retrieval all administrative orders of parentage and administrative orders setting, modifying, or terminating child support obligations for all IV-D cases pending in the county on the implementation date of the Program and all new cases in the IV-D Child Support Program. The Department shall approve or reject the plan, according to the criteria set forth in subsection (b), and shall enter into the appropriate intergovernmental agreement incorporating the plan unless the Department can demonstrate that it has an alternative approach."; and

on page 5, line 3, by replacing "Identifying" with "Obtaining identified"; and

on page 5, line 10, by replacing "Providing" with "Obtaining information to provide"; and

on page 5, by replacing lines 18 through 21 with the following:

"a current child support case."; and

on page 6, line 2, after "an", by inserting "impartial and independent"; and

on page 6, line 16, by replacing "this Act" with "the approved Plan"; and

on page 7, line 14, before the comma, by inserting "and a designated representative of the Illinois State's Attorneys Association"; and

on page 9, by replacing lines 4 through 11 with the following:

(c) In all counties, whether or not the State's Attorney in a county is operating a Program, the Department must, at a"; and

on page 9, line 22, before the period, by inserting the following:

", including the responsibility (i) for entering and editing data for activities being conducted by the Department with respect to a current child support case and (ii) for having conflicting or incorrect data reconciled with respect to those activities"; and

on page 10, line 17, by changing "(e)" to "(d)".

The motion prevailed and the amendment was adopted and ordered

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printed.

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

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

COMMITTEE MEETING ANNOUNCEMENT

Senator Cronin, Chairperson of the Committee on Education announced that the Education Committee will meet Thursday, May 9, 2002 in Room 212, Capitol Building, at 8:30 o'clock a.m.

MESSAGE FROM THE GOVERNOR

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

May 8, 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 persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable body.

DEPARTMENT OF EMPLOYMENT SECURITY REVIEW BOARD

To be a member of the Department of Employment Security Review Board for a term ending January 20, 2003:

Bennett R. Krause of Sherman  
Salaried

DEPARTMENT OF LABOR

To be the Director of the Department of Labor for a term ending January 20, 2003:

William A. Rolando of Jerseyville  
Salaried

ILLINOIS COMMERCE COMMISSION

To be a member, and chairman, of the Illinois Commerce Commission for a term commencing September 1, 2002 and ending January 15, 2007:

Kevin K. Wright of Springfield  
Salaried

[May 8, 2002]

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

To be a member, and chairman, of the Illinois Educational Labor Relations Board for a term commencing January 1, 2003 and ending February 1, 2006:

Bridget L. Lamont of Springfield  
Salaried

To be a member of the Illinois Educational Labor Relations Board for a term ending February 1, 2008:

Michael J. Gavin of Joliet  
Salaried

ILLINOIS LABOR RELATIONS BOARD; LOCAL PANEL

To be a member, and chairman, of the Illinois Labor Relations Board; Local Panel for a term ending January 24, 2005:

Robert M. Healey of Chicago  
Salaried

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

To be a member of the Illinois State Toll Highway Authority for a term ending May 1, 2005:

Thomas P. Hardy of Chicago  
Salaried

POLLUTION CONTROL BOARD

To be a member of the Pollution Control Board for a term commencing July 1, 2002 and ending July 1, 2005:

William A. Marovitz of Chicago  
Salaried

BOARD OF AERONAUTICAL ADVISORS

To be a member of the Board of Aeronautical Advisors for a term ending January 20, 2003:

Steven G. Whitney of Chicago  
Non-Salaried

BOARD OF TRUSTEES ILLINOIS STATE UNIVERSITY

To be a member of the Illinois State University Board of Trustees for a term commencing June 1, 2002 and ending January 15, 2007:

Joanne E. Maitland of Bloomington  
Non-Salaried

ILLINOIS COMMUNITY COLLEGE BOARD

[May 8, 2002]

To be members of the Illinois Community College Board for terms commencing June 1, 2002 and ending June 30, 2007:

Judith A. Rake of Glen Carbon  
Non-Salaried

Edward J. Welk of Rochester  
Non-Salaried

ILLINOIS DEVELOPMENT FINANCE AUTHORITY

To be members of the Illinois Development Finance Authority for terms commencing June 1, 2002 and ending January 17, 2005:

Ted A. Beattie of Chicago  
Non-Salaried

John B. Filan of Chicago  
Non-Salaried

Sherwin Geitner of Glenview  
Non-Salaried

Peter Gidwitz of Chicago  
Non-Salaried

Howard G. Kaplan of Highland Park  
Non-Salaried

Laurence Msall of Oak Park  
Non-Salaried

Hedy M. Ratner of Chicago  
Non-Salaried

ILLINOIS FARM DEVELOPMENT AUTHORITY

To be a member of the Illinois Farm Development Authority for a term ending January 17, 2005:

Carolyn B. Stone of Springfield  
Non-Salaried

To be a member of the Illinois Farm Development Authority for a term ending January 16, 2006:

Garry Niemeyer of Glenarm  
Non-Salaried

ILLINOIS HEALTH FACILITIES AUTHORITY

To be a member of the Illinois Health Facilities Authority for a term ending June 30, 2008:

Gary G. Peacock of Oakley  
Non-Salaried

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

[May 8, 2002]

To be a member of the Illinois Housing Development Authority for a term commencing June 1, 2002 and ending January 13, 2003:

Almon A. Manson, Jr. of Springfield  
Non-Salaried

To be members of the Illinois Housing Development Authority for terms commencing June 1, 2002 and ending January 10, 2005:

Judith Ann DeAngelo of Oak Brook  
Non-Salaried

Richard Kordesh of Oak Park  
Non-Salaried

Aurie A. Pennick of Grayslake  
Non-Salaried

A. D. Van Meter of Springfield  
Non-Salaried

ILLINOIS RACING BOARD

To be a member of the Illinois Racing Board for a term ending July 1, 2004:

Fredric G. Novy of Glenview  
Non-Salaried

ILLINOIS STATE MEDICAL DISCIPLINARY BOARD

To be a member of the Illinois State Medical Disciplinary Board for a term ending January 1, 2006:

Georgia D. Lubben of Chicago  
Non-Salaried

ILLINOIS STUDENT ASSISTANCE COMMISSION

To be a member of the Illinois Student Assistance Commission for a term ending June 30, 2007:

Hugh E. Van Voorst of Union Hill  
Non-Salaried

MEDICAL LICENSING BOARD

To be members of the Medical Licensing Board for terms ending January 1, 2006:

Ronald L. Johnson of Pittsfield  
Non-Salaried

Janis M. Orlowski of River Forest  
Non-Salaried

PUBLIC ADMINISTRATOR AND PUBLIC GUARDIAN

[May 8, 2002]

To be the Public Administrator and Public Guardian  
of Williamson County for a term ending December 5,  
2005:

Robert L. Connell of Marion  
Non-Salaried

STATE BANKING BOARD OF ILLINOIS

To be a member of the State Banking Board of Illinois  
for a term ending December 31, 2004:

Merlin E. Karlock of Bourbonnais  
Non-Salaried

George H. Ryan  
GOVERNOR

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

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 425

Offered by Senator Demuzio - E. Jones and all Senators:  
Mourns the death of Mary Jo Hoover McGann of Pittsfield.

The foregoing resolution was referred to the Resolutions Consent  
Calendar.

At the hour of 12:35 o'clock p.m., on motion of Senator  
Geo-Karis, the Senate stood adjourned until Thursday, May 9, 2002 at  
10:00 o'clock a.m.

[May 8, 2002]