SENATE JOURNAL

STATE OF ILLINOIS

NINETY-THIRD GENERAL ASSEMBLY

118TH LEGISLATIVE DAY

FRIDAY, MAY 28, 2004

12:10 O'CLOCK P.M.

NO. 118
[May 28, 2004]

SENATE
Daily Journal Index
118th Legislative Day

The Senate met pursuant to adjournment.
Senator Rickey R. Hendon, Chicago, Illinois, presiding.
Prayer by Dr. Reginald Mills, Central Baptist Church, Springfield, Illinois.
Senator Link led the Senate in the Pledge of Allegiance.

The Journal of Thursday, May 27, 2004, was being read when on motion of Senator Maloney, further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

MESSAGES FROM THE HOUSE

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 87

WHEREAS, Tinley Park Mental Health Center is an essential element in the network of mental health care providers serving Chicago's south side, south suburban Cook, and Will, Grundy, and Kankakee counties; and

WHEREAS, Community-based agencies in this region provide outpatient therapy, housing assistance, and case management for many thousands of individuals with mental illness; and

WHEREAS, Tinley Park MHC effectively functions as a safety net for community-based agencies that can refer mentally ill individuals to Tinley Park MHC when they are in crisis and represent a danger to themselves or others or are in need of more intensive psychiatric services; and

WHEREAS, Tinley Park MHC provides a safe and secure inpatient treatment setting for those individuals with severe mental illness who are in crisis and require more intensive services than can be provided in an outpatient setting; and

WHEREAS, Tinley Park MHC is a nationally-accredited, highly regarded treatment center which offers an exceptional and comprehensive range of medical, social, and psychiatric supports to clients in acute phases of their illness; and

WHEREAS, Tinley Park MHC also functions as an essential alternative to incarceration for individuals with mental illness who engage in anti-social behavior that brings them into contact with law enforcement officials; and

WHEREAS, The communities served by Tinley Park MHC already suffer from a shortage of affordable, accessible mental health services; and

WHEREAS, With over 140 beds, Tinley Park MHC is the largest inpatient psychiatric treatment center in the region, with more than 2,000 admissions annually; and

WHEREAS, Tinley Park MHC has excelled at stabilizing individuals in crisis and aiding them to return to independent lives in their

communities, with an average length of inpatient treatment of just ten days; and

WHEREAS, Those private hospitals in the region that do have inpatient psychiatric units frequently refer their poorest and most difficult patients to Tinley Park MHC and few have the comprehensive level of services that Tinley Park MHC offers; and

WHEREAS, As a State-operated facility, Tinley Park MHC treats patients who have no insurance or who have exhausted their mental health coverage and is the only mental health resource in the region that reliably provides inpatient treatment to those who cannot pay; and

WHEREAS, Tinley Park MHC maintains close working relationships with community-based mental health agencies and services, jointly developing discharge plans, linking patients with community resources, and providing transition services; and

WHEREAS, Community-based agencies can expand the scope of their services in this region and should have more resources to do so, without such additional resources being taken away from Tinley Park MHC; and

WHEREAS, The costs at Tinley Park MHC are more than 50% below those of comparable private hospitals in the area; and

WHEREAS, Although the Department of Human Services' proposed FY05 budget includes full year funding for Tinley Park MHC, the budget narrative states that the budget is premised on the "closure and sale of the Tinley Park mental health facility" during this budget year; and

WHEREAS, The Department of Human Services has acknowledged that the decision to close Tinley Park MHC was made even though there are no known alternatives that can provide the same comprehensive level of services to the same population within the same cost range; and

WHEREAS, The Department testified before a special House Appropriations Committee hearing that it definitely plans to close Tinley Park MHC and that the "planning process" initiated by the Department is intended only to consider what kind of alternative services can be developed; and

WHEREAS, No justification has been presented for closing Tinley Park MHC and doing so would deprive its service area of vital services; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we oppose the proposed closure of the Tinley Park Mental Health Center; and be it further

RESOLVED, That we call on the Department of Human Services to immediately terminate its "planning process" and all other activities related to the closure of Tinley Park Mental Health Center; and be it further

RESOLVED, That the Department of Human Services should seek to foster a comprehensive, well-coordinated system of care that

strengthens community-based services that can work in conjunction with Tinley Park MHC in the affected region; and be it further

RESOLVED, That a copy of this resolution be presented to the Secretary of Human Services.

Adopted by the House, May 27, 2004.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 87, was referred to the Committee on Rules.

A message from the House by
Mr. Mahoney, 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. 728

A bill for AN ACT in relation to civil procedure.

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. 728

Passed the House, as amended, May 27, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 728 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Section 7-101 as follows:.

(735 ILCS 5/7-101) (from Ch. 110, par. 7-101)

Sec. 7-101. Compensation - Jury. Private property shall not be taken or damaged for public use without just compensation, and in all cases in which compensation is not made by the state in its corporate capacity, or a political subdivision of the state, or municipality in its respective corporate capacity, such compensation shall be ascertained by a jury, as hereinafter prescribed. Where compensation is so made by the state, a political subdivision of the state, or municipality, any party upon application may have a trial by jury to ascertain the just compensation to be paid. Such demand on the part of the state, a political subdivision of the state, or municipality, shall be filed with the complaint for condemnation of the state, a political subdivision of the state, or municipality. Where the state, a political subdivision of the state, or municipality is plaintiff, a defendant desirous of a trial by jury must file a demand therefor on or before the return date of the summons served on him or her or fixed in the publication in case of defendants served by publication. In the event no party in the condemnation action demands a trial by jury as provided for by this Section, then the trial shall be before the court without a jury. The right to just compensation as provided in this Article applies to the owner or owners of any lawfully erected off-premises outdoor advertising sign that is compelled to be altered or removed under this Article or any other statute, or under any ordinance or regulation of any municipality or other unit of local government, and also applies to the owner or owners of the property on which that sign is erected, and shall accrue on the date of the commencement of proceedings under this Article or any other statute or

on the effective date of any ordinance or regulation that compels the alteration or removal of the off-premises outdoor advertising sign. Just compensation with respect to off-premises outdoor advertising signs shall not be determined by amortization of the value of the signs over a period of time nor by any other amortization method or calculation. The right to just compensation as provided in this Article applies to property subject to a conservation right under the Real Property Conservation Rights Act. The amount of compensation for the taking of the property shall not be diminished or reduced by virtue of the existence of the conservation right. The holder of the conservation right shall be entitled to just compensation for the value of the conservation right.
(Source: P.A. 91-497, eff. 1-1-00.)".

Under the rules, the foregoing **Senate Bill No. 728**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Mahoney, 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. 797

A bill for AN ACT concerning employment.

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. 797
House Amendment No. 2 to SENATE BILL NO. 797
House Amendment No. 3 to SENATE BILL NO. 797

Passed the House, as amended, May 27, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 797 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Truth in Employment Act.

Section 3. Purpose. This Act is intended to address the practice of misclassifying employees as independent contractors.

Section 5. Definition. As used in this Act:

"Contractor" means any person who, in any capacity other than as the employee of another for wages as the sole compensation, undertakes to construct, alter, repair, move, wreck, or demolish any fixture or structure. "Contractor" includes a general contractor and a subcontractor, but does not include a person who furnishes only materials or supplies.

"Department" means the Department of Revenue.

Section 10. Filing by contractors.

(a) A contractor for whom a person is performing work on a construction project and is classified as an independent contractor with respect to that work must file with the Department a statement regarding that person. The Department shall adopt rules concerning the form, contents, and filing of the statement. The statement shall be available in English and Spanish and shall include: the name and address of the contractor and the person performing the work; the name and address of the general contractor (if the general contractor is

not the contractor for whom the person is performing the work); and any other information required by the Department. A separate statement shall be filed by the contractor for each calendar year during which the worker performs work for the contractor. The statement shall be filed no later than the first date of the calendar year on which the worker performs work for the contractor. The information obtained by the Department through the statement is confidential and shall be used solely for the purposes of this Act.

(b) A contractor that is required to file a statement under subsection (a) and does not timely file that statement shall pay, when it files the statement, a $10 late-filing penalty to the Department.

Section 15. Notice.

(a) The Department shall post a summary of the requirements of this Act in English and Spanish on its web site and on bulletin boards in each of its offices.

(b) A contractor for whom one or more persons classified as independent contractors are performing work shall post and keep posted, in conspicuous places on each job site where those persons work and in each of its offices, a notice in English and Spanish, prepared by the Department, summarizing the requirements of this Act. The Department shall furnish copies of summaries to contractors upon request without charge.

Section 20. Investigations.

(a) The Department shall commence an investigation if a report is not timely filed under subsection (a) of Section 10 or if the Department finds, based on statements filed under this Act or other information supplied to the Department or otherwise obtained by the Department, that there is reason to suspect that a contractor has misclassified one or more employees as independent contractors.

(b) A final determination by the United States Internal Revenue Service or a federal court that a person is an employee is deemed correct for all purposes under this Act.

(c) The Department shall hire as many investigators as may be necessary to carry out the purposes of this Act.

Section 25. Misclassification of employees as independent contractors.

(a) If, upon completion of an investigation commenced pursuant to subsection (a) of Section 20 of this Act, the Department determines that a contractor has misclassified one or more employees as independent contractors on a construction project, that contractor is subject to penalties and interest as provided in subsections (c) and (d) of Section 1002 of the Illinois Income Tax Act.

(b) If, upon completion of an investigation commenced pursuant to subsection (a) of Section 20 of this Act, the Department determines that a contractor has knowingly or intentionally misclassified one or more employees as independent contractors on a construction project, the Department may: (i) direct the employer to cease its operations on that project; (ii) direct the employer to pay $200 to the Department for each day during which the violation continues; (iii) direct the employer to pay $400 to the Department for each day during which a second or subsequent violation occurs that involves different employees than those involved in an earlier violation by that employer; and (iv) require the employer to continue to pay, for 5 days, employees affected by the determination.

(c) A contractor that knowingly or intentionally misclassifies one or more of its employees as independent contractors on a construction project commits a Class C misdemeanor. A contractor that commits a

second or subsequent violation commits a Class 4 felony if the second or subsequent violation involves different employees than those involved in an earlier violation.

Section 30. Attorney General; State's Attorneys. Criminal violations of this Act shall be prosecuted by the Attorney General or the appropriate State's Attorney. The Department shall refer matters to the Attorney General and the appropriate State's Attorney upon determining that a criminal violation may have occurred.

Section 35. Truth in Employment Fund. The Truth in Employment Fund is created as a special fund in the State treasury. All moneys received by the Department under this Act shall be deposited into the Fund. Moneys in the Fund shall be used, subject to appropriation by the General Assembly, by the Department for administration, investigation, and other expenses incurred in carrying out its powers and duties under this Act. Any moneys in the Fund at the end of a fiscal year in excess of a $1,000,000 reserve shall be transferred to the General Revenue Fund.

Section 40. Rulemaking. In addition to any rulemaking required by any other provision of this Act, the Department may adopt reasonable rules to implement and administer this Act.

Section 45. Judicial review. A final administrative decision of the Department under this Act is subject to judicial review under the Administrative Review Law.

Section 50. No waivers.

(a) There shall be no waiver of any provision of this Act.

(b) It is a Class C misdemeanor for a contractor to attempt to induce any individual to waive any provision of this Act.

Section 85. The Department of Employment Security Law of the Civil Administrative Code of Illinois is amended by adding Section 1005-160 as follows:

(20 ILCS 1005/1005-160 new)

Sec. 1005-160. Misclassification of employees as independent contractors. The Department shall cooperate with the Department of Revenue under the Truth in Employment Act by providing information to the Department of Revenue concerning any suspected misclassification by a contractor of one or more of its employees as independent contractors.

Section 90. The State Finance Act is amended by adding Section 5.625 as follows:

(30 ILCS 105/5.625 new)

Sec. 5.625. The Truth in Employment Fund.

Section 92. The Illinois Income Tax Act is amended by changing Section 917 as follows:

(35 ILCS 5/917) (from Ch. 120, par. 9-917)

Sec. 917. Confidentiality and information sharing.

(a) Confidentiality. Except as provided in this Section, all information received by the Department from returns filed under this Act, or from any investigation conducted under the provisions of this Act, shall be confidential, except for official purposes within the Department or pursuant to official procedures for collection of any State tax or pursuant to an investigation or audit by the Illinois State Scholarship Commission of a delinquent student loan or monetary

award or enforcement of any civil or criminal penalty or sanction imposed by this Act or by another statute imposing a State tax, and any person who divulges any such information in any manner, except for such purposes and pursuant to order of the Director or in accordance with a proper judicial order, shall be guilty of a Class A misdemeanor. However, the provisions of this paragraph are not applicable to information furnished to a licensed attorney representing the taxpayer where an appeal or a protest has been filed on behalf of the taxpayer.

(b) Public information. Nothing contained in this Act shall prevent the Director from publishing or making available to the public the names and addresses of persons filing returns under this Act, or from publishing or making available reasonable statistics concerning the operation of the tax wherein the contents of returns are grouped into aggregates in such a way that the information contained in any individual return shall not be disclosed.

(c) Governmental agencies. The Director may make available to the Secretary of the Treasury of the United States or his delegate, or the proper officer or his delegate of any other state imposing a tax upon or measured by income, for exclusively official purposes, information received by the Department in the administration of this Act, but such permission shall be granted only if the United States or such other state, as the case may be, grants the Department substantially similar privileges. The Director may exchange information with the Illinois Department of Public Aid and the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) for the purpose of verifying sources and amounts of income and for other purposes directly connected with the administration of this Act and the Illinois Public Aid Code. The Director may exchange information with the Director of the Department of Employment Security for the purpose of verifying sources and amounts of income and for other purposes directly connected with the administration of this Act and Acts administered by the Department of Employment Security. The Director may make available to the Illinois Industrial Commission information regarding employers for the purpose of verifying the insurance coverage required under the Workers' Compensation Act and Workers' Occupational Diseases Act.

The Director may make available to any State agency, including the Illinois Supreme Court, which licenses persons to engage in any occupation, information that a person licensed by such agency has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. The Director may make available to any State agency, including the Illinois Supreme Court, information regarding whether a bidder, contractor, or an affiliate of a bidder or contractor has failed to file returns under this Act or pay the tax, penalty, and interest shown therein, or has failed to pay any final assessment of tax, penalty, or interest due under this Act, for the limited purpose of enforcing bidder and contractor certifications. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (a), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (a), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its

exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

The Director may make available to any State agency, including the Illinois Supreme Court, units of local government, and school districts, information regarding whether a bidder or contractor is an affiliate of a person who is not collecting and remitting Illinois Use taxes, for the limited purpose of enforcing bidder and contractor certifications.

The Director may make any information concerning a criminal violation that may have occurred under the Truth in Employment Act available to the Attorney General or the appropriate State's Attorney when the Department refers a matter under Section 30 of the Truth in Employment Act.

The Director may also make available to the Secretary of State information that a corporation which has been issued a certificate of incorporation by the Secretary of State has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. An assessment is final when all proceedings in court for review of such assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted. For taxable years ending on or after December 31, 1987, the Director may make available to the Director or principal officer of any Department of the State of Illinois, information that a person employed by such Department has failed to file returns under this Act or pay the tax, penalty and interest shown therein. For purposes of this paragraph, the word "Department" shall have the same meaning as provided in Section 3 of the State Employees Group Insurance Act of 1971.

(d) The Director shall make available for public inspection in the Department's principal office and for publication, at cost, administrative decisions issued on or after January 1, 1995. These decisions are to be made available in a manner so that the following taxpayer information is not disclosed:

(1) The names, addresses, and identification numbers of the taxpayer, related entities,
and employees.

(2) At the sole discretion of the Director, trade secrets or other confidential
information identified as such by the taxpayer, no later than 30 days after receipt of an administrative decision, by such means as the Department shall provide by rule.

The Director shall determine the appropriate extent of the deletions allowed in paragraph (2). In the event the taxpayer does not submit deletions, the Director shall make only the deletions specified in paragraph (1).

The Director shall make available for public inspection and publication an administrative decision within 180 days after the issuance of the administrative decision. The term "administrative decision" has the same meaning as defined in Section 3-101 of Article III of the Code of Civil Procedure. Costs collected under this Section shall be paid into the Tax Compliance and Administration Fund.

(e) Nothing contained in this Act shall prevent the Director from divulging information to any person pursuant to a request or authorization made by the taxpayer, by an authorized representative of the taxpayer, or, in the case of information related to a joint return, by the spouse filing the joint return with the taxpayer.
(Source: P.A. 93-25, eff. 6-20-03.)

Section 95. The Workers' Compensation Act is amended by adding

Section 26.1 as follows:
(820 ILCS 305/26.1 new)
Sec. 26.1. Misclassification of employees as independent contractors. The Commission shall cooperate with the Department of Revenue under the Truth in Employment Act by providing information to the Department of Revenue concerning any suspected misclassification by a contractor of one or more of its employees as independent contractors.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.".

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 797, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 5, by replacing lines 14 and 15 with the following:

"Section 90. The State Finance Act is amended by changing Section 5.306 and adding Section 5.625 as follows:
(30 ILCS 105/5.306) (from Ch. 127, par. 141.306)
Sec. 5.306. The Child Labor, ~~and~~ Day and Temporary Labor Services , and Prevailing Wage Enforcement Fund.
(Source: P.A. 92-783, eff. 1-1-03.)"; and

on page 9, by inserting after line 27 the following:

"Section 93. The Child Labor Law is amended by changing Section 17.3 as follows:
(820 ILCS 205/17.3) (from Ch. 48, par. 31.17-3)
Sec. 17.3. Any employer who violates any of the provisions of this Act or any rule or regulation issued under the Act shall be subject to a civil penalty of not to exceed $5,000 for each such violation. In determining the amount of such penalty, the appropriateness of such penalty to the size of the business of the employer charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, may be
(1) recovered in a civil action brought by the Director of Labor in any circuit court,
in which litigation the Director of Labor shall be represented by the Attorney General;
(2) ordered by the court, in an action brought for violation under Section 19, to be
paid to the Director of Labor.
Any administrative determination by the Department of Labor of the amount of each penalty shall be final unless reviewed as provided in Section 17.1 of this Act.
Civil penalties recovered under this Section shall be paid into the Child Labor, ~~and~~ Day and Temporary Labor Services, and Prevailing Wage Enforcement Fund, a special fund which is hereby created in the State treasury. Moneys in the Fund may be used, subject to appropriation, for exemplary programs, demonstration projects, and other activities or purposes related to the enforcement of this Act or for the activities or purposes related to the enforcement of the Day and Temporary Labor Services Act or the Prevailing Wage Act.
(Source: P.A. 92-783, eff. 1-1-03.)

Section 94. The Prevailing Wage Act is amended by adding Section 11c as follows:
(820 ILCS 130/11c new)
Sec. 11c. Prevailing Wage Enforcement Fund. Forty percent of the

civil penalties recovered under this Act shall be deposited into the Child Labor, Day and Temporary Labor Services, and Prevailing Wage Enforcement Fund and may be used for the purposes set forth in Section 17.3 of the Child Labor Law.".

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 797, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 2, line 9 by inserting "3 days after" after "than"; and

on page 3, line 18 by inserting after the period the following: "Procedures for notice, protest, and hearings shall be in accordance with the Illinois Income Tax Act and the rules adopted under that Act."; and

on page 3, line 32 by inserting after the period the following: "The Department shall adopt rules governing notice and protest and establishing procedures for hearings in accordance with Article 10 of the Illinois Administrative Procedure Act."; and

on page 4, line 21 by replacing "a $1,000,000 reserve" with the following: "those moneys necessary for the Department to carry out its powers and duties under this Act".

Under the rules, the foregoing **Senate Bill No. 797**, with House Amendments numbered 1, 2 and 3, was referred to the Secretary's Desk.

A message from the House by
Mr. Mahoney, 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. 1648

A bill for AN ACT concerning construction management.

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. 1648

Passed the House, as amended, May 27, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1648 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by adding Article 33 as follows:

(30 ILCS 500/Art. 33 heading new)

CONSTRUCTION MANAGEMENT SERVICES

(30 ILCS 500/33-5 new)

Sec. 33-5. Definitions. In this Article:

"Construction management services" includes:

(1) services provided in the planning and pre-construction phases of a construction project including, but not limited to, consulting with, advising, assisting, and making recommendations to the State agency and architect, engineer, or licensed land surveyor on all aspects of planning for project construction; reviewing all plans and specifications as they are being developed and making recommendations with respect to construction feasibility, availability of material and labor, time requirements for procurement and

construction, and projected costs; making, reviewing, and refining budget estimates based on the State agency's program and other available information; making recommendations to the State agency and the architect or engineer regarding the division of work in the plans and specifications to facilitate the bidding and awarding of contracts; soliciting the interest of capable contractors and taking bids on the project; analyzing the bids received; and preparing and maintaining a progress schedule during the design phase of the project and preparation of a proposed construction schedule; and

(2) services provided in the construction phase of the project including, but not limited to, maintaining competent supervisory staff to coordinate and provide general direction of the work and progress of the contractors on the project; directing the work as it is being performed for general conformance with working drawings and specifications; establishing procedures for coordinating among the State agency, architect or engineer, contractors, and construction manager with respect to all aspects of the project and implementing those procedures; maintaining job site records and making appropriate progress reports; implementing labor policy in conformance with the requirements of the public owner; reviewing the safety and equal opportunity programs of each contractor for conformance with the public owner's policy and making recommendations; reviewing and processing all applications for payment by involved contractors and material suppliers in accordance with the terms of the contract; making recommendations and processing requests for changes in the work and maintaining records of change orders; scheduling and conducting job meetings to ensure orderly progress of the work; developing and monitoring a project progress schedule, coordinating and expediting the work of all contractors and providing periodic status reports to the owner and the architect or engineer; and establishing and maintaining a cost control system and conducting meetings to review costs.

"Construction manager" means any individual, sole proprietorship, firm, partnership, corporation, or other legal entity providing construction management services for a State agency and prequalified by the State of Illinois in accordance with 30 ILCS 500/33-10.

(30 ILCS 500/33-10 new)

Sec. 33-10. Prequalification. A State agency shall establish procedures to prequalify firms seeking to provide construction management services or may use prequalification lists from other State agencies to meet the requirements of this Section.

(30 ILCS 500/33-15 new)

Sec. 33-15. Public notice. Whenever a project requiring construction management services is proposed for a State agency, the State agency shall provide no less than a 14-day advance notice published in a request for proposals setting forth the projects and services to be procured. The request for proposals shall be mailed to each firm that is prequalified under Section 33-10. The request for proposals shall include a description of each project and shall state the time and place for interested firms to submit a letter of interest and, if required by the request for proposals, a statement of qualifications.

(30 ILCS 500/33-20 new)

Sec. 33-20. Evaluation procedure. A State agency shall evaluate the construction managers submitting letters of interest and other prequalified construction managers, taking into account qualifications; and the State agency may consider, but shall not be limited to considering, ability of personnel, past record and experience, performance data on file, willingness to meet time requirements, location, workload of the construction manager, and any

other qualifications-based factors as the State agency may determine in writing are applicable. The State agency may conduct discussions with and require public presentations by construction managers deemed to be the most qualified regarding their qualifications, approach to the project, and ability to furnish the required services.

A State agency shall establish a committee to select construction managers to provide construction management services. A selection committee may include at least one public member. The public member may not be employed or associated with any firm holding a contract with the State agency nor may the public member's firm be considered for a contract with that State agency while he or she is serving as a public member of the committee.

In no case shall a State agency, prior to selecting a construction manager for negotiation under Section 33-30, seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost, or any other measure of compensation.

(30 ILCS 500/33-25 new)

Sec. 33-25. Selection Procedure. On the basis of evaluations, discussions, and any presentations, the State agency shall select no less than 3 firms it determines to be qualified to provide services for the project and rank them in order of qualifications to provide services regarding the specific project. The State agency shall then contract at a fair and reasonable compensation. If fewer than 3 firms submit letters of interest and the State agency determines that one or both of those firms are so qualified, the State agency may proceed to negotiate a contract under Section 33-30. The decision of the State agency shall be final and binding.

(30 ILCS 500/33-30 new)

Sec. 33-30. Contract Negotiation.

(a) The State agency shall prepare a written description of the scope of the proposed services to be used as a basis for negotiations and shall negotiate a contract with the highest ranked construction management firm at compensation that the State agency determines in writing to be fair and reasonable. In making this decision, the State agency shall take into account the estimated value, scope, complexity, and nature of the services to be rendered. In no case may a State agency establish a payment formula designed to eliminate firms from contention or restrict competition or negotiation of fees.

(b) If the State agency is unable to negotiate a satisfactory contract with the firm that is highest ranked, negotiations with that firm shall be terminated. The State agency shall then begin negotiations with the firm that is next highest ranked. If the State agency is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be terminated. The State agency shall then begin negotiations with the firm that is next highest ranked.

(c) If the State agency is unable to negotiate a satisfactory contract with any of the selected firms, the State agency shall re-evaluate the construction management services requested, including the estimated value, scope, complexity, and fee requirements. The State agency shall then compile a list of not less than 3 prequalified firms and proceed in accordance with the provisions of this Act.

(30 ILCS 500/33-35 new)

Sec. 33-35. Small Contracts. The provisions of Sections 33-20, 33-25, and 33-30 do not apply to construction management contracts of less than $25,000.

(30 ILCS 500/33-40 new)

Sec. 33-40. Emergency services. Sections 33-20, 33-25, and 33-30 do not apply in the procurement of construction management services by

State agencies (i) when an agency determines in writing that it is in the best interest of the State to proceed with the immediate selection of a firm or (ii) in emergencies when immediate services are necessary to protect the public health and safety, including, but not limited to, earthquake, tornado, storm, or natural or man-made disaster.

(30 ILCS 500/33-45 new)

Sec. 33-45. Firm performance evaluation. Each State agency shall evaluate the performance of each firm upon completion of a contract. That evaluation shall be made available to the firm and the firm may submit a written response, with the evaluation and response retained solely by the agency. The evaluation and response shall not be made available to any other person or firm and is exempt from disclosure under the Freedom of Information Act. The evaluation shall be based on the terms identified in the construction manager's contract.

(30 ILCS 500/33-50 new)

Sec. 33-50. Duties of construction manager; additional requirements for persons performing construction work.

(a) Upon the award of a construction management services contract, a construction manager must contract with the State agency to furnish his or her skill and judgment in cooperation with, and reliance upon, the services of the project architect or engineer. The construction manager must furnish business administration, management of the construction process, and other specified services to the State agency and must perform his or her obligations in an expeditious and economical manner consistent with the interest of the State agency. If it is in the State's best interest, the construction manager may provide or perform basic services for which reimbursement is provided in the general conditions to the construction management services contract.

(b) The actual construction work on the project must be awarded to contractors under this Code. The Capital Development Board may further separate additional divisions of work under this Article. This subsection is subject to the applicable provisions of the following Acts:

(1) the Prevailing Wage Act;

(2) the Public Construction Bond Act;

(3) the Public Works Employment Discrimination Act;

(4) the Public Works Preference Act;

(5) the Employment of Illinois Workers on Public Works Act;

(6) the Public Contract Fraud Act;

(7) the Illinois Construction Evaluation Act; and

(8) the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989, the Illinois Professional Land Surveyor Act of 1989, and the Structural Engineering Practice Act of 1989.

(30 ILCS 500/33-55 new)

Sec. 33-55. Prohibited conduct. No construction management services contract may be awarded by a State agency on a negotiated basis as provided in this Article if the construction manager or an entity that controls, is controlled by, or shares common ownership or control with the construction manager (i) guarantees, warrants, or otherwise assumes financial responsibility for the work of others on the project; (ii) provides the State agency with a guaranteed maximum price for the work of others on the project; or (iii) furnishes or guarantees a performance or payment bond for other contractors on the project. In any such case, the contract for construction management services must be let by competitive bidding as in the case of contracts for construction work.

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

law.".

Under the rules, the foregoing **Senate Bill No. 1648**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Mahoney, 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. 1906

A bill for AN ACT in relation to executive agencies.

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. 2 to SENATE BILL NO. 1906

House Amendment No. 3 to SENATE BILL NO. 1906

Passed the House, as amended, May 27, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1906, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Local Planning Technical Assistance Act is amended by adding Sections 34 and 42 as follows:

(20 ILCS 662/34 new)

Sec. 34. Priority Funding Advisory Committee.

(a) The Priority Funding Advisory Committee is established to develop detailed criteria for use by the Department, if the Department is authorized to designate priority funding areas, for designation of priority funding areas and for making funding decisions for those areas. In developing these criteria, the Committee may consider giving preference to (i) areas where there is existing public infrastructure, (ii) units of local government that have adopted zoning or other ordinances that promote the compact and mixed-use development, and (iii) units of local government that participate in an Intergovernmental Cooperation Council established under Section 5-1130 of the Counties Code.

(b) The committee shall consist of 19 members as follows: (i) the Director, or his or her designee, of the following: the Department of Natural Resources, the Environmental Protection Agency, the Department of Agriculture, and the Governor's Office of Management and Budget; (ii) the Secretary of Transportation, or his or her designee; (iii) the Chairman of the Illinois Housing Development Authority, or his or her designee; (iv) the Executive Director of the Capital Development Board, or his or her designee; (v) the presiding officer, or his or her designee, of the following: the Illinois Association of Regional Councils, the Northeastern Illinois Planning Commission, the Southwestern Illinois Metro Planning Commission, the Illinois Municipal League, and the Metropolitan Mayors Caucus; (vi) a representative of county government from outside the boundaries of the Northeastern Illinois Planning Commission and the Southwestern Illinois Metro Planning Commission; (vii) one member of the General Assembly appointed by each of the following: the Speaker of the House, the House Minority Leader, the President of the Senate, and the Senate Minority Leader; and (viii) 2 public members appointed by the Governor. The Director of the Department of Commerce and Economic Opportunity shall serve as the chair of the committee. Ten members shall constitute a quorum. Members of the committee are not entitled to compensation for their services as members but are entitled to

reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

(c) The committee shall conduct a minimum of 8 meetings and shall report to the Governor and to the General Assembly within 18 months of the effective date of this amendatory Act of the 93rd General Assembly concerning its recommendations and a timetable for implementing funding for priority funding areas and Intergovernmental Cooperation Councils.

(20 ILCS 662/42 new)

Sec. 42. Local Planning Task Force.

(a) The Local Planning Task Force is hereby created. The Task Force shall consist of the following members: (i) the Director of Commerce and Economic Opportunity, or his or her designee, who shall serve as the chair of the Task Force; (ii) the Secretary of Transportation, or his or her designee; (iii) the Director of the Illinois Housing Development Authority, or his or her designee; (iv) the Director of Natural Resources, or his or designee; (v) the Director of the Environmental Protection Agency, or his or her designee; and (vi) the Director of Agriculture, or his or her designee.

(b) The Task Force shall meet at the call of the chair. Meetings of the Task Force are subject to the Open Meetings Act, and the Task Force must afford an opportunity for public comment at each of its meetings.

(c) The Task Force shall:

(1) Identify existing State planning programs within the State departments and agencies represented on the Task Force.

(2) Recommend that the State departments or agencies responsible for the identified programs adopt rules to require those programs to comply with Section 25 of this Act.

(3) Identify additional State resources to provide local planning grants.

(4) Report to the General Assembly by December 31, 2004 concerning the completion of the tasks required by this Section.

Section 10. The Governor's Office of Management and Budget Act is amended by adding Section 2.8 as follows:

(20 ILCS 3005/2.8 new)

Sec. 2.8. Authorization of funding for proposed projects or activities; review of negative interagency review comments and findings. If a Department or Agency of the State has conducted an interagency review of a proposed project or activity and if the Department or Agency has received negative comments or findings as a result of that interagency review, then the Office must review those comments and findings before funding may be authorized for the proposed project or activity.

Section 15. The Regional Planning Commission Act is amended by changing Section 1 as follows:

(50 ILCS 15/1) (from Ch. 85, par. 1021)

Sec. 1. Governing bodies of counties, cities, or other local governmental units~~, when authorized by the Department of Commerce and Community Affairs,~~ may cooperate with the governing bodies of the counties and cities or other governing bodies of any adjoining state or states in the creation of a joint planning commission where such cooperation has been authorized by law by the adjoining state or states. Such a joint planning commission may be designated to be a regional or metropolitan planning commission and shall have powers, duties and functions as authorized by "An Act to provide for regional planning and for the creation, organization and powers of regional

planning commissions", approved June 25, 1929, as heretofore or hereafter amended, and, as agreed among the governing bodies. Such a planning commission shall be a legal entity for all purposes.

An Intergovernmental Cooperation Council created in accordance with Section 5-1130 of the Counties Code may serve as the planning commission if so designated by the county board as provided in that Section.

(Source: P.A. 81-1509; revised 12-6-03.)

Section 20. The Counties Code is amended by adding Section 5-1130 as follows:

(55 ILCS 5/5-1130 new)

Sec. 5-1130. Intergovernmental Cooperation Council.

(a) The purpose of this Section is to provide a framework and incentives for intergovernmental cooperation for development and implementation of coordinated land use, transportation, and infrastructure plans that reduce traffic congestion, conserve land, provide housing conveniently accessible to jobs, and make the most efficient use of public infrastructure investments.

(b) A county board may, by resolution, establish an Intergovernmental Cooperation Council ("Council") with its membership consisting of the mayor of each municipality within the county, up to 6 county board members, and such other members as may be determined by the county and municipal members, except that the number of county board members appointed to the Council shall not exceed the number of mayors appointed to the Council. The county board members shall be appointed by the chairman of the county board. If the county has an existing planning commission that was established by the county board under the Regional Planning Commission Act or under Division 5-14 of the Counties Code, then the county board may designate that planning commission as the Intergovernmental Cooperation Council for that county. If the county is within the Northeastern Illinois Planning Commission or the Southwestern Illinois Metro Planning Commission, then the county board may designate that commission as the Intergovernmental Cooperation Council for the county.

Within 60 days after the establishment of an Intergovernmental Cooperation Council in accordance with this Section, the Council must notify the Department of Commerce and Economic Opportunity of the establishment of the Council and the identity of the Council members.

Each municipal and county board representative shall be entitled to a vote; the other members shall be nonvoting members, unless authorized to vote by the unanimous consent of the voting members.

A municipality that is located in more than one county may choose, at the time of formation of the Council, to participate in the Council program of either or both of the counties.

The Council shall adopt by-laws, by a majority vote of the county and municipal members, to govern the functions of the Council and its subcommittees.

Officers of the Council shall include a chair and vice chair, one of whom shall be a county representative and one a municipal representative.

Principal duties of the Council, as further described in this Section, shall be (i) to develop coordinated land use, transportation, and infrastructure plans and intergovernmental Local Land Resource Management Plans that address the elements of a comprehensive plan under Section 25 of the Local Planning Technical Assistance Act and that foster intergovernmental cooperation and (ii) to direct implementation and revision of the plans and procedures.

The Council must coordinate all plans and activities with any Economic Development Districts designated by the Economic Development

Administration Division of the U.S. Department of Commerce that are within the county.

The Council may retain planning, mediation, negotiation, engineering, legal, and financial advisors and administrative personnel, subject to the budgetary, purchasing, and personnel policies of the county.

The Council shall meet at least quarterly and shall hold at least one public hearing during the preparation of each plan.

(c) The county board may, by resolution, assign the Intergovernmental Cooperation Council to serve as the county planning commission as provided in Division 5-14 and in the Regional Planning Commission Act. In counties exercising this option, the Council shall assume all the duties and responsibilities of the county planning commission and the Local Land Resource Management Plan shall meet the requirements of and serve as the county plan as provided in Section 5-14001.

(d) The Intergovernmental Cooperation Council shall have the responsibility to prepare, for recommendation to the county board, a Local Land Resource Management Plan for all or substantial portions of the county. The Local Land Resource Management Plan shall, to the greatest extent practical, include coordinated land use, transportation, and infrastructure plans and encourage development and redevelopment patterns that reduce traffic congestion, support transit, conserve land, protect natural resources, provide housing conveniently accessible to jobs, and make the most efficient use of public infrastructure investments. The Local Land Resource Management Plan should incorporate (i) municipal and intergovernmental plans and other countywide plans and (ii) the elements of a comprehensive plan under Section 25 of the Local Planning Technical Assistance Act, to the greatest extent practical.

(e) The Intergovernmental Cooperation Council may prepare, for recommendation to the county board, a procedure for intergovernmental cooperation that provides for:

(1) an efficient and timely process for intergovernmental review of public and private land use, development, and transportation proposals with greater than local impacts; and

(2) a voluntary procedure for early resolution of intergovernmental disputes regarding public and private land use, development, transportation, and annexation actions, prior to administrative or judicial hearings.

Public and private land use, development, and transportation proposals with greater than local impact shall require notification to interested governments, which shall include, at a minimum: (i) any local government with jurisdiction over the property in question; (ii) the county; (iii) adjacent municipalities; (iv) the Metropolitan Planning Organization or any other regional transportation agency; and (v) any regional planning agency established by State law having jurisdiction for the county. It shall be the responsibility of the Intergovernmental Cooperation Council to establish definitions and procedures for implementation of this subsection. The notification requirement shall extend to any local development project that meets certain threshold conditions as to size and probable impact as defined by the Intergovernmental Cooperation Council. Within 45 days after notification, notified entities must prepare and submit comments. The sponsoring government may hold a meeting with interested parties to discuss and seek resolution of issues raised in the comments. Completion of notification and responsiveness to comments shall enhance the priority position for State funding in support of the proposed project.

(f) An Intergovernmental Cooperation Council may develop a

procedure providing for the early voluntary resolution of intergovernmental disputes. These procedures shall allow local governmental entities to request the Council to review disputes regarding public and private land use, development, transportation, and annexation actions, prior to seeking administrative or judicial hearings. The Council shall review actions only if each party to the dispute requests it. In conducting the review, the Council shall provide each party the opportunity to present its case. In making its finding the Council shall determine whether the proposed action on the part of the first party does in fact have a negative impact on the second party, and if so, identify an appropriate mitigation or alternative course of action. In making its decision, the Council shall consider the adopted Local Land Resource Management Plan and any other plans prepared by the Council. The Council shall forward its written findings to the governing body of each party. The findings of the Council shall be non-binding and shall in no case affect the ability of each party to pursue other administrative or judicial hearings, unless otherwise agreed in writing by each party.

(g) In the preparation of its plans, the Intergovernmental Cooperation Council shall coordinate the planning process with any regional or multi-county planning agency having jurisdiction for the county and shall coordinate with each adjoining county to ensure that recommended plans and projects have minimum adverse impacts. An adopted Local Land Resource Management Plan and any other plan prepared by the Council shall identify steps taken to coordinate the development of plan recommendations with adjoining counties and any regional or multi-county planning agency having jurisdiction for the county.

(h) A unit of local government shall receive priority consideration for State grants and other State programs if the affected unit of local government is located in a county that has: (i) established an Intergovernmental Cooperation Council; (ii) adopted a Local Land Resource Management Plan that has been deemed to be "joint and compatible" by resolution of the affected unit of local government; and (iii) established procedures for intergovernmental review.

(i) The powers granted under this Section are in addition to any other powers granted under any other law.

Section 99. Effective date. This Act takes effect January 1, 2006, except that Section 5 and this Section take effect upon becoming law.".

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 1906, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, on page 9, by deleting lines 15 through 22; and

on page 9, line 23, by replacing "(i)" with "(h)".

Under the rules, the foregoing **Senate Bill No. 1906**, with House Amendments numbered 2 and 3, was referred to the Secretary's Desk.

A message from the House by
Mr. Mahoney, 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. 2299

A bill for AN ACT in relation to fireworks.

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. 2299

House Amendment No. 3 to SENATE BILL NO. 2299

Passed the House, as amended, May 27, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2299 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Explosives Act is amended by changing Sections 1003 and 2001 as follows:

(225 ILCS 210/1003) (from Ch. 96 1/2, par. 1-1003)

Sec. 1003. Definitions. As used in this Act:

(a) "Person" means any individual, corporation, company, association, partnership, or other legal entity.

(b) "Explosive materials" means explosives, blasting agents, and detonators.

(c) "Explosive" means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion and includes high or low explosives. Manufactured articles, including, but not limited to, display fireworks as defined in the Pyrotechnic Distributor and Operator Licensing Act, fixed ammunition for small arms, fire crackers, safety fuses, and matches are not explosives when the individual units contain explosives in such limited quantity and of such nature or in such packing that it is impossible to produce a simultaneous or a destructive explosion of such units which would be injurious to life, limb or property.

(d) "Blasting agent" means any material or mixture consisting of a fuel and oxidizer intended for blasting, not otherwise defined as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a No. 8 blasting cap, as defined by the Bureau of Alcohol, Tobacco and Firearms, U.S. Department of Treasury, when unconfined.

(e) "Detonator" means any device containing any initiating or primary explosive that is used for initiating detonation. A detonator may not contain more than 10 grams of total explosives by weight, excluding ignition or delay charges.

(f) "Highway" means any public street, public highway, or public alley.

(g) "Railroad" or "railway" means any public steam, electric or other railroad or rail system which carries passengers for hire, but shall not include auxiliary tracks, spurs and sidings installed and primarily used in serving any mine, quarry or plant.

(h) "Building" means and includes any building regularly occupied, in whole or in part, as a habitation for human beings, and any church, schoolhouse, railway station or other building where people are accustomed to assemble, but does not mean or include any buildings of a mine or quarry or any of the buildings of a manufacturing plant where the business of manufacturing explosive materials is conducted.

(i) "Factory building" means any building or other structure in which the manufacture or any part of the manufacture of explosive materials is conducted.

(j) "Magazine" means any building or other structure or container, other than a factory building, used to store explosive materials. Where mobile or portable type 5 magazines are permissible and used, "magazine", for the purpose of obtaining certificates and calculating fees, means the site on which such magazines are located.

(k) "Magazine keeper" means a qualified supervisory person responsible for the inventory and safe storage of explosive materials, including the proper maintenance of explosive materials, storage magazines and surrounding areas.

(l) "Black powder" means a deflagrating or low explosive compound of an intimate mixture of sulfur, charcoal and an alkali nitrate, usually potassium or sodium nitrate.

(m) "Municipality" includes cities, villages, and incorporated towns and townships.

(n) "Fugitive from justice" means any individual who has fled from the jurisdiction of any court of record to avoid prosecution for any crime or to avoid giving testimony in any criminal proceeding. This term shall also include any individual who has been convicted of any crime and has fled to avoid imprisonment.

(o) "Department" means the Department of Natural Resources.

(p) "Small arms" means guns of 50 calibers or less.

(q) "Director" means the Director of Natural Resources.

(r) "Storage certificate" means the certificate issued by the Department under Article 3 of this Act that authorizes the holder to store explosive materials in the magazine for which the certificate is issued.

(s) "License" means that license issued by the Department under Article 2 of this Act authorizing the holder to possess, use, purchase, transfer or dispose of, but not to store, explosive materials.

(Source: P.A. 88-599, eff. 9-1-94; 89-445, eff. 2-7-96.)

(225 ILCS 210/2001) (from Ch. 96 1/2, par. 1-2001)

Sec. 2001. No person shall possess, use, purchase or transfer explosive materials unless licensed by the Department except as otherwise provided by this Act and the Pyrotechnic Distributor and Operator Licensing Act.

(Source: P.A. 93-263, eff. 7-22-03.)

Section 10. The Pyrotechnic Operator Licensing Act is amended by changing Sections 1, 5, 10, 30, 35, 50, 65, 75, and 90 and adding Section 57 as follows:

(225 ILCS 227/1)

Sec. 1. Short title. This Act may be cited as the Pyrotechnic Distributor and Operator Licensing Act.

(Source: P.A. 93-263, eff. 7-22-03.)

(225 ILCS 227/5)

Sec. 5. Definitions. In this Act:

"Display fireworks" means any substance or article defined as a Division 1.3G or 1.4 explosive by the United States Department of Transportation under 49 CFR 173.50, except a substance or article exempted under the Fireworks Use Act.

"Fireworks" has the meaning given to that term in the Fireworks Use Act.

"Lead pyrotechnic operator" means the individual with overall responsibility for the safety, setup, discharge, and supervision of a pyrotechnic display.

"Office" means Office of the State Fire Marshal.

"Person" means an individual, firm, corporation, association, partnership, company, consortium, joint venture, commercial entity, state, municipality, or political subdivision of a state or any agency, department, or instrumentality of the United States and any officer, agent, or employee of these entities.

"Pyrotechnic display" or "display" means the detonation, ignition, or deflagration of display fireworks to produce a visual or audible effect of an exhibitional nature before the public, invitees, or

licensees, regardless of whether admission is charged.

"Pyrotechnic distributor" means any person, company, association, group of persons, or corporation who distributes display fireworks for sale in the State of Illinois or provides them as part of a pyrotechnic display service in the State of Illinois.

(Source: P.A. 93-263, eff. 7-22-03.)

(225 ILCS 227/10)

Sec. 10. License; enforcement. No person may act as a pyrotechnic distributor or lead pyrotechnic operator, or advertise or use any title implying that the person is a pyrotechnic distributor or lead pyrotechnic operator, unless licensed by the Office under this Act. An out-of-state person hired for or engaged in a pyrotechnic display must have a pyrotechnic distributor license issued by the Office and a person licensed under this Act as a lead pyrotechnic operator supervising the display. The State Fire Marshal, in the name of the People, through the Attorney General, the State's Attorney of any county, any resident of the State, or any legal entity within the State may apply for injunctive relief in any court to enjoin any person who has not been issued a license or whose license has been suspended, revoked, or not renewed, from practicing a licensed activity. Upon filing a verified petition in court, the court, if satisfied by affidavit, or otherwise, that the person is or has been practicing in violation of this Act, may enter a temporary restraining order or preliminary injunction, without bond, enjoining the defendant from further unlicensed activity. A copy of the verified complaint shall be served upon the defendant and the proceedings are to be conducted as in other civil cases. The court may enter a judgment permanently enjoining a defendant from further unlicensed activity if it is established that the defendant has been or is practicing in violation of this Act. In case of violation of any injunctive order or judgment entered under this Section, the court may summarily try and punish the offender for contempt of court. Injunctive proceedings are in addition to all penalties and other remedies in this Act.

(Source: P.A. 93-263, eff. 7-22-03.)

(225 ILCS 227/30)

Sec. 30. Rules. The State Fire Marshal shall adopt all rules necessary to carry out its responsibilities under this Act including rules concerning pyrotechnic distributors and rules requiring the training, examination, and licensing of lead pyrotechnic operators engaging in or responsible for the handling and use of Division 1.3G (Class B) and 1.4 (Class C) explosives. The pyrotechnic distributor's training program ~~test~~ shall incorporate the rules of the State Fire Marshal, which shall be based upon nationally recognized standards such as those of the National Fire Protection Association (NFPA) 1123 guidelines for outdoor displays and NFPA 1126 for indoor displays. The Fire Marshal shall adopt rules as required for the licensing of all pyrotechnic distributors and ~~a~~ lead pyrotechnic operators ~~operator~~ involved in an outdoor or indoor pyrotechnic display.

(Source: P.A. 93-263, eff. 7-22-03.)

(225 ILCS 227/35)

Sec. 35. Licensure requirements and fees.

(a) Each application for a license to practice under this Act shall be in writing and signed by the applicant on forms provided by the Office. The Office shall have the testing procedures for licensing as a lead pyrotechnic operator developed by October 1, 2004.

(b) After April 1, 2005, all pyrotechnic displays, both indoor and outdoor, must comply with the requirements set forth in this Act.

(c) After April 1, 2005, no person ~~individual~~ may engage in pyrotechnic distribution without first applying for and obtaining a license from the Office. Applicants for a license must submit to the

Office the following:

(1) A current BATFE license for distribution of display fireworks.

(2) Proof of $1,000,000 in product liability insurance.

(3) Proof of $1,000,000 in general liability insurance.

(4) Proof of Illinois Worker's Compensation Insurance.

(5) A license fee of $5,000 for the issuance of a pyrotechnic distributor's license.

(6) Proof of a current United States Department of Transportation (DOT) Identification Number.

(7) Proof of a current USDOT Hazardous Materials Registration Number.

(c-5) After April 1, 2005, no individual may act as a lead operator in a pyrotechnic display without first applying for and obtaining a lead pyrotechnic operator's license from the Office. The Office shall establish separate licenses for lead pyrotechnic operators for indoor and outdoor pyrotechnic displays. Applicants for a license must:

(1) Pay the fees set by the Office.

(2) Have the requisite training or continuing education as established in the Office's rules.

(3) Pass the examination presented by the Office.

(d) A person is qualified to receive a license under this Act if the person meets all of the following minimum requirements:

(1) Is at least 21 years of age.

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

(3) Has not made any material misstatement or knowingly withheld information in connection with any original or renewal application.

(4) Has not been declared incompetent by any competent court by reasons of mental or physical defect or disease unless a court has since declared the person competent.

(5) Does not have an addiction to or dependency on alcohol or drugs that is likely to endanger the public at a pyrotechnic display.

(6) Has not been convicted in any jurisdiction of any felony within the prior 5 years.

(7) Is not a fugitive from justice.

(e) A person is qualified to assist a lead operator if the person meets all of the following minimum requirements:

(1) Is at least 18 years of age.

(2) Has not willfully violated any provision of this Act.

(3) Has not been declared incompetent by any competent court by reasons of mental or physical defect or disease unless a court has since declared the person competent.

(4) Does not have an addiction to or dependency on alcohol or drugs that is likely to endanger the public at a pyrotechnic display.

(5) Has not been convicted in any jurisdiction of any felony within the prior 5 years.

(6) Is not a fugitive from justice.

(Source: P.A. 93-263, eff. 7-22-03.)

(225 ILCS 227/50)

Sec. 50. Issuance of license; renewal; fees nonrefundable.

(a) The Office, upon the applicant's satisfactory completion of the requirements imposed under this Act and upon receipt of the

requisite fees, shall issue the appropriate license showing the name, address, and photograph of the licensee and the dates of issuance and expiration. The license shall include the name of the pyrotechnic distributor employing the lead pyrotechnic operator. A lead pyrotechnic operator is required to have a separate license for each pyrotechnic distributor who employs the lead pyrotechnic operator.

(b) Each licensee may apply for renewal of his or her license upon payment of the applicable fees. The expiration date and renewal period for each license issued under this Act shall be set by rule. Failure to renew within 60 days of the expiration date results in lapse of the license. A lapsed license may not be reinstated until a written application is filed, the renewal fee is paid, and the reinstatement fee established by the Office is paid. Renewal and reinstatement fees shall be waived for persons who did not renew while on active duty in the military and who file for renewal or restoration within one year after discharge from the service. A lapsed license may not be reinstated after 5 years have elapsed except upon passing an examination to determine fitness to have the license restored and by paying the required fees.

(c) All fees paid under this Act are nonrefundable.

(Source: P.A. 93-263, eff. 7-22-03.)

(225 ILCS 227/57 new)

Sec. 57. Training; additional lead pyrotechnic operators. No pyrotechnic distributor shall allow any person in the pyrotechnic distributor's employ to act as a lead pyrotechnic operator until the person has obtained a lead pyrotechnic operator's license from the Office.

(225 ILCS 227/65)

Sec. 65. Grounds for discipline. Licensees subject to this Act shall conduct their practice in accordance with this Act and the rules promulgated under this Act. A licensee is subject to disciplinary sanctions enumerated in this Act if the State Fire Marshal finds that the licensee is guilty of any of the following:

(1) Fraud or material deception in obtaining or renewing a license.

(2) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public in the course of professional services or activities.

(3) Conviction of any crime that has a substantial relationship to his or her practice or an essential element of which is misstatement, fraud, dishonesty, or conviction in this or another state of any crime that is a felony under the laws of Illinois or conviction of a felony in a federal court, unless the licensee demonstrates that he or she has been sufficiently rehabilitated to warrant the public trust.

(4) Performing any service in a grossly negligent manner or permitting any lead pyrotechnic operator ~~licensed employee~~ to perform a service in a grossly negligent manner, regardless of whether actual damage or damage to the public is established.

(5) Addiction to or dependency on alcohol or drugs or use of alcohol or drugs that is likely to endanger the public at a pyrotechnic display.

(6) Willfully receiving direct or indirect compensation for any professional service not actually rendered.

(7) Having disciplinary action taken against his or her license in another state.

(8) Making differential treatment against any person to his or

her detriment because of race, color, creed, sex, religion, or national origin.

(9) Engaging in unprofessional conduct.

(10) Engaging in false or misleading advertising.

(11) Contracting or assisting an unlicensed person to perform services for which a license is required under this Act.

(12) Permitting the use of his or her license to enable an unlicensed person or agency to operate as a licensee.

(13) Performing and charging for a service without having the authorization to do so from the member of the public being served.

(14) Failure to comply with any provision of this Act or the rules promulgated under this Act.

(15) Conducting business regulated by this Act without a currently valid license in those circumstances where a license is required.

(Source: P.A. 93-263, eff. 7-22-03.)

(225 ILCS 227/75)

Sec. 75. Formal charges; hearing.

(a) The Office may file formal charges against a licensee. The formal charges, at a minimum, shall inform the licensee of the specific facts that are the basis of the charge to enable the licensee to defend himself or herself.

(b) Each licensee whose conduct is the subject of a formal charge that seeks to impose disciplinary action against the licensee shall be served notice of the formal charge at least 30 days before the date of the hearing. The hearing shall be presided over by the Office or a hearing officer authorized by the Office in compliance with the Illinois Administrative Procedure Act. Service shall be considered to have been given if the notice was personally received by the licensee or if the notice was mailed certified, return requested, to the licensee at the licensee's last known address as listed with the Office.

(c) The notice of a formal charge shall consist, at a minimum, of the following information:

(1) The time and date of the hearing.

(2) A statement that the licensee may appear personally at the hearing and may be represented by counsel.

(3) A statement that the licensee has the right to produce witnesses and evidence in his or her behalf and the right to cross-examine witnesses and evidence produced against him or her.

(4) A statement that the hearing can result in disciplinary action being taken against the ~~his or her~~ license.

(5) A statement that rules for the conduct of these hearings exist and that it may be in the licensee's ~~his or her~~ best interest to obtain a copy.

(6) A statement that the hearing officer authorized by the Office shall preside at the hearing and, following the conclusion of the hearing, make findings of fact, conclusions of law, and recommendations, separately stated, to the Office as to what disciplinary action, if any, should be imposed on the licensee.

(7) A statement that the Office may continue the hearing.

(d) The Office or the hearing officer authorized by the Office

shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee, if any. If the hearing is conducted by a hearing officer, at the conclusion of the hearing, the hearing officer shall make findings of fact, conclusions of law, and recommendations, separately stated, and submit them to the Office and to all parties to the proceeding. Submission to the licensee shall be considered as having been made if done in a similar fashion as service of the notice of formal charges. Within 20 days after the service, any party to the proceeding may present to the Office a motion, in writing, for a rehearing. The written motion shall specify the particular grounds for the rehearing.

(e) The Office, following the time allowed for filing a motion for rehearing, shall review the hearing officer's findings of fact, conclusions of law, recommendations, and any motions filed subsequent to the hearing. After review of the information the Office may hear oral arguments and thereafter issue an order. The report of findings of fact, conclusions of law, and recommendations of the hearing officer shall be the basis for the Office's order. If the Office finds that substantial justice was not done, it may issue an order in contravention of the hearing officer's findings.

(f) All proceedings under this Section are matters of public record and a record of the proceedings shall be preserved.
(Source: P.A. 93-263, eff. 7-22-03.)

(225 ILCS 227/90)

Sec. 90. Penalties. Any natural person who violates any of the following provisions is guilty of a Class A misdemeanor for the first offense and a corporation or other entity that violates any of the following provision commits a business offense punishable by a fine not to exceed $5,000; a second or subsequent offense in violation of any Section of this Act, including this Section, is a Class 4 felony if committed by a natural person, or a business offense punishable by a fine of up to $10,000 if committed by a corporation or other business entity:

(1) Practicing or attempting to practice as a pyrotechnic distributor or lead pyrotechnic operator without a license;

(2) Obtaining or attempting to obtain a license, practice or business, or any other thing of value by fraudulent representation;

(3) Permitting, directing, or authorizing any person in one's employ or under one's direction or supervision to work or serve as a licensee if that individual does not possess an appropriate valid license.

Whenever any person is punished as a repeat offender under this Section, the Office may proceed to obtain a permanent injunction against the person under Section 10. If any person in making any oath or affidavit required by this Act swears falsely, the person is guilty of perjury and upon conviction may be punished accordingly.
(Source: P.A. 93-263, eff. 7-22-03.)

Section 15. The Fireworks Use Act is amended by changing Section 2 as follows:

(425 ILCS 35/2) (from Ch. 127 1/2, par. 128)

Sec. 2. Except as hereinafter provided it shall be unlawful for any person, firm, co-partnership, or corporation to knowingly possess, offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided that city councils in cities, the president and board of trustees in villages and incorporated towns, and outside the corporate limits of cities, villages and incorporated towns, the county board, shall have power to adopt reasonable rules and

regulations for the granting of permits for supervised public displays of fireworks. Every such display shall be handled by a competent individual who is licensed as a lead pyrotechnic operator. Application for permits shall be made in writing at least 15 days in advance of the date of the display and action shall be taken on such application within 48 hours after such application is made. After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

Permits may be granted hereunder to any groups of 3 or more adult individuals applying therefor. No permit shall be required, under the provisions of this Act, for supervised public displays by State or County fair associations.

The governing body shall require proof of insurance from the permit applicant in a sum not less than $1,000,000 conditioned on compliance with the provisions of this law and the regulations of the State Fire Marshal adopted hereunder, except that no municipality shall be required to provide evidence of insurance.

Such permit shall be issued only after inspection of the display site by the issuing officer, to determine that such display shall be in full compliance with the rules of the State Fire Marshal, which shall be based upon nationally recognized standards such as those of the National Fire Protection Association (NFPA) 1123 guidelines for outdoor displays and NFPA 1126 guidelines for indoor displays and shall not be hazardous to property or endanger any person or persons. Nothing in this Section shall prohibit the issuer of the permit from adopting more stringent rules.

All indoor pyrotechnic displays shall be conducted in buildings fully protected by automatic sprinkler systems.

The chief of the fire department providing fire protection coverage to the area of display, or his or her designee, shall sign the permit.

Possession by any party holding a certificate of registration under "The Fireworks Regulation Act of Illinois", filed July 20, 1935, or by any employee or agent of such party or by any person transporting fireworks for such party, shall not be a violation, provided such possession is within the scope of business of the fireworks plant registered under that Act.
(Source: P.A. 93-263, eff. 7-22-03.)

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

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 2299, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 7, immediately below line 14, by inserting the following:

"(c-2) An applicant for a license as a pyrotechnic distributor shall not be granted a license if the distributor or any of its officers, if applicable, was convicted of a felony in the 5 years preceding the date of the application."; and

on page 14, by deleting lines 5 through 32; and

on page 15, by deleting lines 1 through 26.

Under the rules, the foregoing **Senate Bill No. 2299**, with House Amendments numbered 1 and 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, 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. 2617

A bill for AN ACT concerning professional regulation.

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. 2617

House Amendment No. 2 to SENATE BILL NO. 2617

Passed the House, as amended, May 27, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2617 by replacing the title with the following:

"AN ACT concerning insurance."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by adding Section 364.2 as follows:

(215 ILCS 5/364.2 new)

Sec. 364.2. Purchase of ophthalmic goods. An insurer may not require a provider, as a condition of participation by the provider, to purchase ophthalmic goods, including but not limited to eyeglass frames, in a quantity or dollar amount in excess of the quantity or dollar amount an enrollee is required to purchase under the terms of the policy.

Section 10. The Health Maintenance Organization Act is amended by adding Section 4-19 as follows:

(215 ILCS 125/4-19 new)

Sec. 4-19. Purchase of ophthalmic goods. A health maintenance organization may not require a provider, as a condition of participation in the health maintenance organization's health care plan, to purchase ophthalmic goods, including but not limited to eyeglass frames, in a quantity or dollar amount in excess of the quantity or dollar amount an enrollee is required to purchase under the terms of the health care plan.

Section 15. The Limited Health Service Organization Act is amended by adding Section 3010 as follows:

(215 ILCS 130/3010 new)

Sec. 3010. Purchase of ophthalmic goods. An organization may not require a provider, as a condition of participation in the organization's limited health care plan, to purchase ophthalmic goods, including but not limited to eyeglass frames, in a quantity or dollar amount in excess of the quantity or dollar amount an enrollee is required to purchase under the terms of the limited health care plan.

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2617, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, line 10, after "goods", by inserting "or services"; and

on page 1, line 12, after "goods", by inserting "or services"; and

on page 1, lines 14 and 15, by replacing "is required to purchase" with "purchases"; and

on page 1, line 19, after "goods", by inserting "or services"; and

on page 2, line 1, after "goods", by inserting "or services"; and

on page 2, line 4, by replacing "is required to purchase" with "purchases"; and

on page 2, line 9, after "goods", by inserting "or services"; and

on page 2, line 12, after "goods", by inserting "or services"; and

on page 2, line 14, by replacing "is required to purchase" with "purchases".

Under the rules, the foregoing **Senate Bill No. 2617**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by
Mr. Mahoney, 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. 2794

A bill for AN ACT in relation to health.

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. 2794

Passed the House, as amended, May 27, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2794 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-338 as follows:

(20 ILCS 2310/2310-338 new)

Sec. 2310-338. Asthma prevention and control program.

(a) Subject to appropriations for this purpose, the Department shall establish an asthma prevention and control program to provide leadership in Illinois for and coordination of asthma prevention and intervention activities. The program may include, but need not be limited to, the following features:

(1) Monitoring of asthma prevalence in the State.

(2) Education and training of health care professionals concerning the current methods of diagnosing and treating asthma.

(3) Patient and family education concerning the management of asthma.

(4) Dissemination of information on programs shown to reduce hospitalization, emergency room visits, and absenteeism due to asthma.

(5) Consultation with and support of community-based asthma prevention and control programs.

(6) Monitoring of environmental hazards or exposures, or both, that may increase the incidence of asthma.

(b) In implementing the program established under subsection (a),

the Department shall consult with the Department of Public Aid and the State Board of Education. In addition, the Department shall seek advice from other organizations and public and private entities concerned about the prevention and treatment of asthma.

(c) The Department may accept federal funding and grants, and may contract for work with outside vendors or individuals, for the purpose of implementing the program established under subsection (a).

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

Under the rules, the foregoing **Senate Bill No. 2794**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Mahoney, 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. 2820

A bill for AN ACT in relation to housing.

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. 2 to SENATE BILL NO. 2820

Passed the House, as amended, May 27, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2820 on page 2, line 18, by replacing "and," with ", the National Electric Code as adopted by the American National Standards Institute, and".

Under the rules, the foregoing **Senate Bill No. 2820**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by
Mr. Mahoney, 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. 2880

A bill for AN ACT concerning aging.

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. 2880
House Amendment No. 2 to SENATE BILL NO. 2880
House Amendment No. 3 to SENATE BILL NO. 2880

Passed the House, as amended, May 27, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2880 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Older Adult Services Act.

Section 5. Purpose. The purpose of this Act is to promote a transformation of Illinois' comprehensive system of older adult services from funding a primarily facility-based service delivery

system to primarily a home-based and community-based system, taking into account the continuing need for 24-hour skilled nursing care and congregate housing with services. Such restructuring shall encompass the provision of housing, health, financial, and supportive older adult services. It is envisioned that this restructuring will promote the development, availability, and accessibility of a comprehensive, affordable, and sustainable service delivery system that places a high priority on home-based and community-based services. Such restructuring will encompass all aspects of the delivery system regardless of the setting in which the service is provided.

Section 10. Definitions. In this Act:

"Advisory Committee" means the Older Adult Services Advisory Committee.

"Certified nursing home" means any nursing home licensed under the Nursing Home Care Act and certified under Title XIX of the Social Security Act to participate as a vendor in the medical assistance program under Article V of the Illinois Public Aid Code.

"Comprehensive case management" means the assessment of needs and preferences of an older adult at the direction of the older adult or the older adult's designated representative and the arrangement, coordination, and monitoring of an optimum package of services to meet the needs of the older adult.

"Consumer-directed" means decisions made by an informed older adult from available services and care options, which may range from independently making all decisions and managing services directly to limited participation in decision-making, based upon the functional and cognitive level of the older adult.

"Coordinated point of entry" means an integrated access point where consumers receive information and assistance, assessment of needs, care planning, referral, assistance in completing applications, authorization of services where permitted, and follow-up to ensure that referrals and services are accessed.

"Department" means the Department on Aging, in collaboration with the departments of Public Health and Public Aid and other relevant agencies and in consultation with the Advisory Committee, except as otherwise provided.

"Departments" means the Department on Aging, the departments of Public Health and Public Aid, and other relevant agencies in collaboration with each other and in consultation with the Advisory Committee, except as otherwise provided.

"Family caregiver" means an adult family member or another individual who is an uncompensated provider of home-based or community-based care to an older adult.

"Health services" means activities that promote, maintain, improve, or restore mental or physical health or that are palliative in nature.

"Older adult" means a person age 60 or older and, if appropriate, the person's family caregiver.

"Person-centered" means a process that builds upon an older adult's strengths and capacities to engage in activities that promote community life and that reflect the older adult's preferences, choices, and abilities, to the extent practicable.

"Priority service area" means an area identified by the Departments as being less-served with respect to the availability of and access to older adult services in Illinois. The Departments shall determine by rule the criteria and standards used to designate such areas.

"Priority service plan" means the plan developed pursuant to Section 25 of this Act.

"Provider" means any supplier of services under this Act.

"Residential setting" means the place where an older adult lives.

"Restructuring" means the transformation of Illinois' comprehensive system of older adult services from funding primarily a facility-based service delivery system to primarily a home-based and community-based system, taking into account the continuing need for 24-hour skilled nursing care and congregate housing with services.

"Services" means the range of housing, health, financial, and supportive services, other than acute health care services, that are delivered to an older adult with functional or cognitive limitations, or socialization needs, who requires assistance to perform activities of daily living, regardless of the residential setting in which the services are delivered.

"Supportive services" means non-medical assistance given over a period of time to an older adult that is needed to compensate for the older adult's functional or cognitive limitations, or socialization needs, or those services designed to restore, improve, or maintain the older adult's functional or cognitive abilities.

Section 15. Designation of lead agency; annual report.

(a) The Department on Aging shall be the lead agency for: the provision of services to older adults and their family caregivers; restructuring Illinois' service delivery system for older adults; and implementation of this Act, except where otherwise provided. The Department on Aging shall collaborate with the departments of Public Health and Public Aid and any other relevant agencies, and shall consult with the Advisory Committee, in all aspects of these duties, except as otherwise provided in this Act.

(b) The Departments shall promulgate rules to implement this Act pursuant to the Illinois Administrative Procedure Act.

(c) On January 1, 2006, and each January 1 thereafter, the Department shall issue a report to the General Assembly on progress made in complying with this Act, impediments thereto, recommendations of the Advisory Committee, and any recommendations for legislative changes necessary to implement this Act. To the extent practicable, all reports required by this Act shall be consolidated into a single report.

Section 20. Priority service areas; service expansion.

(a) The requirements of this Section are subject to the availability of funding.

(b) The Department shall expand older adult services that promote independence and permit older adults to remain in their own homes and communities. Priority shall be given to both the expansion of services and the development of new services in priority service areas.

(c) Inventory of services. The Department shall develop and maintain an inventory and assessment of (i) the types and quantities of public older adult services and, to the extent possible, privately provided older adult services, including the unduplicated count, location, and characteristics of individuals served by each facility, program, or service and (ii) the resources supporting those services.

(d) Priority service areas. The Departments shall assess the current and projected need for older adult services throughout the State, analyze the results of the inventory, and identify priority service areas, which shall serve as the basis for a priority service plan to be filed with the Governor and the General Assembly no later than July 1, 2006, and every 5 years thereafter.

(e) At the end of each State fiscal year, any unexpended and unreserved State General Revenue Fund appropriations for older adult services, except for continuing appropriations subject to subsection (b) of Section 25 of the State Finance Act, shall be deposited into the Older Adult Services Fund ("the Fund"), a special Fund hereby created

in the State treasury. The Fund may also accept moneys appropriated by the General Assembly, receipts from donations, grants, fees, or taxes that may accrue from any other public or private sources to the Department for the purpose of this Section, and savings attributable to the nursing home conversion program as calculated in subsection (h). Interest earned by the Fund shall be credited to the Fund. The Fund is not subject to Section 8h of the State Finance Act.

(f) Moneys from the Fund shall be used for older adult services, regardless of where the older adult receives the service, with priority given to both the expansion of services and the development of new services in priority service areas. Fundable services shall include:

(1) Housing, health services, and supportive services:

(A) adult day care;

(B) adult day care for persons with Alzheimer's disease and related disorders;

(C) activities of daily living;

(D) care-related supplies and equipment;

(E) case management;

(F) community reintegration;

(G) companion;

(H) congregate meals;

(I) counseling and education;

(J) elder abuse prevention and intervention;

(K) emergency response and monitoring;

(L) environmental modifications;

(M) family caregiver support;

(N) financial;

(O) home delivered meals;

(P) homemaker;

(Q) home health;

(R) hospice;

(S) laundry;

(T) long-term care ombudsman;

(U) medication reminders;

(V) money management;

(W) nutrition services;

(X) personal care;

(Y) respite care;

(Z) residential care;

(AA) senior benefits outreach;

(BB) senior centers;

(CC) services provided under the Assisted Living and Shared Housing Act, or sheltered care services that meet the requirements of the Assisted Living and Shared Housing Act, or services provided under Section 5-5.01a of the Illinois Public Aid Code (the Supportive Living Facilities Pilot Program);

(DD) telemedicine devices to monitor recipients in their own homes as an alternative to hospital care, nursing home care, or home visits;

(EE) training for direct family caregivers;

(FF) transition;

(GG) transportation;

(HH) wellness and fitness programs; and

(II) other programs designed to assist older adults in Illinois to remain independent and receive services in the most integrated residential setting possible for that person.

(2) Older Adult Services Demonstration Grants, pursuant to subsection (g) of this

section.

(g) Older Adult Services Demonstration Grants. The Department shall establish a program of demonstration grants to assist in the restructuring of the delivery system for older adult services and provide funding for innovative service delivery models and system change and integration initiatives. The Department shall prescribe, by rule, the grant application process. At a minimum, every application must include:

(1) The type of grant sought;

(2) A description of the project;

(3) The objective of the project;

(4) The likelihood of the project meeting identified needs;

(5) The plan for financing, administration, and evaluation of the project;

(6) The timetable for implementation;

(7) The roles and capabilities of responsible individuals and organizations;

(8) Documentation of collaboration with other service providers, local community government leaders, and other stakeholders, other providers, and any other stakeholders in the community;

(9) Documentation of community support for the project, including support by other service providers, local community government leaders, and other stakeholders;

(10) The total budget for the project;

(11) The financial condition of the applicant; and

(12) Any other application requirements that may be established by the Department by rule.

Each project may include provisions for a designated staff person who is responsible for the development of the project and recruitment of providers.

Projects may include, but are not limited to: adult family foster care; family adult day care; assisted living in a supervised apartment; personal services in a subsidized housing project; evening and weekend home care coverage; small incentive grants to attract new providers; money following the person; cash and counseling; managed long-term care; and at least one respite care project that establishes a local coordinated network of volunteer and paid respite workers, coordinates assignment of respite workers to caregivers and older adults, ensures the health and safety of the older adult, provides training for caregivers, and ensures that support groups are available in the community.

A demonstration project funded in whole or in part by an Older Adult Services Demonstration Grant is exempt from the requirements of the Illinois Health Facilities Planning Act.

The Department, in collaboration with the Departments of Public Health and Public Aid, shall evaluate the effectiveness of the projects receiving grants under this Section.

(h) No later than July 1 of each year, the Department of Public Health shall provide information to the Department of Public Aid to enable the Department of Public Aid to annually document and verify the savings attributable to the nursing home conversion program for the previous fiscal year to estimate an annual amount of such savings that may be appropriated to the Older Adult Services Fund and

notify the General Assembly, the Department on Aging, the Department of Human Services, and the Advisory Committee of the savings no later than October 1 of the same fiscal year.

Section 25. Older adult services restructuring. No later than January 1, 2005, the Department shall commence the process of restructuring the older adult services delivery system. Priority shall be given to both the expansion of services and the development of new services in priority service areas. The restructuring shall include, but not be limited to, the following:

(1) Planning. The Department shall develop a plan to restructure the State's service delivery system for older adults. The plan shall include a schedule for the implementation of the initiatives outlined in this Act and all other initiatives identified by the participating agencies to fulfill the purposes of this Act. Financing for older adult services shall be based on the principle that "money follows the individual". The plan shall also identify potential impediments to delivery system restructuring and include any known regulatory or statutory barriers.

(2) Comprehensive case management. The Department shall implement a statewide system of holistic comprehensive case management. The system shall include the identification and implementation of a universal, comprehensive assessment tool to be used statewide to determine the level of functional, cognitive, socialization, and financial needs of older adults. This tool shall be supported by an electronic intake, assessment, and care planning system linked to a central location. "Comprehensive case management" includes services and coordination such as (i) comprehensive assessment of the older adult (including the physical, functional, cognitive, psycho-social, and social needs of the individual); (ii) development and implementation of a service plan with the older adult to mobilize the formal and family resources and services identified in the assessment to meet the needs of the older adult, including coordination of the resources and services with any other plans that exist for various formal services, such as hospital discharge plans, and with the information and assistance services; (iii) coordination and monitoring of formal and family service delivery, including coordination and monitoring to ensure that services specified in the plan are being provided; (iv) periodic reassessment and revision of the status of the older adult with the older adult or, if necessary, the older adult's designated representative; and (v) in accordance with the wishes of the older adult, advocacy on behalf of the older adult for needed services or resources.

(3) Coordinated point of entry. The Department shall implement and publicize a statewide coordinated point of entry using a uniform name, identity, logo, and toll free number.

(4) Public web site. The Department shall develop a public web site that provides links to available services, resources, and reference materials concerning caregiving, diseases, and best practices for use by professionals, older adults, and family caregivers.

(5) Expansion of older adult services. The Department shall expand older adult services that promote independence and permit older adults to remain in their own homes and communities.

(6) Consumer-directed home and community-based services. The Department shall expand the range of service options available to permit older adults to exercise maximum choice and control over their care.

(7) Comprehensive delivery system. The Department shall expand opportunities for older adults to receive services in systems that integrate acute and chronic care.

(8) Enhanced transition and follow up services. The Department shall implement a program of transition from one residential setting to another and follow-up services, regardless of residential setting, pursuant to rules with respect to (i) resident eligibility, (ii) assessment of the resident's health, cognitive, social, and financial needs, (iii) development of transition plans, and (iv) the level of services that must be available before transitioning a resident from one setting to another.

(9) Family caregiver support. The Department shall develop strategies for public and private financing of services that supplement and support family caregivers.

(10) Quality standards and quality improvement. The Department shall establish a core set of uniform quality standards for all providers that focus on outcomes and take into consideration consumer choice and satisfaction, and the Department shall require each provider to implement a continuous quality improvement process to address consumer issues. The continuous quality improvement process must benchmark performance, be person-centered and data-driven, and focus on consumer satisfaction.

(11) Workforce. The Department shall develop strategies to attract and retain a qualified and stable worker pool, provide living wages and benefits, and create a work environment that is conducive to long-term employment and career development. Resources such as grants, education, and promotion of career opportunities may be used.

(12) Coordination of services. The Department shall identify methods to better coordinate service networks to maximize resources and minimize duplication of services and ease of application.

(13) Barriers to services. The Department shall identify barriers to the provision, availability, and accessibility of services and shall implement a plan to address those barriers. The plan shall: (i) identify barriers, including but not limited to, statutory and regulatory complexity, reimbursement issues, payment issues, and labor force issues; (ii) recommend changes to State or federal laws or administrative rules or regulations; (iii) recommend application for federal waivers to improve efficiency and reduce cost and paperwork; (iv) develop innovative service delivery models; and (v) recommend application for federal or private service grants.

(14) Reimbursement and funding. The Department shall investigate and evaluate costs and payments by defining costs to implement a uniform, audited provider cost reporting system to be considered by all Departments in establishing payments. To the extent possible, multiple cost reporting mandates shall not be imposed.

(15) Medicaid nursing home cost containment and Medicare utilization. The Department of Public Aid, in collaboration with the Department on Aging and the Department of Public Health and in consultation with the Advisory Committee, shall propose a plan to contain Medicaid nursing home costs and maximize Medicare utilization. The plan must not impair the ability of an older adult to choose among available services. The plan shall include, but not be limited to, (i) techniques to maximize the use of the most cost-effective services without sacrificing quality and (ii) methods to identify and serve older adults in need of minimal services to remain independent, but who are likely to develop a need for more extensive services in the absence of those minimal services.

(16) Bed reduction. The Department of Public Health shall implement a nursing home conversion program to reduce the number of Medicaid-certified nursing home beds in areas with excess beds. The Department of Public Aid shall investigate changes to the Medicaid nursing facility reimbursement system in order to reduce beds. Such changes may include, but are not limited to, incentive payments that

will enable facilities to adjust to the restructuring and expansion of services required by the Older Adult Services Act, including adjustments for the voluntary closure or layaway of nursing home beds certified under Title XIX of the federal Social Security Act. Any savings shall be reallocated to fund home-based or community-based older adult services pursuant to Section 20.

(17) Financing. The Department shall investigate and evaluate financing options for older adult services and shall make recommendations in the report required by Section 15 concerning the feasibility of these financing arrangements. These arrangements shall include, but are not limited to:

(A) private long-term care insurance coverage for older adult services;

(B) enhancement of federal long-term care financing initiatives;

(C) employer benefit programs such as medical savings accounts for long-term care;

(D) individual and family cost-sharing options;

(E) strategies to reduce reliance on government programs;

(F) fraudulent asset divestiture and financial planning prevention; and

(G) methods to supplement and support family and community caregiving.

(18) Older Adult Services Demonstration Grants. The Department shall implement a program of

demonstration grants that will assist in the restructuring of the older adult services delivery system, and shall provide funding for innovative service delivery models and system change and integration initiatives pursuant to subsection (g) of Section 20.

(19) Bed need methodology update. For the purposes of determining areas with excess

beds, the Departments shall provide information and assistance to the Health Facilities Planning Board to update the Bed Need Methodology for Long-Term Care to update the assumptions used to establish the methodology to make them consistent with modern older adult services.

Section 30. Nursing home conversion program.

(a) The Department of Public Health, in collaboration with the Department on Aging and the Department of Public Aid, shall establish a nursing home conversion program. Start-up grants, pursuant to subsections (l) and (m) of this Section, shall be made available to nursing homes as appropriations permit as an incentive to reduce certified beds, retrofit, and retool operations to meet new service delivery expectations and demands.

(b) Grant moneys shall be made available for capital and other costs related to: (1) the conversion of all or a part of a nursing home to an assisted living establishment or a special program or unit for persons with Alzheimer's disease or related disorders licensed under the Assisted Living and Shared Housing Act or a supportive living facility established under Section 5-5.01a of the Illinois Public Aid Code; (2) the conversion of multi-resident bedrooms in the facility into single-occupancy rooms; (3) the development of any of the services identified in a priority service plan that can be provided by a nursing home within the confines of a nursing home or transportation services; or (4) culture change initiatives to meet the needs and desires of older adults, including, but not limited to, initiatives such as Pioneer Practices and the Wellspring model, which may or may not require capital expenditures. Grantees shall be required to provide a

minimum of a 20% match toward the total cost of the project.

(c) Nothing in this Act shall prohibit the co-location of services or the development of multifunctional centers under subsection (f) of Section 20, including a nursing home offering community-based services or a community provider establishing a residential facility.

(d) A certified nursing home with at least 50% of its resident population having their care paid for by the Medicaid program is eligible to apply for a grant under this Section.

(e) Any nursing home receiving a grant under this Section shall reduce the number of certified nursing home beds by a number equal to or greater than the number of beds being converted for one or more of the permitted uses under item (1) or (2) of subsection (b). If the nursing home elects to do so, the facility shall retain the Certificate of Need for its nursing and sheltered care beds that were converted for up to 15 years. If the beds are reinstated by the provider or its successor in interest, the provider shall pay to the fund from which the grant was awarded, on an amortized basis, the amount of the grant. The Department shall establish, by rule, the bed reduction methodology for nursing homes that receive a grant pursuant to item (3) or (4) of subsection (b).

(f) Any nursing home receiving a grant under this Section shall agree that, for a minimum of 10 years after the date that the grant is awarded, a minimum of 50% of the nursing home's resident population shall have their care paid for by the Medicaid program. If the nursing home provider or its successor in interest ceases to comply with the requirement set forth in this subsection, the provider shall pay to the fund from which the grant was awarded, on an amortized basis, the amount of the grant.

(g) Before awarding grants, the Department of Public Health shall seek recommendations from the Department on Aging and the Department of Public Aid. The Department of Public Health shall attempt to balance the distribution of grants among geographic regions, and among small and large nursing homes. The Department of Public Health shall develop, by rule, the criteria for the award of grants based upon the following factors:

(1) the unique needs of older adults (including those with moderate and low incomes), caregivers, and providers in the geographic area of the state the grantee seeks to serve;

(2) whether the grantee proposes to provide services in a priority service area;

(3) the extent to which the conversion or transition will result in the reduction of certified nursing home beds in an area with excess beds;

(4) the compliance history of the nursing home; and

(5) any other relevant factors identified by the Department, including standards of need.

(h) A conversion funded in whole or in part by a grant under this Section must not:

(1) diminish or reduce the quality of services available to nursing home residents;

(2) force any nursing home resident to involuntarily accept home-based or community-based services instead of nursing home services;

(3) diminish or reduce the supply and distribution of nursing home services in any community below the level of need, as defined by the Department by rule; or

(4) cause undue hardship on any person who requires nursing

home care.

(i) The Department shall prescribe, by rule, the grant application process. At a minimum, every application must include:

(1) the type of grant sought;

(2) a description of the project;

(3) the objective of the project;

(4) the likelihood of the project meeting identified needs;

(5) the plan for financing, administration, and evaluation of the project;

(6) the timetable for implementation;

(7) the roles and capabilities of responsible individuals and organizations;

(8) documentation of collaboration with other service providers, local community government leaders, and other stakeholders, other providers, and any other stakeholders in the community;

(9) documentation of community support for the project, including support by other service providers, local community government leaders, and other stakeholders;

(10) the total budget for the project;

(11) the financial condition of the applicant; and

(12) any other application requirements that may be established by the Department by rule.

(j) A conversion project funded in whole or in part by a grant under this Section is exempt from the requirements of the Illinois Health Facilities Planning Act.

(k) Applications for grants are public information, except that nursing home financial condition and any proprietary data shall be classified as nonpublic data.

(l) The Nursing Home Conversion Fund ("the Fund") is created as a special fund in the State treasury administered by the Department of Public Health. Moneys in the Fund shall consist of receipts from donations, grants, fees, or taxes that may accrue from any other public or private sources to the Department of Public Health for the purposes of this Section and moneys appropriated by the General Assembly.

Amounts in the Nursing Home Conversion Fund shall not lapse or revert to the General Revenue Fund. The Department of Public Health, subject to annual appropriations by the General Assembly, may use moneys in the Fund for the purposes authorized by this Section. Interest earned by the Fund shall be credited to the Fund. The Fund is not subject to Section 8h of the State Finance Act.

(m) The Department of Public Health may award grants from the Long Term Care Civil Money Penalties Fund established under Section 1919(h)(2)(A)(ii) of the Social Security Act and 42 CFR 488.422(g) if the award meets federal requirements.

Section 35. Older Adult Services Advisory Committee.

(a) The Older Adult Services Advisory Committee is created to advise the directors of Aging, Public Aid, and Public Health on all matters related to this Act and the delivery of services to older adults in general.

(b) The Advisory Committee shall be comprised of the following:

(1) The Director of Aging or his or her designee, who shall

serve as chair and shall be an ex officio and nonvoting member.

(2) The Director of Public Aid and the Director of Public Health or their designees, who shall serve as vice-chairs and shall be ex officio and nonvoting members.

(3) One representative each of the Governor's Office, the Department of Public Aid, the Department of Public Health, the Department of Veterans' Affairs, the Department of Human Services, the Department of Insurance, the Department of Commerce and Economic Opportunity, the Department on Aging, the Department on Aging's State Long Term Care Ombudsman, the Illinois Housing Finance Authority, and the Illinois Housing Development Authority, each of whom shall be selected by his or her respective director and shall be an ex officio and nonvoting member.

(4) Thirty-two members appointed by the Director of Aging in collaboration with the directors of Public Health and Public Aid, and selected from the recommendations of statewide associations and organizations, as follows:

(A) One member representing the Area Agencies on Aging;

(B) Four members representing nursing homes or licensed assisted living establishments;

(C) One member representing home health agencies;

(D) One member representing case management services;

(E) One member representing statewide senior center associations;

(F) One member representing Community Care Program homemaker services;

(G) One member representing Community Care Program adult day services;

(H) One member representing nutrition project directors;

(I) One member representing hospice programs;

(J) One member representing individuals with Alzheimer's disease and related dementias;

(K) Two members representing statewide trade or labor unions;

(L) One advanced practice nurse with experience in gerontological nursing;

(M) One physician specializing in gerontology;

(N) One member representing regional long-term care ombudsmen;

(O) One member representing township officials;

(P) One member representing municipalities;

(Q) One member representing county officials;

(R) One member representing the parish nurse movement;

(S) One member representing pharmacists;

(T) Two members representing statewide organizations engaging in advocacy or legal representation on behalf of the senior population;

(U) Two family caregivers;

(V) Two citizen members over the age of 60;

(W) One citizen with knowledge in the area of gerontology research or health care law;

(X) One representative of health care facilities licensed under the Hospital

Licensing Act; and

(Y) One representative of primary care service providers.

(c) Voting members of the Advisory Committee shall serve for a term of 3 years or until a replacement is named. All members shall be appointed no later than January 1, 2005. Of the initial appointees, as determined by lot, 10 members shall serve a term of one year; 10 shall serve for a term of 2 years; and 12 shall serve for a term of 3 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of that term. The Advisory Committee shall meet at least quarterly and may meet more frequently at the call of the Chair. A simple majority of those appointed shall constitute a quorum. The affirmative vote of a majority of those present and voting shall be necessary for Advisory Committee action. Members of the Advisory Committee shall receive no compensation for their services.

(d) The Advisory Committee shall have an Executive Committee comprised of the Chair, the Vice Chairs, and up to 15 members of the Advisory Committee appointed by the Chair who have demonstrated expertise in developing, implementing, or coordinating the system restructuring initiatives defined in Section 25. The Executive Committee shall have responsibility to oversee and structure the operations of the Advisory Committee and to create and appoint necessary subcommittees and subcommittee members.

(e) The Advisory Committee shall study and make recommendations related to the implementation of this Act, including but not limited to system restructuring initiatives as defined in Section 25 or otherwise related to this Act.

Section 90. The Illinois Act on the Aging is amended by adding Section 4.12 as follows:

(20 ILCS 105/4.12 new)

Sec. 4.12. Older Adult Services Act. The Department shall implement the Older Adult Services Act.

Section 92. The Illinois Health Facilities Planning Act is amended by changing Sections 3 and 12 as follows:

(20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)

(Section scheduled to be repealed on July 1, 2008)

Sec. 3. Definitions. As used in this Act:

"Health care facilities" means and includes the following facilities and organizations:

1. An ambulatory surgical treatment center required to be licensed pursuant to the Ambulatory Surgical Treatment Center Act;

2. An institution, place, building, or agency required to be licensed pursuant to the Hospital Licensing Act;

3. Skilled and intermediate long term care facilities licensed under the Nursing Home Care Act;

3. Skilled and intermediate long term care facilities licensed under the Nursing Home Care Act;

4. Hospitals, nursing homes, ambulatory surgical treatment centers, or kidney disease

treatment centers maintained by the State or any department or agency thereof;

5. Kidney disease treatment centers, including a free-standing hemodialysis unit; and

6. An institution, place, building, or room used for the performance of outpatient

surgical procedures that is leased, owned, or operated by or on behalf of an out-of-state facility.

No federally owned facility shall be subject to the provisions of this Act, nor facilities used solely for healing by prayer or spiritual means.

No facility licensed under the Supportive Residences Licensing Act or the Assisted Living and Shared Housing Act shall be subject to the provisions of this Act.

A facility designated as a supportive living facility that is in good standing with the demonstration project established under Section 5-5.01a of the Illinois Public Aid Code shall not be subject to the provisions of this Act.

This Act does not apply to facilities granted waivers under Section 3-102.2 of the Nursing Home Care Act. However, if a demonstration project under that Act applies for a certificate of need to convert to a nursing facility, it shall meet the licensure and certificate of need requirements in effect as of the date of application.

This Act shall not apply to the closure of an entity or a portion of an entity licensed under the Nursing Home Care Act that elects to convert, in whole or in part, to an assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act.

With the exception of those health care facilities specifically included in this Section, nothing in this Act shall be intended to include facilities operated as a part of the practice of a physician or other licensed health care professional, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional group. Further, this Act shall not apply to physicians or other licensed health care professional's practices where such practices are carried out in a portion of a health care facility under contract with such health care facility by a physician or by other licensed health care professionals, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional groups. This Act shall apply to construction or modification and to establishment by such health care facility of such contracted portion which is subject to facility licensing requirements, irrespective of the party responsible for such action or attendant financial obligation.

"Person" means any one or more natural persons, legal entities, governmental bodies other than federal, or any combination thereof.

"Consumer" means any person other than a person (a) whose major occupation currently involves or whose official capacity within the last 12 months has involved the providing, administering or financing of any type of health care facility, (b) who is engaged in health research or the teaching of health, (c) who has a material financial interest in any activity which involves the providing, administering or financing of any type of health care facility, or (d) who is or ever has been a member of the immediate family of the person defined by (a), (b), or (c).

"State Board" means the Health Facilities Planning Board.

"Construction or modification" means the establishment, erection, building, alteration, reconstruction, modernization, improvement,

extension, discontinuation, change of ownership, of or by a health care facility, or the purchase or acquisition by or through a health care facility of equipment or service for diagnostic or therapeutic purposes or for facility administration or operation, or any capital expenditure made by or on behalf of a health care facility which exceeds the capital expenditure minimum; however, any capital expenditure made by or on behalf of a health care facility for (i) the construction or modification of a facility licensed under the Assisted Living and Shared Housing Act or (ii) a conversion project undertaken in accordance with Section 30 of the Older Adult Services Act shall be excluded from any obligations under this Act.

"Establish" means the construction of a health care facility or the replacement of an existing facility on another site.

"Major medical equipment" means medical equipment which is used for the provision of medical and other health services and which costs in excess of the capital expenditure minimum, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of Section 1861(s) of such Act. In determining whether medical equipment has a value in excess of the capital expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included.

"Capital Expenditure" means an expenditure: (A) made by or on behalf of a health care facility (as such a facility is defined in this Act); and (B) which under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part; and which exceeds the capital expenditure minimum.

For the purpose of this paragraph, the cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall be included in determining if such expenditure exceeds the capital expenditures minimum. Donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to review under this Act shall be considered capital expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure for purposes of this Act if a transfer of the equipment or facilities at fair market value would be subject to review.

"Capital expenditure minimum" means $6,000,000, which shall be annually adjusted to reflect the increase in construction costs due to inflation, for major medical equipment and for all other capital expenditures; provided, however, that when a capital expenditure is for the construction or modification of a health and fitness center, "capital expenditure minimum" means the capital expenditure minimum for all other capital expenditures in effect on March 1, 2000, which shall be annually adjusted to reflect the increase in construction costs due to inflation.

"Non-clinical service area" means an area (i) for the benefit of the patients, visitors, staff, or employees of a health care facility and (ii) not directly related to the diagnosis, treatment, or rehabilitation of persons receiving services from the health care facility. "Non-clinical service areas" include, but are not limited to,

chapels; gift shops; news stands; computer systems; tunnels, walkways, and elevators; telephone systems; projects to comply with life safety codes; educational facilities; student housing; patient, employee, staff, and visitor dining areas; administration and volunteer offices; modernization of structural components (such as roof replacement and masonry work); boiler repair or replacement; vehicle maintenance and storage facilities; parking facilities; mechanical systems for heating, ventilation, and air conditioning; loading docks; and repair or replacement of carpeting, tile, wall coverings, window coverings or treatments, or furniture. Solely for the purpose of this definition, "non-clinical service area" does not include health and fitness centers.

"Areawide" means a major area of the State delineated on a geographic, demographic, and functional basis for health planning and for health service and having within it one or more local areas for health planning and health service. The term "region", as contrasted with the term "subregion", and the word "area" may be used synonymously with the term "areawide".

"Local" means a subarea of a delineated major area that on a geographic, demographic, and functional basis may be considered to be part of such major area. The term "subregion" may be used synonymously with the term "local".

"Areawide health planning organization" or "Comprehensive health planning organization" means the health systems agency designated by the Secretary, Department of Health and Human Services or any successor agency.

"Local health planning organization" means those local health planning organizations that are designated as such by the areawide health planning organization of the appropriate area.

"Physician" means a person licensed to practice in accordance with the Medical Practice Act of 1987, as amended.

"Licensed health care professional" means a person licensed to practice a health profession under pertinent licensing statutes of the State of Illinois.

"Director" means the Director of the Illinois Department of Public Health.

"Agency" means the Illinois Department of Public Health.

"Comprehensive health planning" means health planning concerned with the total population and all health and associated problems that affect the well-being of people and that encompasses health services, health manpower, and health facilities; and the coordination among these and with those social, economic, and environmental factors that affect health.

"Alternative health care model" means a facility or program authorized under the Alternative Health Care Delivery Act.

"Out-of-state facility" means a person that is both (i) licensed as a hospital or as an ambulatory surgery center under the laws of another state or that qualifies as a hospital or an ambulatory surgery center under regulations adopted pursuant to the Social Security Act and (ii) not licensed under the Ambulatory Surgical Treatment Center Act, the Hospital Licensing Act, or the Nursing Home Care Act. Affiliates of out-of-state facilities shall be considered out-of-state facilities. Affiliates of Illinois licensed health care facilities 100% owned by an Illinois licensed health care facility, its parent, or Illinois physicians licensed to practice medicine in all its branches shall not be considered out-of-state facilities. Nothing in this definition shall be construed to include an office or any part of an office of a physician licensed to practice medicine in all its branches in Illinois that is not required to be licensed under the Ambulatory Surgical Treatment Center Act.

"Change of ownership of a health care facility" means a change in the person who has ownership or control of a health care facility's physical plant and capital assets. A change in ownership is indicated by the following transactions: sale, transfer, acquisition, lease, change of sponsorship, or other means of transferring control.

"Related person" means any person that: (i) is at least 50% owned, directly or indirectly, by either the health care facility or a person owning, directly or indirectly, at least 50% of the health care facility; or (ii) owns, directly or indirectly, at least 50% of the health care facility.

(Source: P.A. 93-41, eff. 6-27-03.)

(20 ILCS 3960/12) (from Ch. 111 1/2, par. 1162)

(Section scheduled to be repealed on July 1, 2008)

Sec. 12. Powers and duties of State Board. For purposes of this Act, the State Board shall exercise the following powers and duties:

(1) Prescribe rules, regulations, standards, criteria, procedures or reviews which may vary according to the purpose for which a particular review is being conducted or the type of project reviewed and which are required to carry out the provisions and purposes of this Act.

(2) Adopt procedures for public notice and hearing on all proposed rules, regulations, standards, criteria, and plans required to carry out the provisions of this Act.

(3) Prescribe criteria for recognition for areawide health planning organizations, including, but not limited to, standards for evaluating the scientific bases for judgments on need and procedure for making these determinations.

(4) Develop criteria and standards for health care facilities planning, conduct statewide inventories of health care facilities, maintain an updated inventory on the Department's web site reflecting the most recent bed and service changes and updated need determinations when new census data become available or new need formulae are adopted, and develop health care facility plans which shall be utilized in the review of applications for permit under this Act. Such health facility plans shall be coordinated by the Agency with the health care facility plans areawide health planning organizations and with other pertinent State Plans.

In developing health care facility plans, the State Board shall consider, but shall not be limited to, the following:

(a) The size, composition and growth of the population of the area to be served;

(b) The number of existing and planned facilities offering similar programs;

(c) The extent of utilization of existing facilities;

(d) The availability of facilities which may serve as alternatives or substitutes;

(e) The availability of personnel necessary to the operation of the facility;

(f) Multi-institutional planning and the establishment of multi-institutional systems where feasible;

(g) The financial and economic feasibility of proposed construction or modification; and

(h) In the case of health care facilities established by a religious body or denomination, the needs of the members of such religious body or denomination may be considered to be public need.

The criteria and standards for health care facilities planning, including but not limited to the statewide inventory established under this paragraph (4), shall not be adjusted by any change in the number

of long-term care facility beds resulting from nursing home conversion projects undertaken in accordance with the Older Adult Services Act.

The health care facility plans which are developed and adopted in accordance with this Section shall form the basis for the plan of the State to deal most effectively with statewide health needs in regard to health care facilities.

(5) Coordinate with other state agencies having responsibilities affecting health care facilities, including those of licensure and cost reporting.

(6) Solicit, accept, hold and administer on behalf of the State any grants or bequests of money, securities or property for use by the State Board or recognized areawide health planning organizations in the administration of this Act; and enter into contracts consistent with the appropriations for purposes enumerated in this Act.

(7) The State Board shall prescribe, in consultation with the recognized areawide health planning organizations, procedures for review, standards, and criteria which shall be utilized to make periodic areawide reviews and determinations of the appropriateness of any existing health services being rendered by health care facilities subject to the Act. The State Board shall consider recommendations of the areawide health planning organization and the Agency in making its determinations.

(8) Prescribe, in consultation with the recognized areawide health planning organizations, rules, regulations, standards, and criteria for the conduct of an expeditious review of applications for permits for projects of construction or modification of a health care facility, which projects are non-substantive in nature. Such rules shall not abridge the right of areawide health planning organizations to make recommendations on the classification and approval of projects, nor shall such rules prevent the conduct of a public hearing upon the timely request of an interested party. Such reviews shall not exceed 60 days from the date the application is declared to be complete by the Agency.

(9) Prescribe rules, regulations, standards, and criteria pertaining to the granting of permits for construction and modifications which are emergent in nature and must be undertaken immediately to prevent or correct structural deficiencies or hazardous conditions that may harm or injure persons using the facility, as defined in the rules and regulations of the State Board. This procedure is exempt from public hearing requirements of this Act.

(10) Prescribe rules, regulations, standards and criteria for the conduct of an expeditious review, not exceeding 60 days, of applications for permits for projects to construct or modify health care facilities which are needed for the care and treatment of persons who have acquired immunodeficiency syndrome (AIDS) or related conditions.

(Source: P.A. 93-41, eff. 6-27-03.)

Section 94. The State Finance Act is amended by changing Section 8h and by adding Sections 5.622 and 5.623 as follows:

(30 ILCS 105/5.622 new)

Sec. 5.622. The Nursing Home Conversion Fund.

(30 ILCS 105/5.623 new)

Sec. 5.623. The Older Adult Services Fund.

(30 ILCS 105/8h)

Sec. 8h. Transfers to General Revenue Fund.

(a) Except as provided in subsection (b), notwithstanding ~~Notwithstanding~~ any other State law to the contrary, the Director of the Governor's Office of Management and Budget may from time to time direct the State Treasurer and Comptroller to transfer a specified sum

from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of 8% of the revenues to be deposited into the fund during that year or 25% of the beginning balance in the fund. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use or to any funds in the Motor Fuel Tax Fund or the Hospital Provider Fund. Notwithstanding any other provision of this Section, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed 5% of the revenues to be deposited into the fund during that year.

In determining the available balance in a fund, the Director of the Governor's Office of Management and Budget may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Director of the Governor's Office of Management and Budget.

(b) This Section does not apply to the Nursing Home Conversion Fund or the Older Adult Services Fund.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04.)

Section 96. The Illinois Public Aid Code is amended by adding Section 5-5d as follows:

(305 ILCS 5/5-5d new)

Sec. 5-5d. Enhanced transition and follow-up services. The Department of Public Aid shall apply for any necessary waivers pursuant to Section 1915(c) of the Social Security Act to facilitate the transition from one residential setting to another and follow-up services. Nothing in this Section shall be considered as limiting current similar programs by the Department of Human Services or the Department on Aging.

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2880, AS AMENDED, after the last line of Section 90, by inserting the following:

"Section 91. The Illinois Finance Authority Act is amended by changing Section 840-5 as follows:

(20 ILCS 3501/840-5)

Sec. 840-5. The Authority shall have the following powers:

(a) To fix and revise from time to time and charge and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by a project or other health facilities owned, financed or refinanced by the Authority or any portion thereof and to contract with any person, partnership, association or corporation or other body, public or private, in respect thereto; to coordinate its policies and procedures and cooperate with recognized health facility rate setting mechanisms which may now or hereafter be established.

(b) To establish rules and regulations for the use of a project or other health facilities owned, financed or refinanced by the Authority

or any portion thereof and to designate a participating health institution as its agent to establish rules and regulations for the use of a project or other health facilities owned by the Authority undertaken for that participating health institution.

(c) To establish or contract with others to carry out on its behalf a health facility project cost estimating service and to make this service available on all projects to provide expert cost estimates and guidance to the participating health institution and to the Authority. In order to implement this service and, through it, to contribute to cost containment, the Authority shall have the power to require such reasonable reports and documents from health facility projects as may be required for this service and for the development of cost reports and guidelines. The Authority may appoint a Technical Committee on Health Facility Project Costs and Cost Containment.

(d) To make mortgage or other secured or unsecured loans to or for the benefit of any participating health institution for the cost of a project in accordance with an agreement between the Authority and the participating health institution; provided that no such loan shall exceed the total cost of the project as determined by the participating health institution and approved by the Authority; provided further that such loans may be made to any entity affiliated with a participating health institution if the proceeds of such loan are made available to or applied for the benefit of such participating health institution.

(e) To make mortgage or other secured or unsecured loans to or for the benefit of a participating health institution in accordance with an agreement between the Authority and the participating health institution to refund outstanding obligations, loans, indebtedness or advances issued, made, given or incurred by such participating health institution for the cost of a project; including the function to issue bonds and make loans to or for the benefit of a participating health institution to refinance indebtedness incurred by such participating health institution in projects undertaken and completed or for other health facilities acquired prior to or after the enactment of this Act when the Authority finds that such refinancing is in the public interest, and either alleviates a financial hardship of such participating health institution, or is in connection with other financing by the Authority for such participating health institution or may be expected to result in a lessened cost of patient care and a saving to third parties, including government, and to others who must pay for care, or any combination thereof; provided further that such loans may be made to any entity affiliated with a participating health institution if the proceeds of such loan are made available to or applied for the benefit of such participating health institution.

(f) To mortgage all or any portion of a project or other health facilities and the property on which any such project or other health facilities are located whether owned or thereafter acquired, and to assign or pledge mortgages, deeds of trust, indentures of mortgage or trust or similar instruments, notes, and other securities of participating health institutions to which or for the benefit of which the Authority has made loans or of entities affiliated with such institutions and the revenues therefrom, including payments or income from any thereof owned or held by the Authority, for the benefit of the holders of bonds issued to finance such project or health facilities or issued to refund or refinance outstanding obligations, loans, indebtedness or advances of participating health institutions as permitted by this Act.

(g) To lease to a participating health institution the project being financed or refinanced or other health facilities conveyed to the Authority in connection with such financing or refinancing, upon

such terms and conditions as the Authority shall deem proper, and to charge and collect rents therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; and to include in any such lease, if desired, provisions that the lessee thereof shall have options to renew the lease for such period or periods and at such rent as shall be determined by the Authority or to purchase any or all of the health facilities or that upon payment of all of the indebtedness incurred by the Authority for the financing of such project or health facilities or for refunding outstanding obligations, loans, indebtedness or advances of a participating health institution, then the Authority may convey any or all of the project or such other health facilities to the lessee or lessees thereof with or without consideration.

(h) To make studies of needed health facilities that could not sustain a loan were it made under this Act and to recommend remedial action to the General Assembly; to do the same with regard to any laws or regulations that prevent health facilities from benefiting from this Act.

(i) To assist the Department of Commerce and Economic Opportunity to establish and implement a program to assist health facilities to identify and arrange financing for energy conservation projects in buildings and facilities owned or leased by health facilities.

(j) To assist the Department of Human Services in establishing a low interest loan program to help child care centers and family day care homes serving children of low income families under Section 22.4 of the Children and Family Services Act.

(k) To assist the Department of Public Health and nursing homes in undertaking nursing home conversion projects in accordance with the Older Adult Services Act.

(Source: P.A. 93-205, eff. 1-1-04.)".

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 2880, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 5, by replacing lines 13 through 27 with the following:

"(e) Moneys appropriated by the General Assembly for the purpose of this Section, receipts from donations, grants, fees, or taxes that may accrue from any public or private sources to the Department for the purpose of this Section, and savings attributable to the nursing home conversion program as calculated in subsection (h) shall be deposited into the Department on Aging State Projects Fund. Interest earned by those moneys in the Fund shall be credited to the Fund.

(f) Moneys described in subsection (e) from the Department on Aging State Projects Fund shall be used for older adult"; and

on page 8, line 25, after the period, by inserting the following: "To the extent applicable, however, for the purpose of maintaining the statewide inventory authorized by the Illinois Health Facilities Planning Act, the Department shall send to the Health Facilities Planning Board a copy of each grant award made under this subsection (g)."; and

on page 9, line 1, by replacing "Older Adult Services Fund" with "Department on Aging State Projects Fund"; and

on page 9, line 9, by replacing "The" with "Subject to the availability of funding, the"; and

on page 14, line 21, by replacing "(3)" with "and (3)"; and

on page 14, by replacing lines 24 through 27 with the following: "services. Grantees"; and

on page 15, by replacing lines 9 and 10 with the following: "or (2) of subsection (b). The nursing home shall retain the Certificate of Need for its"; and

on page 15, line 11, by deleting "up to"; and

on page 15, line 17, by deleting "or (4)"; and

on page 17, line 18, after the period, by inserting the following: "The Department of Public Health, however, shall send to the Health Facilities Planning Board a copy of each grant award made under this Section."; and

on page 17, by deleting lines 22 through 34; and

on page 18, by deleting line 1; and

on page 18, line 2, by changing "(m)" to "(l)"; and

on page 21, line 8, by changing "Sections 3 and 12" to "Section 3"; and

by deleting all of pages 28 through 31; and

on page 32, by deleting lines 1 through 12.

Under the rules, the foregoing **Senate Bill No. 2880**, with House Amendments numbered 1, 2 and 3, was referred to the Secretary's Desk.

A message from the House by
Mr. Mahoney, 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. 3007

A bill for AN ACT concerning the sealing of criminal records.

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. 3007
House Amendment No. 2 to SENATE BILL NO. 3007
House Amendment No. 4 to SENATE BILL NO. 3007
House Amendment No. 5 to SENATE BILL NO. 3007
House Amendment No. 6 to SENATE BILL NO. 3007
Passed the House, as amended, May 27, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 3007 on page 6, by replacing lines 29 and 30 with the following:
"or if an adult or minor prosecuted as an adult ~~the person~~ is convicted of a violation of a municipal ordinance or a misdemeanor but the conviction is reversed, or if an adult or minor prosecuted as an adult, regardless of the original charge, ~~the person~~ has been placed on supervision for a"; and

on page 8, by replacing lines 32 and 33 with the following:

"misdemeanor who was acquitted or ~~,~~ released without being convicted, or an adult or minor prosecuted as an adult who was convicted of a violation of a municipal ordinance or a misdemeanor and the conviction was reversed, or an adult or minor prosecuted as an adult, regardless of the original charge, who was placed"; and

by replacing lines 27 through 36 on page 13 and lines 1 through 16 on page 14 with the following:

"(k) A person may not have subsequent felony conviction records sealed as provided in subsection (j) if he or she is convicted of any felony offense subsequent to the date of the sealing of prior felony records as provided in subsection (j).

(l) The Illinois Department of Corrections shall conduct a study of the impact of sealing, especially on employment and recidivism rates, utilizing a random sample of those who apply for the sealing of their criminal records under Public Act 93-211, in accordance to rules adopted by the Department. At the request of the Illinois Department of Corrections, records of the Illinois Department of Employment Security shall be utilized as appropriate to assist in the study. The study shall not disclose any data in a manner that would allow the identification of any particular individual or employing unit. The study shall be made available to the General Assembly no later than September 1, 2006.".

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 3007, AS AMENDED, by replacing paragraph (1) of subsection (h) of Sec. 5 of Section 5 with the following:

"(h)(1) Notwithstanding any other provision of this Act to the contrary and cumulative with any rights to expungement of criminal records, the Chief Judge of the circuit in which the charge or charges were brought may have the official records of the charges and disposition that are held by the arresting authority, the Department, and the clerk of the circuit court regarding an adult or minor prosecuted as an adult sealed if the adult or minor prosecuted as an adult was:

(A) charged with one or more municipal ordinance violations or misdemeanors, and thereafter was either acquitted or released without being convicted; or

(B) regardless of the original charge or charges, placed on misdemeanor supervision; and

(i) at least 3 years have elapsed since the completion of the term of supervision for the last such event; and

(ii) the individual has not been convicted of a felony or misdemeanor or placed on supervision for a misdemeanor during the period specified in clause (i); or

(C) regardless of the original charge or charges, placed on misdemeanor supervision or convicted of a municipal ordinance violation or a misdemeanor and the conviction was reversed.

However, all such records are nonetheless subject to inspection and use by the court and inspection and use by law enforcement agencies and State's Attorneys or other prosecutors in carrying out the duties of their offices. ~~Notwithstanding any other provision of this Act to the contrary and cumulative with any rights to expungement of criminal records, whenever an adult or minor prosecuted as an adult charged with a violation of a municipal ordinance or a misdemeanor is acquitted or released without being convicted, or if the person is convicted but the conviction is reversed, or if the person has been placed on supervision for a misdemeanor and has not been convicted of a felony or misdemeanor or placed on supervision for a misdemeanor~~

~~within 3 years after the acquittal or release or reversal of conviction, or the completion of the terms and conditions of the supervision, if the acquittal, release, finding of not guilty, or reversal of conviction occurred on or after the effective date of this amendatory Act of the 93rd General Assembly, the Chief Judge of the circuit in which the charge was brought may have the official records of the arresting authority, the Department, and the clerk of the circuit court sealed 3 years after the dismissal of the charge, the finding of not guilty, the reversal of conviction, or the completion of the terms and conditions of the supervision, except those records are subject to inspection and use by the court for the purposes of subsequent sentencing for misdemeanor and felony violations and inspection and use by law enforcement agencies and State's Attorneys or other prosecutors in carrying out the duties of their offices.~~ Except as otherwise provided in subsection (j), this ~~This~~ subsection (h) does not apply to persons placed on supervision for: (1) a violation of

Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance; (2) a misdemeanor violation of Article 11 of the Criminal Code of 1961 or a similar provision of a local ordinance; (3) a misdemeanor violation of Section 12-15, 12-30, or 26-5 of the Criminal Code of 1961 or a similar provision of a local ordinance; (4) a misdemeanor violation that is a crime of violence as defined in Section 2 of the Crime Victims Compensation Act or a similar provision of a local ordinance; (5) a Class A misdemeanor violation of the Humane Care for Animals Act; or (6) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act."; and

by replacing paragraph (1) of subsection (i) of Sec. 5 of Section 5 with the following:

"(i)(1) Notwithstanding any other provision of this Act to the contrary and cumulative with any rights to expungement of criminal records, the Chief Judge of the circuit in which the charge or charges were brought may have the official records of the charges and disposition that are held by the arresting authority, the Department, and the clerk of the circuit court regarding an adult or minor prosecuted as an adult sealed if:

(A) the adult or minor prosecuted as an adult has been convicted of one or more municipal ordinance violations or misdemeanors; and

(B) at least 4 years have elapsed since the last such conviction or term of any sentence, probation, or supervision, if any; and

(C) the individual, since the last such conviction or term of any sentence, probation or supervision, if any, has not been convicted of a felony or misdemeanor or placed on supervision for a misdemeanor.

However, all such records are nonetheless subject to inspection and use by the court and inspection and use by law enforcement agencies and State's Attorneys or other prosecutors in carrying out the duties of their offices. ~~Notwithstanding any other provision of this Act to the contrary and cumulative with any rights to expungement of criminal records, whenever an adult or minor prosecuted as an adult charged with a violation of a municipal ordinance or a misdemeanor is convicted of a misdemeanor and has not been convicted of a felony or misdemeanor or placed on supervision for a misdemeanor within 4 years after the completion of the sentence, if the conviction occurred on or after the effective date of this amendatory Act of the 93rd General Assembly, the Chief Judge of the circuit in which the charge was~~

~~brought may have the official records of the arresting authority, the Department, and the clerk of the circuit court sealed 4 years after the completion of the sentence, except those records are subject to inspection and use by the court for the purposes of subsequent sentencing for misdemeanor and felony violations and inspection and use by law enforcement agencies and State's Attorneys or other prosecutors in carrying out the duties of their offices.~~ Except as otherwise provided in subsection (j), this ~~This~~ subsection (i) does not apply to persons convicted of: (1) a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance; (2) a misdemeanor violation of Article 11 of the Criminal Code of 1961 or a similar provision of a local ordinance; (3) a misdemeanor violation of Section 12-15, 12-30, or 26-5 of the Criminal Code of 1961 or a similar provision of a local ordinance; (4) a misdemeanor violation that is a crime of violence as defined in Section 2 of the Crime Victims Compensation Act or a similar provision of a local ordinance; (5) a Class A misdemeanor violation of the Humane Care for Animals Act; or (6) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act."; and

in subsection (j) of Sec. 5 of Section 5, by inserting after "met." the following:

"A person filing a petition to have his or her records sealed for a Class 4 felony violation of Section 4 of the Cannabis Control Act or for a Class 4 felony violation of Section 402 of the Illinois Controlled Substances Act must attach to the petition proof that the petitioner has passed a test taken within the previous 30 days before the filing of the petition showing the absence within his or her body of all illegal substances in violation of either the Illinois Controlled Substances Act or the Cannabis Control Act."; and

by inserting after the last line of subsection (k) of Sec. 5 of Section 5 the following:

"(l) Criminal history records sealed as prescribed in subsections (h), (i), and (j) shall not remain sealed to employers, authorizing bodies, and government agencies when State or federal law or regulation would otherwise prohibit employment or licensure by the person had his or her criminal history records not been sealed. A felony record of arrest or conviction shall not be sealed until the Department of State Police has implemented the system to provide these records, which shall be accomplished in no more than one year from the effective date of this amendatory Act of the 93rd General Assembly. Subject to the approval by the Illinois Commerce Commission, an amount not to exceed $885,000 shall be transferred from the Digital Divide Elimination Infrastructure Fund to the State Police Services Fund for the purpose of establishing the computer system necessary for the implementation of this amendatory Act of the 93rd General Assembly."; and

by relettering subsection "(l)" of Sec. 5 of Section 5 as subsection "(m)"; and

in the relettered subsection (m), by replacing "The Illinois Department of Corrections shall conduct" with "Subject to available funding, the Illinois Department of Corrections shall conduct".

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend Senate Bill 3007 on page 8, line 21,

by changing "The clerk" to "Notwithstanding any provision of the Clerks of Courts Act to the contrary and subject to county board approval, the clerk"; and

on page 11, line 31, by changing "The clerk" to "Notwithstanding any provision of the Clerks of Courts Act to the contrary and subject to county board approval, the clerk".

AMENDMENT NO. 5

AMENDMENT NO. 5. Amend Senate Bill 3007, AS AMENDED, by replacing the introductory clause of Section 5 with the following:

"Section 5. The Criminal Identification Act is amended by changing Sections 5, 12, and 13 as follows:"; and

by deleting all of subsection (l) of Sec. 5 of Section 5; and

by relettering subsection "(m)" of Sec. 5 of Section 5 as subsection "(l)"; and

by inserting after the last line of Sec. 5 of Section 5 the following:

"(20 ILCS 2630/12)

Sec. 12. Entry of order; effect of expungement or sealing records.

(a) Except with respect to law enforcement agencies, the Department of Corrections, State's Attorneys, or other prosecutors, and as provided in Section 13 of this Act, an expunged or sealed record may not be considered by any private or public entity in employment matters, certification, licensing, revocation of certification or licensure, or registration. Applications for employment must contain specific language which states that the applicant is not obligated to disclose sealed or expunged records of conviction or arrest. Employers may not ask if an applicant has had records expunged or sealed.

(b) A person whose records have been sealed or expunged is not entitled to remission of any fines, costs, or other money paid as a consequence of the sealing or expungement. This amendatory Act of the 93rd General Assembly does not affect the right of the victim of a crime to prosecute or defend a civil action for damages. Persons engaged in civil litigation involving criminal records that have been sealed may petition the court to open the records for the limited purpose of using them in the course of litigation.

(Source: P.A. 93-211, eff. 1-1-04.)

(20 ILCS 2630/13)

Sec. 13. Retention and release of sealed records ~~Prohibited conduct; misdemeanor; penalty~~.

(a) The Department of State Police shall retain records sealed under subsections (h), ~~and~~ (i) , and (j) of Section 5 and shall release them only as authorized by this Act. Felony records ~~The~~ sealed under subsection (j) of Section 5 ~~records~~ shall be used and disseminated by the Department only as otherwise specifically required or authorized by a federal or State law, rule, or regulation that requires inquiry into and release of criminal records, including, but not limited to, subsection (A) of Section 3 of this Act. However, all requests for records that have been expunged, sealed, and impounded and the use of those records are subject to the provisions of Section 2-103 of the Illinois Human Rights Act ~~allowed by law~~. Upon conviction for any offense, the Department of Corrections shall have access to all sealed records of the Department pertaining to that individual.

(b) The sealed records maintained under subsection (a) are exempt from disclosure under the Freedom of Information Act.

(c) The Department of State Police shall commence the sealing of

records of felony arrests and felony convictions pursuant to the provisions of subsection (j) of Section 5 of this Act no later than one year from the date that funds have been made available for purposes of establishing the technologies necessary to implement the changes made by this amendatory Act of the 93rd General Assembly.
(Source: P.A. 93-211, eff. 1-1-04.)

Section 10. The Illinois Human Rights Act is amended by changing Section 2-103 as follows:

(775 ILCS 5/2-103) (from Ch. 68, par. 2-103)

Sec. 2-103. Arrest Record.

(A) Unless otherwise authorized by law, it is a civil rights violation for any employer, employment agency or labor organization to inquire into or to use the fact of an arrest or criminal history record information ordered expunged, sealed or impounded under Section 5 of the Criminal Identification Act as a basis to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment. This Section does not prohibit a State agency, unit of local government or school district, or private organization from requesting or utilizing sealed felony conviction information obtained from the Department of State Police under the provisions of Section 3 of the Criminal Identification Act or under other State or federal laws or regulations that require criminal background checks in evaluating the qualifications and character of an employee or a prospective employee.

(B) The prohibition against the use of the fact of an arrest contained in this Section shall not be construed to prohibit an employer, employment agency, or labor organization from obtaining or using other information which indicates that a person actually engaged in the conduct for which he or she was arrested.
(Source: P.A. 89-370, eff. 8-18-95.)".

AMENDMENT NO. 6

AMENDMENT NO. 6. Amend Senate Bill 3007, AS AMENDED, by replacing all of subsections (h), (i), (j), and (k) of Sec. 5 of Section 5 with the following:

"(h) (1) Applicability. Notwithstanding any other provision of this Act to the contrary and cumulative with any rights to expungement of criminal records, this subsection authorizes the sealing of criminal records of adults and of minors prosecuted as adults.

(2) Sealable offenses. The following offenses may be sealed:

(A) All municipal ordinance violations and misdemeanors, with the exception of the following:

(i) violations of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance;

(ii) violations of Article 11 of the Criminal Code of 1961 or a similar provision of a local ordinance, except Section 11-14 of the Criminal Code of 1961 as provided in clause B(i) of this subsection (h);

(iii) violations of Section 12-15, 12-30, or 26-5 of the Criminal Code of 1961 or a similar provision of a local ordinance;

(iv) violations that are a crime of violence as defined in Section 2 of the Crime Victims Compensation Act or a similar provision of a local ordinance;

(v) Class A misdemeanor violations of the Humane Care for Animals Act; and

(vi) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act.

(B) Misdemeanor and Class 4 felony violations of:

(i) Section 11-14 of the Criminal Code of 1961;

(ii) Section 4 of the Cannabis Control Act;

(iii) Section 402 of the Illinois Controlled Substances Act; and

(iv) However, for purposes of this subsection (h), a sentence of first offender probation under Section 10 of the Cannabis Control Act and Section 410 of the Illinois Controlled Substances Act shall be treated as a Class 4 felony conviction.

(3) Requirements for sealing. Records identified as sealable under clause (h) (2) may be sealed when the individual was:

(A) Acquitted of the offense or offenses or released without being convicted.

(B) Convicted of the offense or offenses and the conviction or convictions were reversed.

(C) Placed on misdemeanor supervision for an offense or offenses; and

(i) at least 3 years have elapsed since the completion of the term of supervision, or terms of supervision, if more than one term has been ordered; and

(ii) the individual has not been convicted of a felony or misdemeanor or placed on supervision for a misdemeanor or felony during the period specified in clause (i).

(D) Convicted of an offense or offenses; and

(i) at least 4 years have elapsed since the last such conviction or term of any sentence, probation, parole, or supervision, if any, whichever is last in time; and

(ii) the individual has not been convicted of a felony or misdemeanor or placed on supervision for a misdemeanor or felony during the period specified in clause (i).

(4) Requirements for sealing of records when more than one charge and disposition have been filed. When multiple offenses are petitioned to be sealed under this subsection (h), the requirements of the relevant provisions of clauses (h)(3)(A) through (D) each apply. In instances in which more than one waiting period is applicable under clauses (h)(C)(i) and (ii) and (h)(D)(i) and (ii), the longer applicable period applies, and the requirements of clause (h) (3) shall be considered met when the petition is filed after the passage of the longer applicable waiting period. That period commences on the date of the completion of the last sentence or the end of supervision, probation, or parole, whichever is last in time.

(5) Subsequent convictions. A person may not have subsequent felony conviction records sealed as provided in this subsection (h) if he or she is convicted of any felony offense after the date of the sealing of prior felony records as provided in this subsection (h).

(6) Notice of eligibility for sealing. Upon acquittal, release without conviction, or being placed on supervision for a sealable offense, or upon conviction of a sealable offense, the person shall be informed by the court of the right to have the records sealed and the procedures for the sealing of the records.

(7) Procedure. Upon becoming eligible for the sealing of records under this subsection (h), the person who seeks the sealing of his or her records shall file a petition requesting the sealing of records with the clerk of the court where the charge or charges were brought. The records may be sealed by the Chief Judge of the circuit wherein the charge was brought, any judge of that circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the defendant's trial, if any. If charges were brought in multiple jurisdictions, a petition must be filed in each such jurisdiction. The petitioner shall pay the applicable fee,

if not waived.

(A) Contents of petition. The petition shall contain the petitioner's name, date of birth, current address, each charge, each case number, the date of each charge, the identity of the arresting authority, and such other information as the court may require. During the pendency of the proceeding, the petitioner shall promptly notify the clerk of the court of any change of address.

(B) Drug test. A person filing a petition to have his or her records sealed for a Class 4 felony violation of Section 4 of the Cannabis Control Act or for a Class 4 felony violation of Section 402 of the Illinois Controlled Substances Act must attach to the petition proof that the petitioner has passed a test taken within the previous 30 days before the filing of the petition showing the absence within his or her body of all illegal substances in violation of either the Illinois Controlled Substances Act or the Cannabis Control Act.

(C) Service of petition. The clerk shall promptly serve a copy of the petition on the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest.

(D) Entry of order. Unless the State's Attorney or prosecutor, the Department of State Police, the arresting agency or such chief legal officer objects to sealing of the records within 90 days of notice the court shall enter an order sealing the defendant's records.

(E) Hearing upon objection. If an objection is filed, the court shall set a date for a hearing and notify the petitioner and the parties on whom the petition had been served, and shall hear evidence on whether the sealing of the records should or should not be granted, and shall make a determination on whether to issue an order to seal the records based on the evidence presented at the hearing.

(F) Service of order. After entering the order to seal records, the court must provide copies of the order to the Department, in a form and manner prescribed by the Department, to the petitioner, to the State's Attorney or prosecutor charged with the duty of prosecuting the offense, to the arresting agency, to the chief legal officer of the unit of local government effecting the arrest, and to such other criminal justice agencies as may be ordered by the court.

(8) Fees. Notwithstanding any provision of the Clerk of the Courts Act to the contrary, and subject to the approval of the county board, the clerk may charge a fee equivalent to the cost associated with the sealing of records by the clerk and the Department of State Police. The clerk shall forward the Department of State Police portion of the fee to the Department and it shall be deposited into the State Police Services Fund.

~~(h) (1) Notwithstanding any other provision of this Act to the contrary and cumulative with any rights to expungement of criminal records, whenever an adult or minor prosecuted as an adult charged with a violation of a municipal ordinance or a misdemeanor is acquitted or released without being convicted, or if the person is convicted but the conviction is reversed, or if the person has been placed on supervision for a misdemeanor and has not been convicted of a felony or misdemeanor or placed on supervision for a misdemeanor within 3 years after the acquittal or release or reversal of conviction, or the completion of the terms and conditions of the supervision, if the acquittal, release, finding of not guilty, or reversal of conviction occurred on or after the effective date of this amendatory Act of the 93rd General Assembly, the Chief Judge of the circuit in which the charge was brought may have the official records of the arresting authority, the Department, and the clerk of the~~

~~circuit court sealed 3 years after the dismissal of the charge, the finding of not guilty, the reversal of conviction, or the completion of the terms and conditions of the supervision, except those records are subject to inspection and use by the court for the purposes of subsequent sentencing for misdemeanor and felony violations and inspection and use by law enforcement agencies and State's Attorneys or other prosecutors in carrying out the duties of their offices. This subsection (h) does not apply to persons placed on supervision for: (1) a violation of Section 11 501 of the Illinois Vehicle Code or a similar provision of a local ordinance; (2) a misdemeanor violation of Article 11 of the Criminal Code of 1961 or a similar provision of a local ordinance; (3) a misdemeanor violation of Section 12 15, 12 30, or 26 5 of the Criminal Code of 1961 or a similar provision of a local ordinance; (4) a misdemeanor violation that is a crime of violence as defined in Section 2 of the Crime Victims Compensation Act or a similar provision of a local ordinance; (5) a Class A misdemeanor violation of the Humane Care for Animals Act; or (6) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act.~~

~~(2) Upon acquittal, release without conviction, or being placed on supervision, the person charged with the offense shall be informed by the court of the right to have the records sealed and the procedures for the sealing of the records. Three years after the dismissal of the charge, the finding of not guilty, the reversal of conviction, or the completion of the terms and conditions of the supervision, the defendant shall provide the clerk of the court with a notice of request for sealing of records and payment of the applicable fee and a current address and shall promptly notify the clerk of the court of any change of address. The clerk shall promptly serve notice that the person's records are to be sealed on the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest. Unless the State's Attorney or prosecutor, the Department of State Police, the arresting agency or such chief legal officer objects to sealing of the records within 90 days of notice the court shall enter an order sealing the defendant's records 3 years after the dismissal of the charge, the finding of not guilty, the reversal of conviction, or the completion of the terms and conditions of the supervision. The clerk of the court shall promptly serve by mail or in person a copy of the order to the person, the arresting agency, the prosecutor, the Department of State Police and such other criminal justice agencies as may be ordered by the judge. If an objection is filed, the court shall set a date for hearing. At the hearing the court shall hear evidence on whether the sealing of the records should or should not be granted.~~

~~(3) The clerk may charge a fee equivalent to the cost associated with the sealing of records by the clerk and the Department of State Police. The clerk shall forward the Department of State Police portion of the fee to the Department and it shall be deposited into the State Police Services Fund.~~

~~(4) Whenever sealing of records is required under this subsection (h), the notification of the sealing must be given by the circuit court where the arrest occurred to the Department in a form and manner prescribed by the Department.~~

~~(5) An adult or a minor prosecuted as an adult who was charged with a violation of a municipal ordinance or a misdemeanor who was acquitted, released without being convicted, convicted and the conviction was reversed, or placed on supervision for a misdemeanor before the date of this amendatory Act of the 93rd General Assembly and was not convicted of a felony or misdemeanor or placed on~~

~~supervision for a misdemeanor for 3 years after the acquittal or release or reversal of conviction, or completion of the terms and conditions of the supervision may petition the Chief Judge of the circuit in which the charge was brought, any judge of that circuit in which the charge was brought, any judge of the circuit designated by the Chief Judge, or, in counties of less than 3,000,000 inhabitants, the presiding trial judge at that defendant's trial, to seal the official records of the arresting authority, the Department, and the clerk of the court, except those records are subject to inspection and use by the court for the purposes of subsequent sentencing for misdemeanor and felony violations and inspection and use by law enforcement agencies, the Department of Corrections, and State's Attorneys and other prosecutors in carrying out the duties of their offices. This subsection (h) does not apply to persons placed on supervision for: (1) a violation of Section 11 501 of the Illinois Vehicle Code or a similar provision of a local ordinance; (2) a misdemeanor violation of Article 11 of the Criminal Code of 1961 or a similar provision of a local ordinance; (3) a misdemeanor violation of Section 12 15, 12 30, or 26 5 of the Criminal Code of 1961 or a similar provision of a local ordinance; (4) a misdemeanor violation that is a crime of violence as defined in Section 2 of the Crime Victims Compensation Act or a similar provision of a local ordinance; (5) a Class A misdemeanor violation of the Humane Care for Animals Act; or (6) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act. The State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest shall be served with a copy of the verified petition and shall have 90 days to object. If an objection is filed, the court shall set a date for hearing. At the hearing the court shall hear evidence on whether the sealing of the records should or should not be granted. The person whose records are sealed under the provisions of this Act shall pay to the clerk of the court and the Department of State Police a fee equivalent to the cost associated with the sealing of records. The fees shall be paid to the clerk of the court who shall forward the appropriate portion to the Department at the time the court order to seal the defendant's record is forwarded to the Department for processing. The Department of State Police portion of the fee shall be deposited into the State Police Services Fund.~~

~~(i) (1) Notwithstanding any other provision of this Act to the contrary and cumulative with any rights to expungement of criminal records, whenever an adult or minor prosecuted as an adult charged with a violation of a municipal ordinance or a misdemeanor is convicted of a misdemeanor and has not been convicted of a felony or misdemeanor or placed on supervision for a misdemeanor within 4 years after the completion of the sentence, if the conviction occurred on or after the effective date of this amendatory Act of the 93rd General Assembly, the Chief Judge of the circuit in which the charge was brought may have the official records of the arresting authority, the Department, and the clerk of the circuit court sealed 4 years after the completion of the sentence, except those records are subject to inspection and use by the court for the purposes of subsequent sentencing for misdemeanor and felony violations and inspection and use by law enforcement agencies and State's Attorneys or other prosecutors in carrying out the duties of their offices. This subsection (i) does not apply to persons convicted of: (1) a violation of Section 11 501 of the Illinois Vehicle Code or a similar provision of a local ordinance; (2) a misdemeanor violation of Article 11 of the Criminal Code of 1961 or a similar provision of a local ordinance; (3)~~

~~a misdemeanor violation of Section 12 15, 12 30, or 26 5 of the Criminal Code of 1961 or a similar provision of a local ordinance; (4) a misdemeanor violation that is a crime of violence as defined in Section 2 of the Crime Victims Compensation Act or a similar provision of a local ordinance; (5) a Class A misdemeanor violation of the Humane Care for Animals Act; or (6) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act.~~

~~(2) Upon the conviction of such offense, the person charged with the offense shall be informed by the court of the right to have the records sealed and the procedures for the sealing of the records. Four years after the completion of the sentence, the defendant shall provide the clerk of the court with a notice of request for sealing of records and payment of the applicable fee and a current address and shall promptly notify the clerk of the court of any change of address. The clerk shall promptly serve notice that the person's records are to be sealed on the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest. Unless the State's Attorney or prosecutor, the Department of State Police, the arresting agency or such chief legal officer objects to sealing of the records within 90 days of notice the court shall enter an order sealing the defendant's records 4 years after the completion of the sentence. The clerk of the court shall promptly serve by mail or in person a copy of the order to the person, the arresting agency, the prosecutor, the Department of State Police and such other criminal justice agencies as may be ordered by the judge. If an objection is filed, the court shall set a date for hearing. At the hearing the court shall hear evidence on whether the sealing of the records should or should not be granted.~~

~~(3) The clerk may charge a fee equivalent to the cost associated with the sealing of records by the clerk and the Department of State Police. The clerk shall forward the Department of State Police portion of the fee to the Department and it shall be deposited into the State Police Services Fund.~~

~~(4) Whenever sealing of records is required under this subsection (i), the notification of the sealing must be given by the circuit court where the arrest occurred to the Department in a form and manner prescribed by the Department.~~

~~(5) An adult or a minor prosecuted as an adult who was charged with a violation of a municipal ordinance or a misdemeanor who was convicted of a misdemeanor before the date of this amendatory Act of the 93rd General Assembly and was not convicted of a felony or misdemeanor or placed on supervision for a misdemeanor for 4 years after the completion of the sentence may petition the Chief Judge of the circuit in which the charge was brought, any judge of that circuit in which the charge was brought, any judge of the circuit designated by the Chief Judge, or, in counties of less than 3,000,000 inhabitants, the presiding trial judge at that defendant's trial, to seal the official records of the arresting authority, the Department, and the clerk of the court, except those records are subject to inspection and use by the court for the purposes of subsequent sentencing for misdemeanor and felony violations and inspection and use by law enforcement agencies, the Department of Corrections, and State's Attorneys and other prosecutors in carrying out the duties of their offices. This subsection (i) does not apply to persons convicted of: (1) a violation of Section 11 501 of the Illinois Vehicle Code or a similar provision of a local ordinance; (2) a misdemeanor violation of Article 11 of the Criminal Code of 1961 or a similar provision of a local ordinance; (3) a misdemeanor violation of Section 12 15, 12 30,~~

~~or 26-5 of the Criminal Code of 1961 or a similar provision of a local ordinance; (4) a misdemeanor violation that is a crime of violence as defined in Section 2 of the Crime Victims Compensation Act or a similar provision of a local ordinance; (5) a Class A misdemeanor violation of the Humane Care for Animals Act; or (6) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act. The State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest shall be served with a copy of the verified petition and shall have 90 days to object. If an objection is filed, the court shall set a date for hearing. At the hearing the court shall hear evidence on whether the sealing of the records should or should not be granted. The person whose records are sealed under the provisions of this Act shall pay to the clerk of the court and the Department of State Police a fee equivalent to the cost associated with the sealing of records. The fees shall be paid to the clerk of the court who shall forward the appropriate portion to the Department at the time the court order to seal the defendant's record is forwarded to the Department for processing. The Department of State Police portion of the fee shall be deposited into the State Police Services Fund.~~"; and

in Sec. 5 of Section 5 by relettering subsection "(l)" as subsection "(i)"; and

in subsection (a) of Sec. 13 of Section 5 by changing "subsections (h), ~~and~~ (i) , and (j)" to "subsection ~~subsections~~ (h) ~~and (i)~~"; and

in subsection (a) of Sec. 13 of Section 5 by replacing "subsection (j)" with "subsection (h)"; and

by inserting after the last line of subsection (a) of Sec. 13 of Section 5 the following:

"(b) Notwithstanding the foregoing, all sealed records are subject to inspection and use by the court and inspection and use by law enforcement agencies and State's Attorneys or other prosecutors in carrying out the duties of their offices."; and

in Sec. 13 of Section 5, by changing "(b)" to "(c) ~~(b)~~"; and

in Sec. 13 of Section 5, by changing "(c)" to "(d)"; and

in the relettered subsection (d), by changing "subsection (j)" to "subsection (h)".

Under the rules, the foregoing **Senate Bill No. 3007**, with House Amendments numbered 1, 2, 4, 5 and 6, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, 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. 3201

A bill for AN ACT in relation to executive agencies.

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. 3201

Passed the House, as amended, May 27, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 3201 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Nuclear Safety Law of 2004.

Section 5. Cross references. The Illinois Emergency Management Agency shall exercise, administer, and enforce all rights, powers, and duties vested in Department of Nuclear Safety by the following named Acts or Sections of those Acts:

(1) The Radiation Protection Act of 1990.
(2) The Radioactive Waste Storage Act.
(3) The Personnel Radiation Monitoring Act.
(4) The Laser System Act of 1997.
(5) The Illinois Nuclear Safety Preparedness Act.
(6) The Radioactive Waste Compact Enforcement Act.
(7) Illinois Low-Level Radioactive Waste Management Act.
(8) Illinois Nuclear Facility Safety Act.
(9) Radioactive Waste Tracking and Permitting Act.
(10) Radon Industry Licensing Act.
(11) Uranium and Thorium Mill Tailings Control Act.

Section 10. Nuclear and radioactive materials disposal. The Illinois Emergency Management Agency shall formulate a comprehensive plan regarding disposal of nuclear and radioactive materials in this State. The Illinois Emergency Management Agency shall establish minimum standards for disposal sites, shall evaluate and publicize potential effects on the public health and safety, and shall report to the Governor and General Assembly all violations of the adopted standards. In carrying out this function, the Illinois Emergency Management Agency shall work in cooperation with the Radiation Protection Advisory Council.

Section 15. Radiation sources; radioactive waste disposal. The Illinois Emergency Management Agency, instead of the Department of Nuclear Safety, shall register, license, inspect, and control radiation sources, shall purchase, lease, accept, or acquire lands, buildings, and grounds where radioactive wastes can be disposed, and shall supervise and regulate the operation of the disposal sites.

Section 20. Nuclear waste sites.

(a) The Illinois Emergency Management Agency shall conduct a survey and prepare and publish a list of sites in the State where nuclear waste has been deposited, treated, or stored.

(b) The Illinois Emergency Management Agency shall monitor nuclear waste processing, use, handling, storage, and disposal practices in the State, and shall determine existing and expected rates of production of nuclear wastes.

(c) The Illinois Emergency Management Agency shall compile and make available to the public an annual report identifying the type and quantities of nuclear waste generated, stored, treated, or disposed of within this State and containing the other information required to be collected under this Section.

Section 25. Boiler and pressure vessel safety. The Illinois Emergency Management Agency shall exercise, administer, and enforce all of the following rights, powers, and duties:

(1) Rights, powers, and duties vested in the Department of Nuclear Safety by the Boiler and Pressure Vessel Safety Act prior to the abolishment of the Department of Nuclear Safety, to the extent the rights, powers, and duties relate to nuclear steam-generating facilities.

(2) Rights, powers, and duties relating to nuclear steam-generating facilities vested in the Department of Nuclear Safety by the Boiler and Pressure Vessel Safety Act prior to the abolishment of the Department of Nuclear Safety, which include but are not limited to the formulation of definitions, rules, and regulations for the safe and proper construction, installation, repair, use, and operation of nuclear steam-generating facilities, the adoption of rules for already installed nuclear steam-generating facilities, the adoption of rules for accidents in nuclear steam-generating facilities, the examination for or suspension of inspectors' licenses of the facilities, and the hearing of appeals from decisions relating to the facilities.

(3) Rights, powers, and duties relating to nuclear steam-generating facilities, vested in the State Fire Marshal, the Chief Inspector, or the Department of Nuclear Safety prior to its abolishment, by the Boiler and Pressure Vessel Safety Act, which include but are not limited to the employment of inspectors of nuclear steam-generating facilities, issuance or suspension of their commissions, prosecution of the Act or rules promulgated thereunder for violations by nuclear steam-generating facilities, maintenance of inspection records of all the facilities, publication of rules relating to the facilities, having free access to the facilities, issuance of inspection certificates of the facilities, and the furnishing of bonds conditioned upon the faithful performance of their duties. The Director of Illinois Emergency Management Agency may designate a Chief Inspector, or other inspectors, as he or she deems necessary to perform the functions transferred by this Section.

The transfer of rights, powers, and duties specified in paragraphs (1), (2), and (3) is limited to the program transferred by this Act and shall not be deemed to abolish or diminish the exercise of those same rights, powers, and duties by the Office of the State Fire Marshal, the Board of Boiler and Pressure Vessel Rules, the State Fire Marshal, or the Chief Inspector with respect to programs retained by the Office of the State Fire Marshal.

Section 30. Powers vested in Environmental Protection Agency.

(a) The Illinois Emergency Management Agency shall exercise, administer, and enforce all rights, powers, and duties vested in the Environmental Protection Agency by paragraphs a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, and r of Section 4 and by Sections 30 through 45 of the Environmental Protection Act, to the extent that these powers relate to standards of the Pollution Control Board adopted under Section 35 of this Act. The transfer of rights, powers, and duties specified in this Section is limited to the programs transferred by Public Act 81-1516 and this Act and shall not be deemed to abolish or diminish the exercise of those same rights, powers, and duties by the Environmental Protection Agency with respect to programs retained by the Environmental Protection Agency.

(b) Notwithstanding provisions in Sections 4 and 17.7 of the Environmental Protection Act, the Environmental Protection Agency is not required to perform analytical services for community water supplies to determine compliance with contaminant levels for radionuclides as specified in State or federal drinking water regulations.

(c) Community water supplies may request the Illinois Emergency

Management Agency to perform analytical services to determine compliance with contaminant levels for radionuclides as specified in State or federal drinking water regulations. The Illinois Emergency Management Agency must adopt rules establishing reasonable fees reflecting the direct and indirect cost of testing community water supply samples. The rules may require a community water supply to commit to participation in the Illinois Emergency Management Agency's testing program. Neither the Illinois Emergency Management Agency nor the Environmental Protection Agency is required to perform analytical services to determine contaminant levels for radionuclides from any community water supply that does not participate in the Illinois Emergency Management Agency's testing program.

Community water supplies that choose not to participate in the Illinois Emergency Management Agency's testing program or do not pay the fees established by the Illinois Emergency Management Agency shall have the duty to analyze all drinking water samples as required by State or federal safe drinking water regulations to determine radionuclide contaminant levels.

Section 35. Pollution Control Board regulations concerning nuclear plants. The Illinois Emergency Management Agency shall enforce the regulations promulgated by the Pollution Control Board under Section 25b of the Environmental Protection Act. Under these regulations the Illinois Emergency Management Agency shall require that a person, corporation, or public authority intending to construct a nuclear steam-generating facility or a nuclear fuel reprocessing plant file with the Illinois Emergency Management Agency an environmental feasibility report that incorporates the data provided in the preliminary safety analysis required to be filed with the United States Nuclear Regulatory Commission.

Section 40. Regulation of nuclear safety. The Illinois Emergency Management Agency shall have primary responsibility for the coordination and oversight of all State governmental functions concerning the regulation of nuclear power, including low level waste management, environmental monitoring, and transportation of nuclear waste. Functions performed by the Department of State Police and the Department of Transportation in the area of nuclear safety, on the effective date of this Act, may continue to be performed by these agencies but under the direction of the Illinois Emergency Management Agency. All other governmental functions regulating nuclear safety shall be coordinated by Illinois Emergency Management Agency.

Section 45. Appointment of Assistant Director. The Assistant Director shall be an officer appointed by the Governor, with the advice and consent of the Senate, and shall serve for a term of 2 years beginning on the third Monday in January of the odd-numbered year, and until a successor is appointed and has qualified; except that the first Assistant Director under this Act shall be the Director of Nuclear Safety. The Assistant Director shall not hold any other remunerative public office. The Assistant Director shall receive an annual salary as set by the Governor from time to time or the amount set by the Compensation Review Board, whichever is higher. If set by the Governor, the Assistant Director's annual salary may not exceed 85% of the Governor's annual salary.

Section 50. Personnel transferred. Personnel previously assigned to the programs transferred from the Department of Nuclear Safety are hereby transferred to the Illinois Emergency Management Agency. The rights of the employees, the State, and executive agencies under the

Personnel Code, any collective bargaining agreement, or any pension, retirement, or annuity plan shall not be affected by this Act.

Section 55. Records and property transferred. All books, records, papers, documents, property (real or personal), unexpended appropriations, and pending business in any way pertaining to the rights, powers, and duties transferred by this Act shall be delivered and transferred to the Illinois Emergency Management Agency.

Section 60. Data available to Department of Public Health. All files, records, and data gathered by or under the direction or authority of the Director under the Civil Administrative Code of Illinois shall be made available to the Department of Public Health under the Illinois Health and Hazardous Substances Registry Act.

Section 65. Nuclear accident plan. The Illinois Emergency Management Agency shall have primary responsibility to formulate a comprehensive emergency preparedness and response plan for any nuclear accident. The Illinois Emergency Management Agency shall also train and maintain an emergency response team.

Section 70. Nuclear and radioactive materials transportation plan. The Illinois Emergency Management Agency shall formulate a comprehensive plan regarding the transportation of nuclear and radioactive materials in Illinois. The Illinois Emergency Management Agency shall have primary responsibility for all State governmental regulation of the transportation of nuclear and radioactive materials, insofar as the regulation pertains to the public health and safety. This responsibility shall include but not be limited to the authority to oversee and coordinate regulatory functions performed by the Department of Transportation, the Department of State Police, and the Illinois Commerce Commission.

Section 75. State nuclear power policy. The Illinois Emergency Management Agency, in cooperation with the Department of Natural Resources, shall study (i) the impact and cost of nuclear power and compare these to the impact and cost of alternative sources of energy, (ii) the potential effects on the public health and safety of all radioactive emissions from nuclear power plants, and (iii) all other factors that bear on the use of nuclear power or on nuclear safety. The Illinois Emergency Management Agency shall formulate a general nuclear policy for the State based on the findings of the study. The policy shall include but not be limited to the feasibility of continued use of nuclear power, effects of the use of nuclear power on the public health and safety, minimum acceptable standards for the location of any future nuclear power plants, and rules and regulations for the reporting by public utilities of radioactive emissions from power plants. The Illinois Emergency Management Agency shall establish a reliable system for communication between the public and the Illinois Emergency Management Agency and for dissemination of information by the Illinois Emergency Management Agency. The Illinois Emergency Management Agency shall publicize the findings of all studies and make the publications reasonably available to the public.

Section 80. No accreditation, certification, or registration if in default on educational loan. The Illinois Emergency Management Agency shall not issue or renew to any individual any accreditation, certification, or registration (but excluding registration under Section 24.7 of the Radiation Protection Act of 1990) otherwise issued by the Illinois Emergency Management Agency if the individual has

defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Agency may issue or renew an accreditation, certification, or registration if the individual has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission. Additionally, any accreditation, certification, or registration issued by the Illinois Emergency Management Agency (but excluding registration under Section 24.7 of the Radiation Protection Act of 1990) may be suspended or revoked if the Illinois Emergency Management Agency, after the opportunity for a hearing under the appropriate accreditation, certification, or registration Act, finds that the holder has failed to make satisfactory repayment to the Illinois Student Assistance Commission for a delinquent or defaulted loan as determined by the Illinois Student Assistance Commission.

Section 85. Saving clause.

(a) The rights, powers and duties transferred to the Illinois Emergency Management Agency by this Act shall be vested in and shall be exercised by the Illinois Emergency Management Agency. Each act done in exercise of such rights, powers, and duties shall have the same legal effect as if done by the Department of Nuclear Safety, its divisions, officers, or employees.

(b) Every person or corporation shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and responsibilities as had been exercised by the Department of Nuclear Safety, its divisions, officers or employees.

(c) Every officer of the Illinois Emergency Management Agency shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Act.

(d) Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the agencies and officers transferred by this Act, the same shall be made, given, furnished, or served in the same manner to or upon the Illinois Emergency Management Agency.

(e) This Act shall not affect any act done, ratified, or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil, or criminal cause regarding the Department of Nuclear Safety before this Act takes effect, but such actions or proceedings may be prosecuted and continued by the Illinois Emergency Management Agency.

(f) Any rules of the Department of Nuclear Safety that are in full force on the effective date of this Act and that have been duly adopted by the Illinois Emergency Management Agency shall become the rules of the Illinois Emergency Management Agency. This Act shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rules filed with the Secretary of State by the Department of Nuclear Safety that are pending in the rulemaking process on the effective date of this Act, shall be deemed to have been filed by the Illinois Emergency Management Agency. As soon as practicable hereafter, the Illinois Emergency Management Agency shall revise and clarify the rules transferred to it under this Act to reflect the reorganization of rights, powers, and duties effected by this Act using the procedures for recodification of rules available under the Illinois Administrative Procedure Act, except that existing title, part, and section numbering for the affected rules may be retained. The Illinois Emergency Management Agency may propose and

adopt under the Illinois Administrative Procedure Act such other rules of the reorganized agencies that will now be administered by the Illinois Emergency Management Agency.

(g) If any provision of this Act or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not effect any other provision or application. To achieve this purpose, the provisions of this Act are declared to be severable.

Section 905. The Civil Administrative Code of Illinois is amended by changing Sections 5-15, 5-20, and 5-160 as follows:

(20 ILCS 5/5-15) (was 20 ILCS 5/3)

Sec. 5-15. Departments of State government. The Departments of State government are created as follows:

The Department on Aging.
The Department of Agriculture.
The Department of Central Management Services.
The Department of Children and Family Services.
The Department of Commerce and Economic Opportunity.
The Department of Corrections.
The Department of Employment Security.
The Emergency Management Agency.
The Department of Financial Institutions.
The Department of Human Rights.
The Department of Human Services.
The Department of Insurance.
The Department of Labor.
The Department of the Lottery.
The Department of Natural Resources.
~~The Department of Nuclear Safety.~~
The Department of Professional Regulation.
The Department of Public Aid.
The Department of Public Health.
The Department of Revenue.
The Department of State Police.
The Department of Transportation.
The Department of Veterans' Affairs.

(Source: P.A. 93-25, eff. 6-20-03.)

(20 ILCS 5/5-20) (was 20 ILCS 5/4)

Sec. 5-20. Heads of departments. Each department shall have an officer as its head who shall be known as director or secretary and who shall, subject to the provisions of the Civil Administrative Code of Illinois, execute the powers and discharge the duties vested by law in his or her respective department.

The following officers are hereby created:

Director of Aging, for the Department on Aging.

Director of Agriculture, for the Department of Agriculture.

Director of Central Management Services, for the Department of Central Management Services.

Director of Children and Family Services, for the Department of Children and Family Services.

Director of Commerce and Economic Opportunity, for the Department of Commerce and Economic Opportunity.

Director of Corrections, for the Department of Corrections.

Director of Emergency Management Agency, for the Emergency Management Agency.

Director of Employment Security, for the Department of Employment Security.

Director of Financial Institutions, for the Department of Financial Institutions.

Director of Human Rights, for the Department of Human Rights.
Secretary of Human Services, for the Department of Human Services.
Director of Insurance, for the Department of Insurance.
Director of Labor, for the Department of Labor.
Director of the Lottery, for the Department of the Lottery.
Director of Natural Resources, for the Department of Natural Resources.
~~Director of Nuclear Safety, for the Department of Nuclear Safety.~~
Director of Professional Regulation, for the Department of Professional Regulation.
Director of Public Aid, for the Department of Public Aid.
Director of Public Health, for the Department of Public Health.
Director of Revenue, for the Department of Revenue.
Director of State Police, for the Department of State Police.
Secretary of Transportation, for the Department of Transportation.
Director of Veterans' Affairs, for the Department of Veterans' Affairs.
(Source: P.A. 93-25, eff. 6-20-03.)

(20 ILCS 5/5-160) (was 20 ILCS 5/5.13h)
Sec. 5-160. In the Emergency Management Agency ~~Department of Nuclear Safety~~. Assistant Director of the Emergency Management Agency ~~Nuclear Safety~~.
(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 2005/Act rep.)
Section 910. The Department of Nuclear Safety Law of the Civil Administrative Code of Illinois is repealed.

Section 915. The Illinois Nuclear Safety Preparedness Act is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, and 10 as follows:

(420 ILCS 5/3) (from Ch. 111 1/2, par. 4303)
Sec. 3. Definitions. Unless the context otherwise clearly requires, as used in this Act:
(1) "Agency ~~Department~~" means the Illinois Emergency Management Agency ~~Department of Nuclear Safety~~ of the State of Illinois.
(2) "Director" means the Director of the Illinois Emergency Management Agency ~~Department of Nuclear Safety~~.
(3) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing.
(4) "NRC" means the United States Nuclear Regulatory Commission or any agency which succeeds to its functions in the licensing of nuclear power reactors or facilities for storing spent nuclear fuel.
(5) "High-level radioactive waste" means (1) the highly radioactive material resulting from the reprocessing of spent nuclear fuel including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and (2) the highly radioactive material that the NRC has determined to be high-level radioactive waste requiring permanent isolation.
(6) "Nuclear facilities" means nuclear power plants, facilities housing nuclear test and research reactors, facilities for the chemical conversion of uranium, and facilities for the storage of spent nuclear fuel or high-level radioactive waste.
(7) "Spent nuclear fuel" means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.
(8) "Transuranic waste" means material contaminated with elements that have an atomic number greater than 92, including neptunium,

plutonium, americium, and curium, excluding radioactive wastes shipped to a licensed low-level radioactive waste disposal facility.

(9) "Highway route controlled quantity of radioactive materials" means that quantity of radioactive materials defined as a highway route controlled quantity under rules of the United States Department of Transportation, or any successor agency.

(Source: P.A. 90-601, eff. 6-26-98.)

(420 ILCS 5/4) (from Ch. 111 1/2, par. 4304)

Sec. 4. Nuclear accident plans; fees. Persons engaged within this State in the production of electricity utilizing nuclear energy, the operation of nuclear test and research reactors, the chemical conversion of uranium, or the transportation, storage or possession of spent nuclear fuel or high-level radioactive waste shall pay fees to cover the cost of establishing plans and programs to deal with the possibility of nuclear accidents. Except as provided below, the fees shall be used exclusively to fund those Agency ~~Departmental~~ and local government activities defined as necessary by the Director to implement and maintain the plans and programs authorized by this Act. Local governments incurring expenses attributable to implementation and maintenance of the plans and programs authorized by this Act may apply to the Agency ~~Department~~ for compensation for those expenses, and upon approval by the Director of applications submitted by local governments, the Agency ~~Department~~ shall compensate local governments from fees collected under this Section. Compensation for local governments shall include $250,000 in any year through fiscal year 1993, $275,000 in fiscal year 1994 and fiscal year 1995, $300,000 in fiscal year 1996, $400,000 in fiscal year 1997, and $450,000 in fiscal year 1998 and thereafter. Appropriations to the Department of Nuclear Safety (of which the Agency is the successor) for compensation to local governments from the Nuclear Safety Emergency Preparedness Fund provided for in this Section shall not exceed $650,000 per State fiscal year. Expenditures from these appropriations shall not exceed, in a single State fiscal year, the annual compensation amount made available to local governments under this Section, unexpended funds made available for local government compensation in the previous fiscal year, and funds recovered under the Illinois Grant Funds Recovery Act during previous fiscal years. Notwithstanding any other provision of this Act, the expenditure limitation for fiscal year 1998 shall include the additional $100,000 made available to local governments for fiscal year 1997 under this amendatory Act of 1997. Any funds within these expenditure limitations, including the additional $100,000 made available for fiscal year 1997 under this amendatory Act of 1997, that remain unexpended at the close of business on June 30, 1997, and on June 30 of each succeeding year, shall be excluded from the calculations of credits under subparagraph (3) of this Section. The Agency ~~Department~~ shall, by rule, determine the method for compensating local governments under this Section. ~~In addition, a portion of the fees collected may be appropriated to the Illinois Emergency Management Agency for activities associated with preparing and implementing plans to deal with the effects of nuclear accidents.~~ The appropriation shall not exceed $500,000 in any year preceding fiscal year 1996; the appropriation shall not exceed $625,000 in fiscal year 1996, $725,000 in fiscal year 1997, and $775,000 in fiscal year 1998 and thereafter. The fees shall consist of the following:

(1) A one-time charge of $590,000 per nuclear power station in this State to be paid by the owners of the stations.

(2) An additional charge of $240,000 per nuclear power station for which a fee under subparagraph (1) was paid before June 30, 1982.

(3) Through June 30, 1982, an annual fee of $75,000 per year for

each nuclear power reactor for which an operating license has been issued by the NRC, and after June 30, 1982, and through June 30, 1984 an annual fee of $180,000 per year for each nuclear power reactor for which an operating license has been issued by the NRC, and after June 30, 1984, and through June 30, 1991, an annual fee of $400,000 for each nuclear power reactor for which an operating license has been issued by the NRC, to be paid by the owners of nuclear power reactors operating in this State. After June 30, 1991, the owners of nuclear power reactors in this State for which operating licenses have been issued by the NRC shall pay the following fees for each such nuclear power reactor: for State fiscal year 1992, $925,000; for State fiscal year 1993, $975,000; for State fiscal year 1994; $1,010,000; for State fiscal year 1995, $1,060,000; for State fiscal years 1996 and 1997, $1,110,000; for State fiscal year 1998, $1,314,000; for State fiscal year 1999, $1,368,000; for State fiscal year 2000, $1,404,000; for State fiscal year 2001, $1,696,455; for State fiscal year 2002, $1,730,636; for State fiscal year 2003 and subsequent fiscal years, $1,757,727. Within 120 days after the end of the State fiscal year, the Agency ~~Department~~ shall determine, from the records of the Office of the Comptroller, the balance in the Nuclear Safety Emergency Preparedness Fund. When the balance in the fund, less any fees collected under this Section prior to their being due and payable for the succeeding fiscal year or years, exceeds $400,000 at the close of business on June 30, 1993, 1994, 1995, 1996, 1997, and 1998, or exceeds $500,000 at the close of business on June 30, 1999 and June 30 of each succeeding year, the excess shall be credited to the owners of nuclear power reactors who are assessed fees under this subparagraph. Credits shall be applied against the fees to be collected under this subparagraph for the subsequent fiscal year. Each owner shall receive as a credit that amount of the excess which corresponds proportionately to the amount the owner contributed to all fees collected under this subparagraph in the fiscal year that produced the excess.

(3.5) The owner of a nuclear power reactor that notifies the Nuclear Regulatory Commission that the nuclear power reactor has permanently ceased operations during State fiscal year 1998 shall pay the following fees for each such nuclear power reactor: $1,368,000 for State fiscal year 1999 and $1,404,000 for State fiscal year 2000.

(4) A capital expenditure surcharge of $1,400,000 per nuclear power station in this State, whether operating or under construction, shall be paid by the owners of the station.

(5) An annual fee of $25,000 per year for each site for which a valid operating license has been issued by NRC for the operation of an away-from-reactor spent nuclear fuel or high-level radioactive waste storage facility, to be paid by the owners of facilities for the storage of spent nuclear fuel or high-level radioactive waste for others in this State.

(6) A one-time charge of $280,000 for each facility in this State housing a nuclear test and research reactor, to be paid by the operator of the facility. However, this charge shall not be required to be paid by any tax-supported institution.

(7) A one-time charge of $50,000 for each facility in this State for the chemical conversion of uranium, to be paid by the owner of the facility.

(8) An annual fee of $150,000 per year for each facility in this State housing a nuclear test and research reactor, to be paid by the operator of the facility. However, this annual fee shall not be required to be paid by any tax-supported institution.

(9) An annual fee of $15,000 per year for each facility in this State for the chemical conversion of uranium, to be paid by the owner

of the facility.

(10) A fee assessed at the rate of $2,500 per truck for each truck shipment and $4,500 for the first cask and $3,000 for each additional cask for each rail shipment of spent nuclear fuel, high-level radioactive waste, ~~or~~ transuranic waste , or a highway route controlled quantity of radioactive materials received at or departing from any nuclear power station or away-from-reactor spent nuclear fuel, high-level radioactive waste, ~~or~~ transuranic waste storage facility , or other facility in this State to be paid by the shipper of the spent nuclear fuel, high level radioactive waste, ~~or~~ transuranic waste , or highway route controlled quantity of radioactive material. Truck shipments of greater than 250 miles in Illinois are subject to a surcharge of $25 per mile over 250 miles for each truck in the shipment. The amount of fees collected each fiscal year under this subparagraph shall be excluded from the calculation of credits under subparagraph (3) of this Section.

(11) A fee assessed at the rate of $2,500 per truck for each truck shipment and $4,500 for the first cask and $3,000 for each additional cask for each rail shipment of spent nuclear fuel, high-level radioactive waste, ~~or~~ transuranic waste , or a highway route controlled quantity of radioactive materials traversing the State to be paid by the shipper of the spent nuclear fuel, high level radioactive waste, ~~or~~ transuranic waste , or highway route controlled quantity of radioactive material. Truck shipments of greater than 250 miles in Illinois are subject to a surcharge of $25 per mile over 250 miles for each truck in the shipment. The amount of fees collected each fiscal year under this subparagraph shall be excluded from the calculation of credits under subparagraph (3) of this Section.

(12) In each of the State fiscal years 1988 through 1991, in addition to the annual fee provided for in subparagraph (3), a fee of $400,000 for each nuclear power reactor for which an operating license has been issued by the NRC, to be paid by the owners of nuclear power reactors operating in this State. Within 120 days after the end of the State fiscal years ending June 30, 1988, June 30, 1989, June 30, 1990, and June 30, 1991, the Agency ~~Department~~ shall determine the expenses of the Illinois Nuclear Safety Preparedness Program paid from funds appropriated for those fiscal years. When the aggregate of all fees, charges, and surcharges collected under this Section during any fiscal year exceeds the total expenditures under this Act from appropriations for that fiscal year, the excess shall be credited to the owners of nuclear power reactors who are assessed fees under this subparagraph, and the credits shall be applied against the fees to be collected under this subparagraph for the subsequent fiscal year. Each owner shall receive as a credit that amount of the excess that corresponds proportionately to the amount the owner contributed to all fees collected under this subparagraph in the fiscal year that produced the excess.

(Source: P.A. 91-47, eff. 6-30-99; 91-857, eff. 6-22-00; 92-576, eff. 6-26-02.)

(420 ILCS 5/5) (from Ch. 111 1/2, par. 4305)

Sec. 5. (a) Except as otherwise provided in this Section, within 30 days after the beginning of each State fiscal year, each person who possessed a valid operating license issued by the NRC for a nuclear power reactor or a spent fuel storage facility during any portion of the previous fiscal year shall pay to the Agency ~~Department~~ the fees imposed by Section 4 of this Act. The one-time facility charge assessed pursuant to subparagraph (1) of Section 4 shall be paid to the Agency ~~Department~~ not less than 2 years prior to scheduled commencement of commercial operation. The additional facility charge assessed pursuant to subparagraph (2) of Section 4 shall be paid to

the Department within 90 days of June 30, 1982. Fees assessed pursuant to subparagraph (3) of Section 4 for State fiscal year 1992 shall be payable as follows: $400,000 due on August 1, 1991, and $525,000 due on January 1, 1992. Fees assessed pursuant to subparagraph (3) of Section 4 for State fiscal year 1993 and subsequent fiscal years shall be due and payable in two equal payments on July 1 and January 1 during the fiscal year in which the fee is due. Fees assessed pursuant to subparagraph (4) of Section 4 shall be paid in six payments, the first, in the amount of $400,000, shall be due and payable 30 days after the effective date of this Amendatory Act of 1984. Subsequent payments shall be in the amount of $200,000 each, and shall be due and payable annually on August 1, 1985 through August 1, 1989, inclusive. Fees assessed under the provisions of subparagraphs (6) and (7) of Section 4 of this Act shall be paid on or before January 1, 1990. Fees assessed under the provisions of subparagraphs (8) and (9) of Section 4 of this Act shall be paid on or before January 1st of each year, beginning January 1, 1990. Fees assessed under the provisions of subparagraphs (10) and (11) of Section 4 of this Act shall be paid to the Agency ~~Department~~ within 60 days after completion of such shipments within this State. Fees assessed pursuant to subparagraph (12) of Section 4 shall be paid to the Agency ~~Department~~ by each person who possessed a valid operating license issued by the NRC for a nuclear power reactor during any portion of the previous State fiscal year as follows: the fee due in fiscal year 1988 shall be paid on January 15, 1988, the fee due in fiscal year 1989 shall be paid on December 1, 1988, and subsequent fees shall be paid annually on December 1, 1989 through December 1, 1990.

(b) Fees assessed pursuant to paragraph (3.5) of Section 4 for State fiscal years 1999 and 2000 shall be due and payable in 2 equal payments on July 1 and January 1 during the fiscal year in which the fee is due. The fee due on July 1, 1998 shall be payable on that date, or within 10 days after the effective date of this amendatory Act of 1998, whichever is later.

(c) Any person who fails to pay a fee assessed under Section 4 of this Act within 90 days after the fee is payable is liable in a civil action for an amount not to exceed 4 times the amount assessed and not paid. The action shall be brought by the Attorney General at the request of the Agency ~~Department~~. If the action involves a fixed facility in Illinois, the action shall be brought in the Circuit Court of the county in which the facility is located. If the action does not involve a fixed facility in Illinois, the action shall be brought in the Circuit Court of Sangamon County.

(Source: P.A. 90-601, eff. 6-26-98; 91-47, eff. 6-30-99.)

(420 ILCS 5/6) (from Ch. 111 1/2, par. 4306)

Sec. 6. The Agency ~~Department~~ shall prepare a budget showing the cost (including capital expenditures) to be incurred in administering this Act during the fiscal year in question. Such budget shall be prepared only after consultation with those liable for the fees imposed by this Act as to the costs necessary to enable the Agency ~~Department~~ to perform its responsibilities under this Act.

(Source: P.A. 81-577.)

(420 ILCS 5/7) (from Ch. 111 1/2, par. 4307)

Sec. 7. All monies received by the Agency ~~Department~~ under this Act shall be deposited in the State Treasury and shall be set apart in a special fund to be known as the "Nuclear Safety Emergency Preparedness Fund". All monies within the Nuclear Safety Emergency Preparedness Fund shall be invested by the State Treasurer in accordance with established investment practices. Interest earned by such investment shall be returned to the Nuclear Safety Emergency Preparedness Fund. Monies deposited in this fund shall be expended by

the Director only to support the activities of the Illinois Nuclear Safety Preparedness Program, including activities of the Illinois State Police and the Illinois Commerce Commission under Section 8(a)(9).

(Source: P.A. 92-576, eff. 6-26-02.)

(420 ILCS 5/8) (from Ch. 111 1/2, par. 4308)

Sec. 8. (a) The Illinois Nuclear Safety Preparedness Program shall consist of an assessment of the potential nuclear accidents, their radiological consequences, and the necessary protective actions required to mitigate the effects of such accidents. It shall include, but not necessarily be limited to:

(1) Development of a remote effluent monitoring system capable of reliably detecting and quantifying accidental radioactive releases from nuclear power plants to the environment;

(2) Development of an environmental monitoring program for nuclear facilities other than nuclear power plants;

(3) Development of procedures for radiological assessment and radiation exposure control for areas surrounding each nuclear facility in Illinois;

(4) Radiological training of state and local emergency response personnel in accordance with the Agency's ~~Department's~~ responsibilities under the program;

(5) Participation in the development of accident scenarios and in the exercising of fixed facility nuclear emergency response plans;

(6) Development of mitigative emergency planning standards including, but not limited to, standards pertaining to evacuations, re-entry into evacuated areas, contaminated foodstuffs and contaminated water supplies;

(7) Provision of specialized response equipment necessary to accomplish this task;

(8) Implementation of the Boiler and Pressure Vessel Safety program at nuclear steam-generating facilities as mandated by Section 2005-35 of the Department of Nuclear Safety Law, or its successor statute ~~(20 ILCS 2005/2005-35)~~;

(9) Development and implementation of a plan for inspecting and escorting all shipments of spent nuclear fuel, high-level radioactive waste, ~~and~~ transuranic waste , and highway route controlled quantities of radioactive materials in Illinois; and

(10) Implementation of the program under the Illinois Nuclear Facility Safety Act.

(b) The Agency ~~Department~~ may incorporate data collected by the operator of a nuclear facility into the Agency's ~~Department's~~ remote monitoring system.

(c) The owners of each nuclear power reactor in Illinois shall provide the Agency ~~Department~~ all system status signals which initiate Emergency Action Level Declarations, actuate accident mitigation and provide mitigation verification as directed by the Agency ~~Department~~. The Agency ~~Department~~ shall designate by rule those system status signals that must be provided. Signals providing indication of operating power level shall also be provided. The owners of the nuclear power reactors shall, at their expense, ensure that valid signals will be provided continuously 24 hours a day.

All such signals shall be provided in a manner and at a frequency specified by the Agency ~~Department~~ for incorporation into and augmentation of the remote effluent monitoring system specified in

subsection (a) (1) of this Section. Provision shall be made for assuring that such system status and power level signals shall be available to the Agency ~~Department~~ during reactor operation as well as throughout accidents and subsequent recovery operations.

For nuclear reactors with operating licenses issued by the Nuclear Regulatory Commission prior to the effective date of this amendatory Act, such system status and power level signals shall be provided to the Department of Nuclear Safety (of which the Agency is the successor) by March 1, 1985. For reactors without such a license on the effective date of this amendatory Act, such signals shall be provided to the Department prior to commencing initial fuel load for such reactor. Nuclear reactors receiving their operating license after the effective date of this amendatory Act, but before July 1, 1985, shall provide such system status and power level signals to the Department of Nuclear Safety (of which the Agency is the successor) by September 1, 1985.

(Source: P.A. 90-601, eff. 6-26-98; 91-239, eff. 1-1-00.)

(420 ILCS 5/9) (from Ch. 111 1/2, par. 4309)

Sec. 9. Any equipment purchased by the Agency ~~Department~~ to be installed on the premises of a nuclear facility pursuant to the provisions of subsections (1), (2) and (7) of Section 8 of this Act shall be installed by the owner of such nuclear facility in accordance with criteria and standards established by the Director of the Agency ~~Department~~, including criteria for location, supporting utilities, and methods of installation. Such installation shall be at no cost to the Agency ~~Department~~. The owner of the nuclear facility shall also, at its expense, pay for modifications of its facility as requested by the Department to accommodate the Agency's ~~Department's~~ equipment including updated equipment, and to accommodate changes in the Agency's ~~Department's~~ criteria and standards.

(Source: P.A. 86-901.)

(420 ILCS 5/10) (from Ch. 111 1/2, par. 4310)

Sec. 10. The Agency ~~Department~~ may accept and administer according to law, loans, grants, or other funds or gifts from the Federal Government and from other sources, public and private, for carrying out its functions under this Act.

(Source: P.A. 83-1342.)

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

Under the rules, the foregoing **Senate Bill No. 3201**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Mahoney, 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. 2349

A bill for AN ACT regarding schools.

Passed the House, May 27, 2004.

MARK MAHONEY, Clerk of the House

A message from the House by
Mr. Mahoney, 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. 2432

A bill for AN ACT concerning printing fees.
Passed the House, May 28, 2004.

MARK MAHONEY, Clerk of the House

A message from the House by
Mr. Mahoney, 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. 2536

A bill for AN ACT concerning the exercise of police powers by State employees.
Passed the House, May 27, 2004.

MARK MAHONEY, Clerk of the House

A message from the House by
Mr. Mahoney, 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. 2547

A bill for AN ACT concerning employment.
Passed the House, May 27, 2004.

MARK MAHONEY, Clerk of the House

A message from the House by
Mr. Mahoney, 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. 2577

A bill for AN ACT concerning alcoholic liquor.
Passed the House, May 28, 2004.

MARK MAHONEY, Clerk of the House

A message from the House by
Mr. Mahoney, 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. 2961

A bill for AN ACT concerning business.
Passed the House, May 27, 2004.

MARK MAHONEY, Clerk of the House

A message from the House by
Mr. Mahoney, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 75

Concurred in by the House, May 27, 2004.

MARK MAHONEY, Clerk of the House

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

HOUSE BILL 828

A bill for AN ACT in relation to municipal government.
Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 828
Concurred in by the House, May 28, 2004.

MARK MAHONEY, Clerk of the House

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

HOUSE BILL 835

A bill for AN ACT in relation to municipal government.
Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 835
Concurred in by the House, May 28, 2004.

MARK MAHONEY, Clerk of the House

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

HOUSE BILL 1041

A bill for AN ACT concerning commercial transactions.
Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 1041
Concurred in by the House, May 28, 2004.

MARK MAHONEY, Clerk of the House

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

HOUSE BILL 4225

A bill for AN ACT concerning education.
Which amendment is as follows:
Senate Amendment No. 2 to HOUSE BILL NO. 4225
Concurred in by the House, May 28, 2004.

MARK MAHONEY, Clerk of the House

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

HOUSE BILL 4280

A bill for AN ACT concerning special assessments.
Which amendments are as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 4280
Senate Amendment No. 2 to HOUSE BILL NO. 4280
Concurred in by the House, May 25, 2004.

MARK MAHONEY, Clerk of the House

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 728
Motion to Concur in House Amendments 1 and 3 to Senate Bill 797
Motion to Concur in House Amendment 3 to Senate Bill 1906
Motion to Concur in House Amendments 1 and 2 to Senate Bill 2617
Motion to Concur in House Amendment 1 to Senate Bill 2794
Motion to Concur in House Amendments 1, 2 and 3 to Senate Bill 2880
Motion to Concur in House Amendments 1, 2, 4, 5 and 6 to Senate Bill 3007
Motion to Concur in House Amendment 1 to Senate Bill 3201

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 738
Senate Amendment No. 3 to House Bill 834
Senate Amendment No. 2 to House Bill 853
Senate Amendment No. 4 to House Bill 911
Senate Amendment No. 5 to House Bill 911
Senate Amendment No. 1 to House Bill 944
Senate Amendment No. 3 to House Bill 4200
Senate Amendment No. 1 to House Bill 7173

PRESENTATION OF RESOLUTION

SENATE RESOLUTION 580

Offered by Senators Harmon - DeLeo and all Senators:
Mourns the death of Charles R. Feller.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Walsh, **Senate Bill No. 132**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Walsh moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Sieben
Bomke	Haine	Munoz	Silverstein
Brady	Halvorson	Obama	Sullivan, D.
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Syverson
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito

Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Demuzio	Link	Sandoval	Wojcik
Forby	Maloney	Schoenberg	Mr. President
Garrett	Martinez	Shadid	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 132**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Haine, **Senate Bill No. 1631**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Haine moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Sullivan, D.
Bomke	Halvorson	Obama	Sullivan, J.
Brady	Harmon	Peterson	Syverson
Burzynski	Hendon	Petka	Trotter
Clayborne	Hunter	Radogno	Viverito
Collins	Jacobs	Righter	Walsh
Cronin	Jones, J.	Risinger	Watson
Crotty	Jones, W.	Ronen	Welch
Cullerton	Lauzen	Roskam	Winkel
del Valle	Lightford	Rutherford	Wojcik
DeLeo	Link	Sandoval	Mr. President
Demuzio	Luechtefeld	Schoenberg	
Forby	Maloney	Shadid	
Garrett	Martinez	Sieben	
Geo-Karis	Meeks	Silverstein	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1631**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Haine, **Senate Bill No. 2244**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Haine moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Sullivan, D.
Bomke	Halvorson	Obama	Sullivan, J.
Brady	Harmon	Peterson	Syverson
Burzynski	Hendon	Petka	Trotter
Clayborne	Hunter	Radogno	Viverito

Collins	Jacobs	Righter	Walsh
Cronin	Jones, J.	Risinger	Watson
Crotty	Jones, W.	Ronen	Welch
Cullerton	Lauzen	Roskam	Winkel
del Valle	Lightford	Rutherford	Wojcik
DeLeo	Link	Sandoval	Mr. President
Demuzio	Luechtefeld	Schoenberg	
Forby	Maloney	Shadid	
Garrett	Martinez	Sieben	
Geo-Karis	Meeks	Silverstein	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2244**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator DeLeo, **Senate Bill No. 2251**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator DeLeo moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 43; Nays 12.

The following voted in the affirmative:

Althoff	Garrett	Maloney	Silverstein
Bomke	Geo-Karis	Martinez	Sullivan, D.
Clayborne	Haine	Meeks	Sullivan, J.
Collins	Halvorson	Munoz	Trotter
Cronin	Harmon	Obama	Viverito
Crotty	Hendon	Radogno	Walsh
Cullerton	Hunter	Risinger	Welch
del Valle	Jones, W.	Ronen	Winkel
DeLeo	Lauzen	Sandoval	Wojcik
Demuzio	Lightford	Schoenberg	Mr. President
Forby	Link	Shadid	

The following voted in the negative:

Brady	Luechtefeld	Rutherford
Burzynski	Peterson	Sieben
Jacobs	Petka	Syverson
Jones, J.	Roskam	Watson

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2251**.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 12:37 o'clock p.m., Senator Viverito presiding.

On motion of Senator J. Sullivan, **Senate Bill No. 2270**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator J. Sullivan moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Haine	Obama	Sullivan, D.
Bomke	Halvorson	Peterson	Sullivan, J.
Brady	Harmon	Petka	Syverson
Burzynski	Hendon	Radogno	Trotter
Clayborne	Hunter	Rauschenberger	Viverito
Collins	Jacobs	Righter	Walsh
Cronin	Jones, W.	Risinger	Watson
Crotty	Lauzen	Ronen	Welch
Cullerton	Lightford	Roskam	Winkel
del Valle	Link	Rutherford	Wojcik
DeLeo	Luechtefeld	Sandoval	Mr. President
Demuzio	Maloney	Schoenberg	
Forby	Martinez	Shadid	
Garrett	Meeks	Sieben	
Geo-Karis	Munoz	Silverstein	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2270**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cullerton, **Senate Bill No. 2339**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Cullerton moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Sieben
Bomke	Haine	Munoz	Silverstein
Brady	Halvorson	Obama	Sullivan, D.
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Syverson
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Rauschenberger	Viverito
Crotty	Jones, J.	Righter	Walsh
Cullerton	Jones, W.	Risinger	Watson
del Valle	Lauzen	Ronen	Welch
DeLeo	Lightford	Roskam	Winkel
Demuzio	Link	Rutherford	Wojcik
Dillard	Luechtefeld	Sandoval	Mr. President
Forby	Maloney	Schoenberg	
Garrett	Martinez	Shadid	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2339**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Link, **Senate Bill No. 2635**, with House Amendments numbered 1, 2 and 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator Link moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Sieben
Bomke	Haine	Munoz	Silverstein
Brady	Halvorson	Obama	Sullivan, D.
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Syverson
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Rauschenberger	Viverito
Crotty	Jones, J.	Righter	Walsh
Cullerton	Jones, W.	Risinger	Watson
del Valle	Lauzen	Ronen	Welch
DeLeo	Lightford	Roskam	Winkel
Demuzio	Link	Rutherford	Wojcik
Dillard	Luechtefeld	Sandoval	Mr. President
Forby	Maloney	Schoenberg	
Garrett	Martinez	Shadid	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1, 2 and 3 to **Senate Bill No. 2635**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cullerton, **Senate Bill No. 2654**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Cullerton moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Sieben
Bomke	Haine	Munoz	Silverstein
Brady	Halvorson	Obama	Sullivan, D.
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Syverson
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Rauschenberger	Viverito
Crotty	Jones, J.	Righter	Walsh
Cullerton	Jones, W.	Risinger	Watson
del Valle	Lauzen	Ronen	Welch
DeLeo	Lightford	Roskam	Winkel
Demuzio	Link	Rutherford	Wojcik
Dillard	Luechtefeld	Sandoval	Mr. President
Forby	Maloney	Schoenberg	
Garrett	Martinez	Shadid	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2654**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Walsh, **Senate Bill No. 2845**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Walsh moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Sieben
Bomke	Haine	Munoz	Silverstein
Brady	Halvorson	Obama	Sullivan, D.
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Syverson
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Rauschenberger	Viverito
Crotty	Jones, J.	Righter	Walsh
Cullerton	Jones, W.	Risinger	Watson
del Valle	Lauzen	Ronen	Welch
DeLeo	Lightford	Roskam	Winkel
Demuzio	Link	Rutherford	Wojcik
Dillard	Luechtefeld	Sandoval	Mr. President
Forby	Maloney	Schoenberg	
Garrett	Martinez	Shadid	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 2845**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Winkel, **Senate Bill No. 2858**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Winkel moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Sieben
Bomke	Haine	Munoz	Silverstein
Brady	Halvorson	Obama	Sullivan, D.
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Syverson
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Rauschenberger	Viverito
Crotty	Jones, J.	Righter	Walsh
Cullerton	Jones, W.	Risinger	Watson
del Valle	Lauzen	Ronen	Welch
DeLeo	Lightford	Roskam	Winkel
Demuzio	Link	Rutherford	Wojcik
Dillard	Luechtefeld	Sandoval	Mr. President
Forby	Maloney	Schoenberg	
Garrett	Martinez	Shadid	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2858**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sandoval, **Senate Bill No. 2878**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Sandoval moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Munoz	Silverstein
Bomke	Haine	Obama	Sullivan, D.
Brady	Halvorson	Peterson	Sullivan, J.
Burzynski	Harmon	Petka	Syverson
Clayborne	Hendon	Radogno	Trotter
Collins	Hunter	Rauschenberger	Viverito
Cronin	Jacobs	Righter	Walsh
Crotty	Jones, J.	Risinger	Watson
Cullerton	Jones, W.	Ronen	Welch
del Valle	Lauzen	Roskam	Winkel
DeLeo	Link	Rutherford	Wojcik
Demuzio	Luechtefeld	Sandoval	Mr. President
Dillard	Maloney	Schoenberg	
Forby	Martinez	Shadid	
Garrett	Meeks	Sieben	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 2878**.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Halvorson asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

Senator Burzynski announced there would be a Republican caucus immediately upon recess.

At the hour of 12:55 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 2:56 o'clock a.m., the Senate resumed consideration of business.

Senator Viverito, presiding.

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Mahoney, 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. 184

A bill for AN ACT concerning port districts.

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. 184

Passed the House, as amended, May 28, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 184 by replacing everything after the enacting clause with the following:

"Section 5. The Heart of Illinois Regional Port District Act is amended by changing Section 120 as follows:

(70 ILCS 1807/120)

Sec. 120. Meetings; ordinances and resolutions; public records. Regular meetings of the Board shall be held at least once in each calendar month, the time and place of the meeting to be fixed by the Board. Five members of the Board shall constitute a quorum for the transaction of business. All action of the Board shall be by motion, ordinance, or resolution, except that any action authorizing the expenditure of funds in excess of $5,000 must be by ordinance. The ~~and~~ ~~the~~ affirmative vote of at least 5 members shall be necessary for the adoption of any ordinance or resolution. All ordinances and resolutions before taking effect shall be approved by the chairperson of the Board. If the chairperson shall approve the ordinance or resolution, he or she shall sign it. Those ordinances or resolutions the chairperson shall not approve the chairperson shall return to the Board with his or her objections in writing at the next regular meeting of the Board occurring after the passage of the ordinances or resolutions. If the chairperson shall fail to return any ordinance or resolution with his or her objections by the time required in this Section, he or she shall be deemed to have approved it and it shall take effect accordingly. Upon the return of any ordinance or resolution by the chairperson with his or her objections, the vote by which the ordinance or resolution was passed shall be reconsidered by the Board. If upon reconsideration the ordinance or resolution is passed by the affirmative vote of at least 6 members, it shall go into effect notwithstanding the veto of the chairperson. All ordinances, resolutions, all proceedings of the district, and all documents and records in its possession shall be public records, and open to public inspection, except any documents and records that shall be kept or prepared by the Board for use in negotiations, actions, or proceedings to which the district is a party.

(Source: P.A. 93-262, eff. 7-22-03.)

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

Under the rules, the foregoing **Senate Bill No. 184**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, 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. 1592

A bill for AN ACT concerning 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. 3 to SENATE BILL NO. 1592

Passed the House, as amended, May 28, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 1592 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 18-185 as follows:

(35 ILCS 200/18-185)

Sec. 18-185. Short title; definitions. This Division 5 may be cited as the Property Tax Extension Limitation Law. As used in this Division 5:

"Consumer Price Index" means the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor.

"Extension limitation" means (a) the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year or (b) the rate of increase approved by voters under Section 18-205.

"Affected county" means a county of 3,000,000 or more inhabitants or a county contiguous to a county of 3,000,000 or more inhabitants.

"Taxing district" has the same meaning provided in Section 1-150, except as otherwise provided in this Section. For the 1991 through 1994 levy years only, "taxing district" includes only each non-home rule taxing district having the majority of its 1990 equalized assessed value within any county or counties contiguous to a county with 3,000,000 or more inhabitants. Beginning with the 1995 levy year, "taxing district" includes only each non-home rule taxing district subject to this Law before the 1995 levy year and each non-home rule taxing district not subject to this Law before the 1995 levy year having the majority of its 1994 equalized assessed value in an affected county or counties. Beginning with the levy year in which this Law becomes applicable to a taxing district as provided in Section 18-213, "taxing district" also includes those taxing districts made subject to this Law as provided in Section 18-213.

"Aggregate extension" for taxing districts to which this Law applied before the 1995 levy year means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before October 1, 1991; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before October 1, 1991; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after October 1, 1991 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before October 1, 1991 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before October 1, 1991, to pay for the building project; (g) made for payments due under

installment contracts entered into before October 1, 1991; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), (e), and (h) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made by a school district that participates in the Special Education District of Lake County, created by special education joint agreement under Section 10-22.31 of the School Code, for payment of the school district's share of the amounts required to be contributed by the Special Education District of Lake County to the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code; the amount of any extension under this item (k) shall be certified by the school district to the county clerk; and (l) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code.

"Aggregate extension" for the taxing districts to which this Law did not apply before the 1995 levy year (except taxing districts subject to this Law in accordance with Section 18-213) means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before March 1, 1995; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before March 1, 1995; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after March 1, 1995 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before March 1, 1995 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before March 1, 1995 to pay for the building project; (g) made for payments due under installment contracts entered into before March 1, 1995; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum and bonds described in subsection (h) of this definition; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made for payments of principal and interest on bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium or museum projects; (l) made for payments of principal and interest on bonds authorized by

Public Act 87-1191 or 93-601 ~~this amendatory Act of the 93rd General Assembly~~ and (i) issued pursuant to Section 21.2 of the Cook County Forest Preserve District Act, (ii) issued under Section 42 of the Cook County Forest Preserve District Act for zoological park projects, or (iii) issued under Section 44.1 of the Cook County Forest Preserve District Act for botanical gardens projects; (m) made pursuant to Section 34-53.5 of the School Code, whether levied annually or not; (n) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; and (o) made by the Chicago Park District for recreational programs for the handicapped under subsection (c) of Section 7.06 of the Chicago Park District Act.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with Section 18-213, except for those taxing districts subject to paragraph (2) of subsection (e) of Section 18-213, means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the date on which the referendum making this Law applicable to the taxing district is held if the bonds were approved by referendum after the date on which the referendum making this Law applicable to the taxing district is held; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the date on which the referendum making this Law applicable to the taxing district is held for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the date on which the referendum making this Law applicable to the taxing district is held to pay for the building project; (g) made for payments due under installment contracts entered into before the date on which the referendum making this Law applicable to the taxing district is held; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); ~~and~~ (k) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or

Section 11-95-14 of the Illinois Municipal Code ; and (l) made for payments of principal and interest on bonds issued before July 1, 2005 by any school district on the State Board of Education's Financial Warning List for the purpose of financing a retrofit program to replace steam pipes.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with paragraph (2) of subsection (e) of Section 18-213 means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the effective date of this amendatory Act of 1997; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the effective date of this amendatory Act of 1997; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the effective date of this amendatory Act of 1997 if the bonds were approved by referendum after the effective date of this amendatory Act of 1997; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the effective date of this amendatory Act of 1997 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the effective date of this amendatory Act of 1997 to pay for the building project; (g) made for payments due under installment contracts entered into before the effective date of this amendatory Act of 1997; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); and (k) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code.

"Debt service extension base" means an amount equal to that portion of the extension for a taxing district for the 1994 levy year, or for those taxing districts subject to this Law in accordance with Section 18-213, except for those subject to paragraph (2) of subsection (e) of Section 18-213, for the levy year in which the referendum making this Law applicable to the taxing district is held, or for those taxing districts subject to this Law in accordance with paragraph (2) of subsection (e) of Section 18-213 for the 1996 levy year, constituting an extension for payment of principal and interest on bonds issued by the taxing district without referendum, but not including excluded non-referendum bonds. For park districts (i) that

were first subject to this Law in 1991 or 1995 and (ii) whose extension for the 1994 levy year for the payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds) was less than 51% of the amount for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds), "debt service extension base" means an amount equal to that portion of the extension for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds). The debt service extension base may be established or increased as provided under Section 18-212. "Excluded non-referendum bonds" means (i) bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium and museum projects; (ii) bonds issued under Section 15 of the Local Government Debt Reform Act; or (iii) refunding obligations issued to refund or to continue to refund obligations initially issued pursuant to referendum.

"Special purpose extensions" include, but are not limited to, extensions for levies made on an annual basis for unemployment and workers' compensation, self-insurance, contributions to pension plans, and extensions made pursuant to Section 6-601 of the Illinois Highway Code for a road district's permanent road fund whether levied annually or not. The extension for a special service area is not included in the aggregate extension.

"Aggregate extension base" means the taxing district's last preceding aggregate extension as adjusted under Sections 18-215 through 18-230.

"Levy year" has the same meaning as "year" under Section 1-155.

"New property" means (i) the assessed value, after final board of review or board of appeals action, of new improvements or additions to existing improvements on any parcel of real property that increase the assessed value of that real property during the levy year multiplied by the equalization factor issued by the Department under Section 17-30, (ii) the assessed value, after final board of review or board of appeals action, of real property not exempt from real estate taxation, which real property was exempt from real estate taxation for any portion of the immediately preceding levy year, multiplied by the equalization factor issued by the Department under Section 17-30, and (iii) in counties that classify in accordance with Section 4 of Article IX of the Illinois Constitution, an incentive property's additional assessed value resulting from a scheduled increase in the level of assessment as applied to the first year final board of review market value. In addition, the county clerk in a county containing a population of 3,000,000 or more shall include in the 1997 recovered tax increment value for any school district, any recovered tax increment value that was applicable to the 1995 tax year calculations.

"Qualified airport authority" means an airport authority organized under the Airport Authorities Act and located in a county bordering on the State of Wisconsin and having a population in excess of 200,000 and not greater than 500,000.

"Recovered tax increment value" means, except as otherwise provided in this paragraph, the amount of the current year's equalized assessed value, in the first year after a municipality terminates the designation of an area as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, of each taxable lot, block, tract, or parcel of real

property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. For the taxes which are extended for the 1997 levy year, the recovered tax increment value for a non-home rule taxing district that first became subject to this Law for the 1995 levy year because a majority of its 1994 equalized assessed value was in an affected county or counties shall be increased if a municipality terminated the designation of an area in 1993 as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, by an amount equal to the 1994 equalized assessed value of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. In the first year after a municipality removes a taxable lot, block, tract, or parcel of real property from a redevelopment project area established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, the Industrial Jobs Recovery Law in the Illinois Municipal Code, or the Economic Development Area Tax Increment Allocation Act, "recovered tax increment value" means the amount of the current year's equalized assessed value of each taxable lot, block, tract, or parcel of real property removed from the redevelopment project area over and above the initial equalized assessed value of that real property before removal from the redevelopment project area.

Except as otherwise provided in this Section, "limiting rate" means a fraction the numerator of which is the last preceding aggregate extension base times an amount equal to one plus the extension limitation defined in this Section and the denominator of which is the current year's equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year. For those taxing districts that reduced their aggregate extension for the last preceding levy year, the highest aggregate extension in any of the last 3 preceding levy years shall be used for the purpose of computing the limiting rate. The denominator shall not include new property. The denominator shall not include the recovered tax increment value.
(Source: P.A. 92-547, eff. 6-13-02; 93-601, eff. 1-1-04; 93-606, eff. 11-18-03; 93-612, eff. 11-18-03; revised 12-10-03.)

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

Under the rules, the foregoing **Senate Bill No. 1592**, with House Amendment No. 3, was referred to the Secretary's Desk.

A message from the House by
Mr. Mahoney, 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. 1897

A bill for AN ACT in relation to governmental ethics.

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. 1897

Passed the House, as amended, May 28, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1897 by replacing everything after the enacting clause with the following:

"Section 5. The State Officials and Employees Ethics Act is amended by changing Sections 1-5, 5-20, 25-5, 25-10, and 25-95 as follows:

(5 ILCS 430/1-5)

Sec. 1-5. Definitions. As used in this Act:

"Appointee" means a person appointed to a position in or with a State agency, regardless of whether the position is compensated.

"Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official State duties.

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected State office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at either a general primary election or general election.

"Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act.

"Commission" means an ethics commission created by this Act.

"Compensated time" means any time worked by or credited to a State employee that counts toward any minimum work time requirement imposed as a condition of employment with a State agency, but does not include any designated State holidays or any period when the employee is on a leave of absence.

"Compensatory time off" means authorized time off earned by or awarded to a State employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of employment with a State agency.

"Contribution" has the same meaning as that term is defined in Section 9-1.4 of the Election Code.

"Employee" means (i) any person employed full-time, part-time, or pursuant to a contract and whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed or (ii) any appointee.

"Executive branch constitutional officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an employee, member, or officer.

"Governmental entity" means a unit of local government or a school district but not a State agency.

"Leave of absence" means any period during which a State employee does not receive (i) compensation for State employment, (ii) service credit towards State pension benefits, and (iii) health insurance benefits paid for by the State.

"Legislative branch constitutional officer" means a member of the General Assembly and the Auditor General.

"Legislative leader" means the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives.

"Member" means a member of the General Assembly.

"Officer" means an executive branch constitutional officer or a legislative branch constitutional officer.

"Political" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official State duties or governmental and public service functions.

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code, but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

"Prohibited political activity" means:

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

(3) Soliciting, planning the solicitation of, or preparing any document or report regarding any thing of value intended as a campaign contribution.

(4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10) Preparing or reviewing responses to candidate questionnaires in connection with a

campaign for elective office or on behalf of a political organization for political purposes.

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

(12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenge to the outcome of any election, except to the extent that under subsection (d) of Section 6 of Article IV of the Illinois Constitution each house of the General Assembly shall judge the elections, returns, and qualifications of its members.

"Prohibited source" means any person or entity who:

(1) is seeking official action (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;

(2) does business or seeks to do business (i) with the member or officer or (ii) in the case of an employee, with the employee or with the member, officer, State agency, or other employee directing the employee;

(3) conducts activities regulated (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the member, officer, or employee; or

(5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors.

"State agency" includes all officers, boards, commissions and agencies created by the Constitution, whether in the executive or legislative branch; all officers, departments, boards, commissions, agencies, institutions, authorities, public institutions of higher learning as defined in Section 2 of the Higher Education Cooperation Act, and bodies politic and corporate of the State; and administrative units or corporate outgrowths of the State government which are created by or pursuant to statute, other than units of local government and their officers, school districts, and boards of election commissioners; and all administrative units and corporate outgrowths of the above and as may be created by executive order of the Governor. "State agency" includes the General Assembly, the Senate, the House of Representatives, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, the Senate Operations Commission, and the legislative support services agencies. "State agency" includes the Office of the Auditor General. "State agency" does not include the judicial branch.

"State employee" means any employee of a State agency.

"Ultimate jurisdictional authority" means the following:

(1) For members, legislative partisan staff, and legislative secretaries, the appropriate legislative leader: President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, or Minority Leader of the House of Representatives.

(2) For State employees who are professional staff or employees of the Senate and not covered under item (1), the Senate Operations Commission.

(3) For State employees who are professional staff or employees of the House of Representatives and not covered under item (1), the Speaker of the House of Representatives.

(4) For State employees who are employees of the legislative support services agencies, the Joint Committee on Legislative Support Services.

(5) For State employees of the Auditor General, the Auditor General.

(6) For State employees of public institutions of higher learning as defined in Section 2 of the Higher Education Cooperation Act, the board of trustees of the appropriate public institution of higher learning.

(7) For State employees of an executive branch constitutional officer other than those described in paragraph (6), the appropriate executive branch constitutional officer.

(8) For State employees not under the jurisdiction of paragraph (1), (2), (3), (4), (5), (6), or (7), the Governor.

(Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

(5 ILCS 430/5-20)

Sec. 5-20. Public service announcements; other promotional material.

(a) Beginning January 1, 2004, no public service announcement or advertisement that is on behalf of any State administered program and contains the proper name, image, or voice of any executive branch constitutional officer or member of the General Assembly shall be broadcast or aired on radio or television or printed in a commercial newspaper or a commercial magazine at any time.

(b) The proper name or image of any executive branch constitutional officer or member of the General Assembly may not appear on any (i) bumper stickers, (ii) commercial billboards, (iii) lapel pins or buttons, (iv) magnets, (v) stickers, and (vi) other similar promotional items, <u>that are not in furtherance of the person's official State duties or governmental and public service functions,</u> if designed, paid for, prepared, or distributed using public dollars. This subsection does not apply to stocks of items existing on the effective date of this amendatory Act of the 93rd General Assembly.

(c) This Section does not apply to communications funded through expenditures required to be reported under Article 9 of the Election Code.

(Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

(5 ILCS 430/25-5)

Sec. 25-5. Legislative Ethics Commission.

(a) The Legislative Ethics Commission is created.

(b) The Legislative Ethics Commission shall consist of 8 commissioners appointed 2 each by the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives.

The terms of the initial commissioners shall commence upon qualification. Each appointing authority shall designate one appointee

who shall serve for a 2-year term running through June 30, 2005. Each appointing authority shall designate one appointee who shall serve for a 4-year term running through June 30, 2007. The initial appointments shall be made within 60 days after the effective date of this Act.

After the initial terms, commissioners shall serve for 4-year terms commencing on July 1 of the year of appointment and running through June 30 of the fourth following year. Commissioners may be reappointed to one or more subsequent terms.

Vacancies occurring other than at the end of a term shall be filled by the appointing authority only for the balance of the term of the commissioner whose office is vacant.

Terms shall run regardless of whether the position is filled.

(c) The appointing authorities shall appoint commissioners who have experience holding governmental office or employment and may appoint commissioners who are members of the General Assembly as well as commissioners from the general public. A commissioner who is a member of the General Assembly must recuse himself or herself from participating in any matter relating to any investigation or proceeding in which he or she is the subject. A person is not eligible to serve as a commissioner if that person (i) has been convicted of a felony or a crime of dishonesty or moral turpitude, (ii) is, or was within the preceding 12 months, engaged in activities that require registration under the Lobbyist Registration Act, (iii) is a relative of the appointing authority, or (iv) is a State officer or employee other than a member of the General Assembly.

(d) The Legislative Ethics Commission shall have jurisdiction over members of the General Assembly and all State employees whose ultimate jurisdictional authority is (i) a legislative leader, (ii) the Senate Operations Commission, or (iii) the Joint Committee on Legislative Support Services. The jurisdiction of the Commission is limited to matters arising under this Act.

(e) The Legislative Ethics Commission must meet, either in person or by other technological means, monthly or as often as necessary. At the first meeting of the Legislative Ethics Commission, the commissioners shall choose from their number a chairperson and other officers that they deem appropriate. The terms of officers shall be for 2 years commencing July 1 and running through June 30 of the second following year. Meetings shall be held at the call of the chairperson or any 3 commissioners. Official action by the Commission shall require the affirmative vote of 5 commissioners, and a quorum shall consist of 5 commissioners. Commissioners shall receive no compensation but may be reimbursed for their reasonable expenses actually incurred in the performance of their duties.

(f) No commissioner, other than a commissioner who is a member of the General Assembly, or employee of the Legislative Ethics Commission may during his or her term of appointment or employment:

(1) become a candidate for any elective office;

(2) hold any other elected or appointed public office except for appointments on governmental advisory boards or study commissions or as otherwise expressly authorized by law;

(3) be actively involved in the affairs of any political party or political organization; or

(4) actively participate in any campaign for any elective office.

(g) An appointing authority may remove a commissioner only for cause.

(h) The Legislative Ethics Commission shall appoint an Executive Director <u>subject to the approval of at least 3 of the 4 legislative</u>

leaders. The compensation of the Executive Director shall be as determined by the Commission or by the Compensation Review Board, whichever amount is higher. The Executive Director of the Legislative Ethics Commission may employ, subject to the approval of at least 3 of the 4 legislative leaders, and determine the compensation of staff, as appropriations permit.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/25-10)

Sec. 25-10. Office of Legislative Inspector General.

(a) The independent Office of the Legislative Inspector General is created. The Office shall be under the direction and supervision of the Legislative Inspector General and shall be a fully independent office with its own appropriation.

(b) The Legislative Inspector General shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability. The Legislative Ethics Commission shall diligently search out qualified candidates for Legislative Inspector General and shall make recommendations to the General Assembly.

The Legislative Inspector General shall be appointed by a joint resolution of the Senate and the House of Representatives, which may specify the date on which the appointment takes effect. A joint resolution, or other document as may be specified by the Joint Rules of the General Assembly, appointing the Legislative Inspector General must be certified by the Speaker of the House of Representatives and the President of the Senate as having been adopted by the affirmative vote of three-fifths of the members elected to each house, respectively, and be filed with the Secretary of State. The appointment of the Legislative Inspector General takes effect on the day the appointment is completed by the General Assembly, unless the appointment specifies a later date on which it is to become effective.

The Legislative Inspector General shall have the following qualifications:

(1) has not been convicted of any felony under the laws of this State, another state, or the United States;

(2) has earned a baccalaureate degree from an institution of higher education; and

(3) has 5 or more years of cumulative service (A) with a federal, State, or local law enforcement agency, at least 2 years of which have been in a progressive investigatory capacity; (B) as a federal, State, or local prosecutor; (C) as a senior manager or executive of a federal, State, or local agency; (D) as a member, an officer, or a State or federal judge; or (E) representing any combination of (A) through (D).

The Legislative Inspector General may not be a relative of a commissioner.

The term of the initial Legislative Inspector General shall commence upon qualification and shall run through June 30, 2008.

After the initial term, the Legislative Inspector General shall serve for 5-year terms commencing on July 1 of the year of appointment and running through June 30 of the fifth following year. The Legislative Inspector General may be reappointed to one or more subsequent terms.

A vacancy occurring other than at the end of a term shall be filled in the same manner as an appointment only for the balance of the term of the Legislative Inspector General whose office is vacant.

Terms shall run regardless of whether the position is filled.

(c) The Legislative Inspector General shall have jurisdiction over the members of the General Assembly and all State employees whose

ultimate jurisdictional authority is (i) a legislative leader, (ii) the Senate Operations Commission, or (iii) the Joint Committee on Legislative Support Services.

The jurisdiction of each Legislative Inspector General is to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, or violations of this Act or violations of other related laws and rules.

(d) The compensation of the Legislative Inspector General shall be the greater of an amount (i) determined by the Commission or (ii) by joint resolution of the General Assembly passed by a majority of members elected in each chamber. Subject to Section 25-45 of this Act, the Legislative Inspector General has full authority to organize the Office of the Legislative Inspector General, including the employment and determination of the compensation of staff, such as deputies, assistants, and other employees, as appropriations permit. Employment of staff is subject to the approval of at least 3 of the 4 legislative leaders.

(e) No Legislative Inspector General or employee of the Office of the Legislative Inspector General may, during his or her term of appointment or employment:

(1) become a candidate for any elective office;

(2) hold any other elected or appointed public office except for appointments on governmental advisory boards or study commissions or as otherwise expressly authorized by law;

(3) be actively involved in the affairs of any political party or political organization; or

(4) actively participate in any campaign for any elective office.

In this subsection an appointed public office means a position authorized by law that is filled by an appointing authority as provided by law and does not include employment by hiring in the ordinary course of business.

(e-1) No Legislative Inspector General or employee of the Office of the Legislative Inspector General may, for one year after the termination of his or her appointment or employment:

(1) become a candidate for any elective office;

(2) hold any elected public office; or

(3) hold any appointed State, county, or local judicial office.

(e-2) The requirements of item (3) of subsection (e-1) may be waived by the Legislative Ethics Commission.

(f) The Commission may remove the Legislative Inspector General only for cause. At the time of the removal, the Commission must report to the General Assembly the justification for the removal.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/25-95)

Sec. 25-95. Exemptions.

(a) Documents generated by an ethics officer under this Act, except Section 5-50, are exempt from the provisions of the Freedom of Information Act.

(a-5) Requests from ethics officers, members, and State employees to the Office of the Legislative Inspector General, a Special Legislative Inspector General, the Legislative Ethics Commission, an ethics officer, or a person designated by a legislative leader for guidance on matters involving the interpretation or application of this Act or rules promulgated under this Act are exempt from the provisions of the Freedom of Information Act. Guidance provided to an ethics officer, member, or State employee at the request of an ethics

officer, member, or State employee by the Office of the Legislative Inspector General, a Special Legislative Inspector General, the Legislative Ethics Commission, an ethics officer, or a person designated by a legislative leader on matters involving the interpretation or application of this Act or rules promulgated under this Act is exempt from the provisions of the Freedom of Information Act.

(b) Any allegations and related documents submitted to the Legislative Inspector General and any pleadings and related documents brought before the Legislative Ethics Commission are exempt from the provisions of the Freedom of Information Act so long as the Legislative Ethics Commission does not make a finding of a violation of this Act. If the Legislative Ethics Commission finds that a violation has occurred, the entire record of proceedings before the Commission, the decision and recommendation, and the mandatory report from the agency head or ultimate jurisdictional authority to the Legislative Ethics Commission are not exempt from the provisions of the Freedom of Information Act but information contained therein that is exempt from the Freedom of Information Act must be redacted before disclosure as provided in Section 8 of the Freedom of Information Act.

(c) Meetings of the Commission under Sections 25-5 and 25-15 of this Act are exempt from the provisions of the Open Meetings Act.

(d) Unless otherwise provided in this Act, all investigatory files and reports of the Office of the Legislative Inspector General, other than quarterly reports, are confidential, are exempt from disclosure under the Freedom of Information Act, and shall not be divulged to any person or agency, except as necessary (i) to the appropriate law enforcement authority if the matter is referred pursuant to this Act, (ii) to the ultimate jurisdictional authority, or (iii) to the Legislative Ethics Commission.

(Source: P.A. 93-617, eff. 12-9-03.)

Section 10. The Election Code is amended by changing Section 9-8.10 as follows:

(10 ILCS 5/9-8.10)

Sec. 9-8.10. Use of political committee and other reporting organization funds.

(a) A political committee, or organization subject to Section 9-7.5, shall not make expenditures:

(1) In violation of any law of the United States or of this State.

(2) Clearly in excess of the fair market value of the services, materials, facilities,

or other things of value received in exchange.

(3) For satisfaction or repayment of any debts other than loans made to the committee or

to the public official or candidate on behalf of the committee or repayment of goods and services purchased by the committee under a credit agreement. Nothing in this Section authorizes the use of campaign funds to repay personal loans. The repayments shall be made by check written to the person who made the loan or credit agreement. The terms and conditions of any loan or credit agreement to a committee shall be set forth in a written agreement, including but not limited to the method and amount of repayment, that shall be executed by the chairman or treasurer of the committee at the time of the loan or credit agreement. The loan or agreement shall also set forth the rate of interest for the loan, if any, which may not substantially exceed the prevailing market interest rate at the time the agreement is executed.

(4) For the satisfaction or repayment of any debts or for the payment of any expenses relating to a personal residence. Campaign funds may not be used as collateral for home mortgages.

(5) For clothing or personal laundry expenses, except clothing items rented by the public official or candidate for his or her own use exclusively for a specific campaign-related event, provided that committees may purchase costumes, novelty items, or other accessories worn primarily to advertise the candidacy.

(6) For the travel expenses of any person unless the travel is necessary for fulfillment of political, governmental, or public policy duties, activities, or purposes.

(7) For membership or club dues charged by organizations, clubs, or facilities that are primarily engaged in providing health, exercise, or recreational services; provided, however, that funds received under this Article may be used to rent the clubs or facilities for a specific campaign-related event.

(8) In payment for anything of value or for reimbursement of any expenditure for which any person has been reimbursed by the State or any person. For purposes of this item (8), a per diem allowance is not a reimbursement.

(9) For the purchase of or installment payment for a motor vehicle unless the political committee can demonstrate that purchase of a motor vehicle is more cost-effective than leasing a motor vehicle as permitted under this item (9). A political committee may lease or purchase and insure, maintain, and repair a motor vehicle if the vehicle will be used primarily for campaign purposes or for the performance of governmental duties. A committee shall not make expenditures for use of the vehicle for non-campaign or non-governmental purposes. Persons using vehicles not purchased or leased by a political committee may be reimbursed for actual mileage for the use of the vehicle for campaign purposes or for the performance of governmental duties. The mileage reimbursements shall be made at a rate not to exceed the standard mileage rate method for computation of business expenses under the Internal Revenue Code.

(10) Directly for an individual's tuition or other educational expenses, except for governmental or political purposes directly related to a candidate's or public official's duties and responsibilities.

(11) For payments to a public official or candidate or his or her family member unless for compensation for services actually rendered by that person. The provisions of this item (11) do not apply to expenditures by a political committee in an aggregate amount not exceeding the amount of funds reported to and certified by the State Board or county clerk as available as of June 30, 1998, in the semi-annual report of contributions and expenditures filed by the political committee for the period concluding June 30, 1998.

(b) The Board shall have the authority to investigate, upon receipt of a verified complaint, violations of the provisions of this Section. The Board may levy a fine on any person who knowingly makes expenditures in violation of this Section and on any person who knowingly makes a malicious and false accusation of a violation of this Section. The Board may act under this subsection only upon the affirmative vote of at least 5 of its members. The fine shall not

exceed $500 for each expenditure of $500 or less and shall not exceed the amount of the expenditure plus $500 for each expenditure greater than $500. The Board shall also have the authority to render rulings and issue opinions relating to compliance with this Section.

(c) Nothing in this Section prohibits the expenditure of funds of (i) a political committee controlled by an officeholder or by a candidate or (ii) an organization subject to Section 9-7.5 to defray the customary and reasonable ~~ordinary and necessary~~ expenses of an officeholder in connection with the performance of governmental and public service functions ~~duties~~. ~~For the purposes of this subsection, "ordinary and necessary expenses" include, but are not limited to, expenses in relation to the operation of the district office of a member of the General Assembly.~~

(Source: P.A. 93-615, eff. 11-19-03.)

Section 15. The Illinois Pension Code is amended by adding Section 1-122 and changing Sections 14-103.05 and 18-127 as follows:

(40 ILCS 5/1-122 new)

Sec. 1-122. Service with the Legislative Ethics Commission or Office of the Legislative Inspector General. Notwithstanding any provision in this Code to the contrary, if a person serves as a part-time employee in any of the following positions: Legislative Inspector General, Special Legislative Inspector General, employee of the Office of the Legislative Inspector General, Executive Director of the Legislative Ethics Commission, or staff of the Legislative Ethics Commission, then (A) no retirement annuity or other benefit of that person under this Code is subject to forfeiture, diminishment, suspension, or other impairment solely by virtue of that service and (B) that person does not participate in any pension fund or retirement system under this Code with respect to that service, unless that person (i) is qualified to so participate and (ii) affirmatively elects to so participate. This Section applies without regard to whether the person is in active service under the applicable Article of this Code on or after the effective date of this amendatory Act of the 93rd General Assembly. In this Section, a "part-time employee" is a person who is not required to work at least 35 hours per week.

(40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)

Sec. 14-103.05. Employee.

(a) Any person employed by a Department who receives salary for personal services rendered to the Department on a warrant issued pursuant to a payroll voucher certified by a Department and drawn by the State Comptroller upon the State Treasurer, including an elected official described in subparagraph (d) of Section 14-104, shall become an employee for purpose of membership in the Retirement System on the first day of such employment.

A person entering service on or after January 1, 1972 and prior to January 1, 1984 shall become a member as a condition of employment and shall begin making contributions as of the first day of employment.

A person entering service on or after January 1, 1984 shall, upon completion of 6 months of continuous service which is not interrupted by a break of more than 2 months, become a member as a condition of employment. Contributions shall begin the first of the month after completion of the qualifying period.

The qualifying period of 6 months of service is not applicable to: (1) a person who has been granted credit for service in a position covered by the State Universities Retirement System, the Teachers' Retirement System of the State of Illinois, the General Assembly Retirement System, or the Judges Retirement System of Illinois unless that service has been forfeited under the laws of those systems; (2) a person entering service on or after July 1, 1991 in a noncovered

position; or (3) a person to whom Section 14-108.2a or 14-108.2b applies.

(b) The term "employee" does not include the following:

(1) members of the State Legislature, and persons electing to become members of the General Assembly Retirement System pursuant to Section 2-105;

(2) incumbents of offices normally filled by vote of the people;

(3) except as otherwise provided in this Section, any person appointed by the Governor with the advice and consent of the Senate unless that person elects to participate in this System;

(3.1) any person serving as a commissioner of an ethics commission created under the State Officials and Employees Ethics Act unless that person elects to participate in this system with respect to that service as a commissioner;

(3.2) any person serving as a part-time employee in any of the following positions: Legislative Inspector General, Special Legislative Inspector General, employee of the Office of the Legislative Inspector General, Executive Director of the Legislative Ethics Commission, or staff of the Legislative Ethics Commission, regardless of whether he or she is in active service on or after the effective date of this amendatory Act of the 93rd General Assembly, unless that person elects to participate in this System with respect to that service; in this item (3.2), a "part-time employee" is a person who is not required to work at least 35 hours per week;

(4) except as provided in Section 14-108.2 or 14-108.2c, any person who is covered or eligible to be covered by the Teachers' Retirement System of the State of Illinois, the State Universities Retirement System, or the Judges Retirement System of Illinois;

(5) an employee of a municipality or any other political subdivision of the State;

(6) any person who becomes an employee after June 30, 1979 as a public service employment program participant under the Federal Comprehensive Employment and Training Act and whose wages or fringe benefits are paid in whole or in part by funds provided under such Act;

(7) enrollees of the Illinois Young Adult Conservation Corps program, administered by the Department of Natural Resources, authorized grantee pursuant to Title VIII of the "Comprehensive Employment and Training Act of 1973", 29 USC 993, as now or hereafter amended;

(8) enrollees and temporary staff of programs administered by the Department of Natural Resources under the Youth Conservation Corps Act of 1970;

(9) any person who is a member of any professional licensing or disciplinary board created under an Act administered by the Department of Professional Regulation or a successor agency or created or re-created after the effective date of this amendatory Act of 1997, and who receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher; such persons have never been included in the membership of this System, and this amendatory Act of 1987 (P.A. 84-1472) is not intended to effect any change in the status of such persons;

(10) any person who is a member of the Illinois Health Care Cost Containment Council, and receives per diem compensation rather than a salary,

notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher; such persons have never been included in the membership of this System, and this amendatory Act of 1987 is not intended to effect any change in the status of such persons; or

(11) any person who is a member of the Oil and Gas Board created by Section 1.2 of the

Illinois Oil and Gas Act, and receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher.

(Source: P.A. 92-14, eff. 6-28-01.)

(40 ILCS 5/18-127) (from Ch. 108 1/2, par. 18-127)

Sec. 18-127. Retirement annuity - suspension on reemployment.

(a) A participant receiving a retirement annuity who is regularly employed for compensation by an employer other than a county, in any capacity, shall have his or her retirement annuity payments suspended during such employment. Upon termination of such employment, retirement annuity payments at the previous rate shall be resumed.

If such a participant resumes service as a judge, he or she shall receive credit for any additional service. Upon subsequent retirement, his or her retirement annuity shall be the amount previously granted, plus the amount earned by the additional judicial service under the provisions in effect during the period of such additional service. However, if the participant was receiving the maximum rate of annuity at the time of re-employment, he or she may elect, in a written direction filed with the board, not to receive any additional service credit during the period of re-employment. In such case, contributions shall not be required during the period of re-employment. Any such election shall be irrevocable.

(b) Beginning January 1, 1991, any participant receiving a retirement annuity who accepts temporary employment from an employer other than a county for a period not exceeding 75 working days in any calendar year shall not be deemed to be regularly employed for compensation or to have resumed service as a judge for the purposes of this Article. A day shall be considered a working day if the annuitant performs on it any of his duties under the temporary employment agreement.

(c) Except as provided in subsection (a), beginning January 1, 1993, retirement annuities shall not be subject to suspension upon resumption of employment for an employer, and any retirement annuity that is then so suspended shall be reinstated on that date.

(d) The changes made in this Section by this amendatory Act of 1993 shall apply to judges no longer in service on its effective date, as well as to judges serving on or after that date.

(e) A participant receiving a retirement annuity under this Article who serves as a part-time employee in any of the following positions: Legislative Inspector General, Special Legislative Inspector General, employee of the Office of the Legislative Inspector General, Executive Director of the Legislative Ethics Commission, or staff of the Legislative Ethics Commission, but has not elected to participate in the Article 14 System with respect to that service, shall not be deemed to be regularly employed for compensation by an employer other than a county, nor to have resumed service as a judge, on the basis of that service, and the retirement annuity payments and other benefits of that person under this Code shall not be suspended, diminished, or otherwise impaired solely as a consequence of that service. This subsection (e) applies without regard to whether the person is in service as a judge under this Article on or after the effective date of this amendatory Act of the 93rd General Assembly. In

this subsection, a "part-time employee" is a person who is not required to work at least 35 hours per week.
(Source: P.A. 86-1488; 87-1265.)

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

Under the rules, the foregoing **Senate Bill No. 1897**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Mahoney, 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. 1953

A bill for AN ACT concerning education.
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. 1953
Passed the House, as amended, May 28, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1953 by replacing everything after the enacting clause with the following:

"Section 5. The School Breakfast and Lunch Program Act is amended by adding Section 3.5 as follows:
(105 ILCS 125/3.5 new)
Sec. 3.5. Publication of lunch menu. A school board that does any one of the following must publish the school lunch menu and the nutrition content, including calories, of each meal item:
(1) Completes a nutritional analysis of traditional or enhanced food-based menu plans as part of the State review process.
(2) Provides its meals under a nutrient-based menu plan.
(3) Utilizes software that calculates the nutritional content of foods or menus.
All other school boards are strongly encouraged to publish the school lunch menu and the nutrition content, including calories, of each meal item.
A school board may determine the frequency and manner of publication.

Section 10. The Critical Health Problems and Comprehensive Health Education Act is amended by changing Section 3 as follows:
(105 ILCS 110/3) (from Ch. 122, par. 863)
Sec. 3. Comprehensive Health Education Program. The program established under this Act shall include, but not be limited to, the following major educational areas as a basis for curricula in all elementary and secondary schools in this State: human ecology and health, human growth and development, the emotional, psychological, physiological, hygienic and social responsibilities of family life, including sexual abstinence until marriage, prevention and control of disease, including instruction in grades 6 through 12 on the prevention, transmission and spread of AIDS, public and environmental health, consumer health, safety education and disaster survival, mental health and illness (including instruction in secondary schools on clinical depression and suicide prevention), personal health

habits, alcohol, drug use, and abuse including the medical and legal ramifications of alcohol, drug, and tobacco use, abuse during pregnancy, sexual abstinence until marriage, tobacco, nutrition, and dental health. Notwithstanding the above educational areas, the following areas may also be included as a basis for curricula in all elementary and secondary schools in this State: basic first aid (including, but not limited to, cardiopulmonary resuscitation and the Heimlich maneuver), early prevention and detection of cancer, heart disease, diabetes, stroke, and the prevention of child abuse, neglect, and suicide. The school board of each public elementary and secondary school in the State shall encourage all teachers and other school personnel to acquire, develop, and maintain the knowledge and skills necessary to properly administer life-saving techniques, including without limitation the Heimlich maneuver and rescue breathing. The training shall be in accordance with standards of the American Red Cross, the American Heart Association, or another nationally recognized certifying organization. A school board may use the services of non-governmental entities whose personnel have expertise in life-saving techniques to instruct teachers and other school personnel in these techniques. Each school board is encouraged to have in its employ, or on its volunteer staff, at least one person who is certified, by the American Red Cross or by another qualified certifying agency, as qualified to administer first aid and cardiopulmonary resuscitation. In addition, each school board is authorized to allocate appropriate portions of its institute or inservice days to conduct training programs for teachers and other school personnel who have expressed an interest in becoming qualified to administer emergency first aid or cardiopulmonary resuscitation. School boards are urged to encourage their teachers and other school personnel who coach school athletic programs and other extracurricular school activities to acquire, develop, and maintain the knowledge and skills necessary to properly administer first aid and cardiopulmonary resuscitation in accordance with standards and requirements established by the American Red Cross or another qualified certifying agency. No pupil shall be required to take or participate in any class or course on AIDS or family life instruction if his parent or guardian submits written objection thereto, and refusal to take or participate in the course or program shall not be reason for suspension or expulsion of the pupil.

Curricula developed under programs established in accordance with this Act in the major educational area of alcohol and drug use and abuse shall include classroom instruction in grades 5 through 12. The instruction, which shall include matters relating to both the physical and legal effects and ramifications of drug and substance abuse, shall be integrated into existing curricula; and the State Board of Education shall develop and make available to all elementary and secondary schools in this State instructional materials and guidelines which will assist the schools in incorporating the instruction into their existing curricula. In addition, school districts may offer, as part of existing curricula during the school day or as part of an after school program, support services and instruction for pupils or pupils whose parent, parents, or guardians are chemically dependent. (Source: P.A. 92-23, eff. 7-1-01.)

Section 90. The State Mandates Act is amended by adding Section 8.28 as follows:

(30 ILCS 805/8.28 new)

Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the

93rd General Assembly.

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

Under the rules, the foregoing **Senate Bill No. 1953**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Mahoney, 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. 2108

A bill for AN ACT concerning accounting.

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. 2108

Passed the House, as amended, May 28, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2108 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Accounting Act is amended by changing Sections 0.03, 1, 2, 3, 4, 5, 5.1, 6, 7, 8, 9, 9.01, 9.02, 9.1. 9.2, 11, 13, 14, 14.1, 14.2, 14.3, 16, 17, 17.1, 17.2, 19, 20.01, 20.1, 20.2, 20.3, 20.4, 20.5, 20.6, 21, 26, 28, 30, and 32 and by adding Sections 2.05, 6.1, 30.4, 30.5, and 30.6 as follows:

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

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

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

(a) "Registered Certified Public Accountant" means any person who has been issued a registration under this Act as a Registered Certified Public Accountant ~~certificate as a certified public accountant from the Board of Examiners~~.

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

(c) "Committee" means the Public Accountant Registration Committee appointed by the Director ~~(Blank)~~.

(d) "Department" means the Department of Professional Regulation ~~(Blank)~~.

(e) "Director" means the Director of Professional Regulation ~~(Blank)~~.

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

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

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

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

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

(k) "Registration", "registrant", and "registered" refer to the authorization to hold oneself out as or use the title "Registered Certified Public Accountant" or "Certified Public Accountant", unless the context otherwise requires.

(Source: P.A. 92-457, eff. 7-1-04.)

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

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 1. No ~~Any person, eighteen years of age or older, who has received from the Board a certificate of his qualifications as hereinafter provided, shall be styled and known as a "Certified Public Accountant," and no other~~ person shall hold himself or herself out to the public in any manner by using the ~~assume such~~ title "Certified Public Accountant" or use the abbreviation "C.P.A." or "CPA" or any words or letters to indicate that the person using the same is a certified public accountant, unless he or she has been issued a license or registration by the Department under this Act.

(Source: P.A. 92-457, eff. 7-1-04.)

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

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 2. Board of Examiners ~~Examinations~~. The Governor shall appoint a Board of Examiners that shall determine the qualifications of persons applying for certificates and shall make rules for and conduct examinations for determining the qualifications. The Board shall consist of ~~not less than 9 nor more than~~ 11 examiners, ~~as determined by Board rule,~~ including 2 public members. The remainder shall be certified public accountants in this State who have been residents of this State for at least 5 years immediately preceding their appointment, except that one shall be either a certified public accountant of the grade herein described or an attorney licensed and residing in this State and one shall be a certified public accountant who is an active or retired educator residing in this State. The term of office of each examiner shall be 3 years, except that upon the enactment of this amendatory Act of the 93rd ~~92nd~~ General Assembly, those members currently serving on the Board shall continue to serve the duration of their terms, one additional examiner shall be appointed for a term of one year, and one additional examiner for a term of 2 years ~~, and any additional examiners for terms of 3 years~~. As the term of each examiner expires, the appointment shall be filled for a term of 3 years from the date of expiration. Any Board member who has served as a member for 6 consecutive years shall not be eligible for reappointment until 2 years after the end of the term in which the sixth consecutive year of service occurred, except that members of the Board serving on the effective date of this Section shall be eligible for appointment to one additional 3-year term. Where the expiration of any member's term shall result in less than 11 members then serving on the Board, the member shall continue to serve until his or her successor is appointed and has qualified. No Board member shall serve more than 2 full terms. Anyone appointed to the Board shall be ineligible to be appointed to the Illinois Public Accountants Registration Committee appointed by the Director. Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term. The membership of the Board shall reasonably reflect representation from the geographic areas in this State. The members of the Board appointed by the Governor shall receive reasonable compensation for

their necessary, legitimate, and authorized expenses in accordance with the Governor's Travel Control Board rules and the Travel Regulation Rules. The Governor may terminate the term of any member of the Board at any time for cause.

Information regarding educational requirements, the application process, the examination, and fees shall be available on the Board's Internet web site as well as in printed documents available from the Board's office.

~~The examination shall test the applicant's knowledge of accounting, auditing, and other related subjects, if any, as the Board may deem advisable. Prior to implementation of a computer-based examination, a candidate must be examined in all subjects except that a candidate who has passed in 2 or more subjects and who attained a minimum grade in each subject failed as may be established by Board regulations shall have the right to be re-examined in the remaining subjects at one or more of the next 6 succeeding examinations. Upon implementation of a computer based examination, a candidate shall be required to pass all sections of the examination in order to qualify for a certificate. A candidate may take the required test sections individually and in any order, as long as the examination is taken within a timeframe established by Board rule.~~

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

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

~~The examinations shall be given at least twice a year.~~

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

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

The Board shall make an annual report of its activities to the Governor and the Director. This report shall include a complete operating and financial statement covering its operations during the year, the number of examinations given, the pass/fail ratio for examinations, and any other information deemed appropriate. The Board shall have an audit of its books and accounts every 2 years by the Auditor General.

(Source: P.A. 92-457, eff. 7-1-04; 93-629, eff. 12-23-03.)

(225 ILCS 450/2.05 new)

(Section scheduled to be repealed on January 1, 2014)

Sec. 2.05. Public Accountant Registration Committee. The Director shall appoint a Public Accountant Registration Committee consisting of 7 persons, who shall be appointed by and shall serve in an advisory

capacity to the Director. Six members must be licensed public accountants or Licensed Certified Public Accountants in good standing and must be actively engaged in the practice of public accounting in this State and one member must be a member of the public who is not licensed under this Act or a similar Act of another jurisdiction and who has no connection with the accounting or public accounting profession. Members shall serve 4-year terms and until their successors are appointed and qualified. No member shall be reappointed to the Committee for more than 2 terms. Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term. The membership of the Committee shall reasonably reflect representation from the geographic areas in this State. The members of the Committee appointed by the Director shall receive reasonable compensation, as determined by the Department, for the necessary, legitimate, and authorized expenses approved by the Department. All expenses shall be paid from the Registered Certified Public Accountants' Administration and Disciplinary Fund. The Director may terminate the appointment of any member for cause. The Director shall consider the advice and recommendations of the Committee on questions involving standards of professional conduct, discipline, and qualifications of candidates and licensees under this Act.

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

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 3. Qualifications of applicants. To be admitted to take the examination after the year 2000, for the purpose of determining the qualifications of applicants for certificates as certified public accountants under this Act, the applicants shall be required to present proof of the successful completion of 150 college or university semester hours of study or their quarter-hour or other academic credit unit equivalent, to include a baccalaureate or higher degree conferred by a college or university acceptable to the Board ~~of Examiners~~, the total educational program to include an accounting concentration or equivalent as determined by Board rule ~~Board rules to be appropriate~~. In adopting those rules, the Board shall consider, among other things, any impediments to the interstate practice of public accounting that may result from differences in the requirements in other states.

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

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/4) (from Ch. 111, par. 5505)

(Section scheduled to be repealed on January 1, 2014)

Sec. 4. Transitional language.

(a) The provisions of this Act shall not be construed to invalidate any certificates as certified public accountants issued by the University under "An Act to regulate the profession of public accountants", approved May 15, 1903, as amended, or any certificates as Certified Public Accountants issued by the University or the Board under Section 4 of "An Act to regulate the practice of public accounting and to repeal certain acts therein named", approved July 22, 1943, as amended, which certificates shall be valid and in force as though issued under the provisions of this Act.

(b) Before July 1, 2010, persons who have received a Certified Public Accountant (CPA) Certificate issued by the Board of Examiners or holding similar certifications from other jurisdictions with equivalent educational requirements and examination standards may apply to the Department on forms supplied by the Department for and

may be granted a registration as a Registered Certified Public Accountant from the Department upon payment of the required fee.

(c) Beginning with the 2006 renewal, the Department shall cease to issue a license as a Public Accountant. Any person holding a valid license as a Public Accountant prior to September 30, 2006 who meets the conditions for renewal of a license under this Act, shall be issued a license as a Licensed Certified Public Accountant under this Act and shall be subject to continued regulation by the Department under this Act. The Department may adopt rules to implement this Section.

(d) The Department shall not issue any new registrations as a Registered Certified Public Accountant after July 1, 2010. After that date, any applicant for licensure under this Act shall apply for a license as a Licensed Certified Public Accountant and shall meet the requirements set forth in this Act. Any person issued a Certified Public Accountant certificate who has been issued a registration as a Registered Certified Public Accountant may renew the registration under the provisions of this Act and that person may continue to renew or restore the registration during his or her lifetime, subject only to the renewal or restoration requirements for the registration under this Act. Such registration shall be subject to the disciplinary provisions of this Act.

(e) On and after October 1, 2006, no person shall hold himself or herself out to the public in any manner by using the title "certified public accountant" or use the abbreviation "C.P.A." or "CPA" or any words or letters to indicate that the person using the same is a certified public accountant unless he or she maintains a current registration or license issued by the Department. It shall be a violation of this Act for an individual to assume or use the title "certified public accountant" or use the abbreviation "C.P.A." or "CPA" or any words or letters to indicate that the person using the same is a certified public accountant unless he or she maintains a current registration or license issued by the Department.

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

(225 ILCS 450/5) (from Ch. 111, par. 5506)

(Section scheduled to be repealed on January 1, 2014)

Sec. 5. Certification of out-of-State accountants.

(a) Upon review of an applicant's educational and examination credentials by the Board of Examiners, the Department ~~The Board~~ may issue a registration ~~certificate~~ as a registered certified public accountant, without examination, to any applicant who holds a valid unrevoked certificate as a certified public accountant issued under the laws of any other state or territory of the United States or the District of Columbia, provided:

(1) that the state that issued the certificate has certification requirements that have been determined by the Board to be substantially equivalent to the certification requirements of Illinois and grants similar rights to those that Illinois grants to certificate holders;

(2) that the state that issued the certificate has certification requirements that the Board has determined not to be substantially equivalent to the certification requirements of Illinois or does not grant similar rights to Illinois certificate holders, but the Board determines that the individual applicant possesses personal qualifications substantially equivalent to Illinois' certification requirements; or

(3) that the applicant does not qualify under subsections (1) or (2) above, but the following conditions are met:

(A) the certificate was granted to the applicant on the basis of the Uniform
Certified Public Accountant examination; and
(B) the educational qualifications of the applicant for a certificate, at the time
of the written examination, were equivalent to the educational qualifications then required of applicants for admission to the Illinois examination for certified public accountant or, the applicant has, after passing the examination upon which his or her certificate was based, not less than 5 years of experience in the practice of public accounting within the 10 years immediately preceding this application, otherwise reasonably considered acceptable by the Board.

(b) In determining the substantial equivalency of the requirements for certification or the rights granted to certificate holders pursuant to this Section, the Department ~~Board~~ may rely on the determinations of the National Qualification Appraisal Service of the National Association of State Boards of Accountancy or any other qualification appraisal service, as it deems appropriate.
(Source: P.A. 91-508, eff. 8-13-99; 91-779, eff. 6-9-00.)

(225 ILCS 450/5.1)
(Section scheduled to be repealed on January 1, 2014)

Sec. 5.1. Foreign accountants. The Board shall issue a certificate to a holder of a foreign designation, granted in a foreign country entitling the holder thereof to engage in the practice of public accounting, provided:

(a) The foreign authority that granted the designation makes similar provision to allow
a person who holds a valid certificate issued by this State to obtain the foreign authority's comparable designation; and

(b) The foreign designation (i) was duly issued by a foreign authority that regulates
the practice of public accounting and the foreign designation has not expired or been revoked or suspended; and (ii) was issued upon the basis of educational and examination requirements established by the foreign authority or by law; and

(c) The applicant (i) received the designation based on educational and examination
standards substantially equivalent to those in effect in this State at the time the foreign designation was granted; and (ii) passed a uniform qualifying examination in national standards and an examination on the laws, regulations, and code of ethical conduct in effect in this State acceptable to the Board.

~~The Board shall be the sole and final judge of the qualifications of applicants under this Section.~~
(Source: P.A. 88-36.)

(225 ILCS 450/6) (from Ch. 111, par. 5507)
(Section scheduled to be repealed on January 1, 2014)
(Text of Section after amendment by P.A. 92-457)

Sec. 6. Fees; pay of examiners; expenses. The Board shall charge a fee in an amount at least sufficient to defray the costs and expenses incident to the examination and issuance of a certificate provided for in Section 6.1 ~~3~~ and for the issuance of a certificate provided for in Section 5. This fee shall be payable by the applicant at the time of filing an application.

~~The Board appointed by the Governor in accordance with the provisions of Section 2 shall receive reasonable compensation, to be set by Board rule, for the time actually expended in pursuance of the duties imposed upon them by this Act, and they shall be further entitled to their necessary traveling expenses. All expenses provided~~

~~for by this Act shall be paid from the fees received under this Act.~~

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

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/6.1 new)

(Section scheduled to be repealed on January 1, 2014)

Sec. 6.1. Examinations.

(a) The examination shall test the applicant's knowledge of accounting, auditing, and other related subjects, if any, as the Board may deem advisable. A candidate shall be required to pass all sections of the examination in order to qualify for a certificate. A candidate may take the required test sections individually and in any order, as long as the examination is taken within a timeframe established by Board rule.

(b) On and after January 1, 2005, applicants shall also be required to pass an examination on the rules of professional conduct, as determined by Board rule to be appropriate, before they may be awarded a certificate as a Certified Public Accountant.

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

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

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

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

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

The Department ~~Board~~ may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/8) (from Ch. 111, par. 5509)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 8. Practicing as a licensed public accountant or licensed certified public accountant. Persons, either individually, as members of a partnership or limited liability company, or as officers of a corporation, who sign, affix or associate their names or any trade or assumed names used by them in a profession or business to any report expressing or disclaiming an opinion on a financial statement based on an audit or examination of that statement, or expressing assurance on a financial statement, shall be deemed to be in practice as licensed

public accountants or licensed certified public accountants within the meaning and intent of this Act.
(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/9) (from Ch. 111, par. 5510)

(Section scheduled to be repealed on January 1, 2014)

Sec. 9. No person shall, after the effective date of this amendatory Act of the 93rd General Assembly, begin to practice in this State or hold himself out as being able to practice licensed certified public accounting in this State or hold himself or herself out as being able to practice as a licensed certified public accountant ~~this profession~~, unless he or she is licensed in accordance with the provisions of this Act. Any person who is the holder of a license as a public accountant heretofore issued, under any prior Act licensing or registering public accountants in this State, valid on the effective date of this amendatory Act shall be deemed to be licensed under this Act shall be subject to the same rights and obligations as persons originally licensed under this Act.

No person shall, after the effective date of this amendatory Act of the 93rd General Assembly, begin to hold himself or herself out as a registered certified public accountant unless he or she is registered in accordance with the provisions of this Act.

On and after October 1, 2006, no person may use or incorporate the title "certified public accountant" without holding a license as a licensed certified public accountant or registered certified public accountant under this Act.
(Source: P.A. 83-291.)

(225 ILCS 450/9.01)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 9.01. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a licensed certified public accountant without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department ~~Board~~ in an amount not to exceed $5,000 for each offense as determined by the Department ~~Board~~. The civil penalty shall be assessed by the Department ~~Board~~ after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department ~~Board~~ has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.
(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/9.02)

(Section scheduled to be repealed on January 1, 2014)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 9.02. Unauthorized use of title; violation; civil penalty.

(a) On and after October 1, 2006, any ~~Any~~ person who shall assume the title "certified public accountant" or use the abbreviation "CPA" or any words or letters to indicate that the person using the same is a certified public accountant without having been issued a registration as a registered certified public accountant or a license as a licensed certified public accountant ~~certificate~~ under the provisions of this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department ~~Board~~ in an amount not to exceed $5,000 for each offense as determined by the

Department ~~Board~~. The civil penalty shall be assessed by the Department ~~Board~~ after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department ~~Board~~ has the authority and power to investigate any and all alleged improper use of the certified public accountant title or CPA designation.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/9.1) (from Ch. 111, par. 5510.1)

(Section scheduled to be repealed on January 1, 2014)

Sec. 9.1. Temporary practice.

(a) An individual who has passed the Uniform CPA Examination and who holds a valid, unrevoked license or permit to practice as a public accountant from a state or United States territory in which he or she resides or has his or her principal place of business, and who does not reside or have his or her principal place of business in this State, may practice public accounting within this State without the need to obtain a license under this Act. Such practice shall be conducted in accordance with the relevant provisions of this Act and rules and regulations adopted hereunder.

(b) A foreign accountant who holds a license, certificate, or degree in a foreign country constituting a recognized qualification for the practice of public accounting and who does not reside or have an office in this State may temporarily practice public accounting in this State or professional business incident to his or her regular practice without licensure under this Act provided the standards, including examination, governing issuance of the foreign license, certificate, or degree are substantially equivalent to those in Illinois, and the foreign jurisdiction in question grants equal recognition to Illinois accountants.

(c) Any person practicing pursuant to this Section shall file a notice with the Department on forms prescribed by the Department. The Department shall determine by rule the information to be submitted. The Department may charge a processing fee as determined by rule.

(Source: P.A. 91-508, eff. 8-13-99.)

(225 ILCS 450/9.2) (from Ch. 111, par. 5510.2)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 9.2. Powers and duties of the Department ~~Board~~.

(a) The Department ~~Board~~ shall exercise the powers and duties prescribed by "The Civil Administrative Code of Illinois" for the administration of licensing acts and shall exercise such other powers and duties invested by this Act.

(b) The Director ~~Board~~ may promulgate rules consistent with the provisions of this Act for the administration and enforcement of the provisions of this Act for which the Department is responsible ~~thereof,~~ and for the payment of fees connected therewith and may prescribe forms which shall be issued in connection therewith. The rules shall include standards and criteria for licensure and professional conduct and discipline.

(c) The Department may solicit the advice and expert knowledge of the Committee or the Board on any matter relating to the administration and enforcement of this Act.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/11) (from Ch. 111, par. 5512)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 11. Exemption from Act. Nothing in this Act shall prohibit any person who may be engaged by one or more persons, partnerships or corporations, from keeping books, or from making trial balances or statements, or, as an employee, from making audits or preparing reports, provided that the person does not indicate or in any manner imply that the trial balances, statements, or reports have been prepared or examined by a certified public accountant, a registered certified public accountant, or a licensed certified public accountant or that they represent the independent opinion of a certified public accountant or a licensed certified public accountant. Nothing in this Act shall prohibit any person from preparing tax and information returns or from acting as representative or agent at tax inquiries, examinations or proceedings, or from preparing and installing accounting systems, or from reviewing accounts and accounting methods for the purpose of determining the efficiency of accounting methods or appliances, or from studying matters of organization, provided that the person does not indicate or in any manner imply that the reports have been prepared by, or that the representation or accounting work has been performed by a certified public accountant, a registered certified public accountant, or a licensed certified public accountant. Unlicensed accountants are not prohibited from performing any services that they may have performed prior to this Amendatory Act of 1983.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/13) (from Ch. 111, par. 5514)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 13. Application for licensure. A person, partnership, limited liability company, or corporation desiring to practice public accounting in this State shall make application to the Department ~~Board~~ for licensure as a licensed certified public accountant and shall pay the fee required by rule ~~Section 17~~.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/14) (from Ch. 111, par. 5515)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 14. Qualifications. The Department may ~~Board shall~~ license as licensed certified public accountants the following:

(a) All persons who have received certificates as certified public accountants from the Board or who hereafter receive registrations as registered certified public accountants from the Department ~~certificates as certified public accountants from the Board,~~ who have had at least one year of full-time experience, or its equivalent, providing any type of service or advice involving the use of accounting, attest, management advisory, financial advisory, tax, or consulting skills, which may be gained through employment in government, industry, academia, or public practice.

If the applicant's certificate as a certified public accountant from the Board or the applicant's registration as a registered certified public accountant from the Department was issued more than 4 years prior to the application for a ~~an internal~~ license under this Section, the applicant shall submit any evidence the Department ~~Board~~ may require showing the applicant has completed not less than 90 hours of continuing professional education acceptable to the Department

~~Board~~ within the 3 years immediately preceding the date of application.

(b) All partnerships, limited liability companies, or corporations, or other entities engaged in the practice of public accounting in this State and meeting the following requirements:

(1) (Blank).

(2) A majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members, or managers, belongs to persons licensed in some state, and the partners, officers, shareholders, members, or managers whose principal place of business is in this State and who practice public accounting in this State, as defined in Section 8 of this Act, hold a valid license issued by this State.

(3) It shall be lawful for a nonprofit cooperative association engaged in rendering an auditing and accounting service to its members only, to continue to render that service provided that the rendering of auditing and accounting service by the cooperative association shall at all times be under the control and supervision of licensed certified public accountants.

(4) The Department ~~Board~~ may adopt rules and regulations as necessary to provide for the practice of public accounting by business entities that may be otherwise authorized by law to conduct business in Illinois.

(Source: P.A. 91-508, eff. 8-13-99; 91-827, eff. 6-13-00; 92-457, eff. 7-1-04.)

(225 ILCS 450/14.1)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 14.1. Foreign accountants. The Department ~~Board~~ shall issue a license to a holder of a foreign designation, granted in a foreign country entitling the holder thereof to engage in the practice of public accounting, provided:

(a) The applicant is the holder of a certificate as a certified public accountant from the Board or a registration as a registered certified public accountant from the Department issued under ~~Section 2, 5, or 5.1 of~~ this Act; and

(b) The foreign authority that granted the designation makes similar provision to allow a person who holds a valid license issued by this State to obtain a foreign authority's comparable designation; and

(c) The foreign designation (i) was duly issued by a foreign authority that regulates the practice of public accounting and the foreign designation has not expired or been revoked or suspended; (ii) entitles the holder to issue reports upon financial statements; and (iii) was issued upon the basis of educational, examination, and experience requirements established by the foreign authority or by law; and

(d) The applicant (i) received the designation based on standards substantially equivalent to those in effect in this State at the time the foreign designation was granted; and (ii) completed an experience requirement, substantially equivalent to the requirement set out in Section 14, in the jurisdiction that granted the foreign designation or has completed 5 years of experience in the practice of public accounting in this State, or meets equivalent requirements prescribed by the Department ~~Board~~ by rule, within the 10 years immediately preceding the application.

(e) Applicants have 3 years from the date of application to complete the application process. If the process has not been

completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/14.2)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 14.2. Licensure by endorsement.

(a) The Department ~~Board~~ shall issue a license as a licensed certified public accountant to any applicant who holds a certificate as a certified public accountant issued by the Board of Examiners or similar certification from another jurisdiction with equivalent educational requirements and examination standards, applies to the Department on forms supplied by the Department, and pays the required fee, ~~and who holds a valid unrevoked license or permit to practice as a licensed certified public accountant issued under the laws of any other state or territory of the United States or the District of Columbia,~~ provided:

(1) the individual applicant is determined by the Department ~~Board~~ to possess ~~personal~~ qualifications substantially equivalent to this State's current licensing requirements;

(2) at the time the applicant received his or her current valid and unrevoked license or permit, the applicant possessed qualifications substantially equivalent to the qualifications for licensure then in effect in this State; or

(3) the applicant has, after passing the examination upon which his or her license or other permit to practice was based, not less than 4 years of experience in the practice of public accounting within the 10 years immediately before the application.

(b) In determining the substantial equivalency of any state's requirements to Illinois' requirements, the Department ~~Board~~ may rely on the determinations of the National Qualification Appraisal Service of the National Association of State Boards of Accountancy or such other qualification appraisal service as it deems appropriate.

(c) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 91-508, eff. 8-13-99; 91-779, eff. 6-9-00; 92-457, eff. 7-1-04.)

(225 ILCS 450/14.3)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 14.3. Additional requirements for firms. In addition to the ownership requirements set forth in subsection (b) of Section 14, all firms licensed under this Act shall meet the following requirements:

(a) All owners of the firm, whether licensed or not, ~~who are not licensed~~ shall be active participants in the firm or its affiliated entities.

(b) An individual who supervises services for which a license is required under Section 8 of this Act or who signs or authorizes another to sign any report for which a license is required under Section 8 of this Act shall hold a valid, unrevoked Licensed Certified Public Accountant license from this State or another state and shall comply with such additional experience requirements as may be required by rule of the Board.

(c) The firm shall require that all owners of the firm, whether or not certified or licensed under this Act, comply with rules promulgated under this Act.

(d) The firm shall designate to the Department ~~Board~~ in writing an individual licensed under this Act who shall be responsible for the proper registration of the firm.

(e) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 91-508, eff. 8-13-99; 92-457, eff. 7-1-04.)

(225 ILCS 450/16) (from Ch. 111, par. 5517)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 16. Expiration and renewal of licenses; renewal of registration; continuing education.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule.

(b) Every holder of a license or registration under this Act may renew such license or registration before the expiration date upon payment of the required renewal fee as set by rule.

(c) Every application for renewal of a license by a licensed certified public accountant who has been licensed under this Act for 3 years or more shall be accompanied or supported by any evidence the Department shall prescribe, in satisfaction of completing, each 3 years, not less than 120 hours of continuing professional education programs in subjects given by continuing education sponsors registered by the Department upon recommendation of the Committee. Of the 120 hours, not less than 4 hours shall be courses covering the subject of professional ethics. All continuing education sponsors applying to the Department for registration shall be required to submit an initial nonrefundable application fee set by Department rule. Each registered continuing education sponsor shall be required to pay an annual renewal fee set by Department rule. Publicly supported colleges, universities, and governmental agencies located in Illinois are exempt from payment of any fees required for continuing education sponsor registration. Failure by a continuing education sponsor to be licensed or pay the fees prescribed in this Act, or to comply with the rules and regulations established by the Department under this Section regarding requirements for continuing education courses or sponsors, shall constitute grounds for revocation or denial of renewal of the sponsor's registration.

(d) Licensed Certified Public Accountants are exempt from the continuing professional education requirement for the first renewal period following the original issuance of the license.

Notwithstanding the provisions of this subsection (c), the Department may accept courses and sponsors approved by other states, by the American Institute of Certified Public Accountants, by other state CPA societies, or by national accrediting organizations such as the National Association of State Boards of Accountancy.

Failure by an applicant for renewal of a license as a licensed certified public accountant to furnish the evidence shall constitute grounds for disciplinary action, unless the Department in its discretion shall determine the failure to have been due to reasonable cause. The Department, in its discretion, may renew a license despite failure to furnish evidence of satisfaction of requirements of continuing education upon condition that the applicant follow a particular program or schedule of continuing education. In issuing rules and individual orders in respect of requirements of continuing

education, the Department in its discretion may, among other things, use and rely upon guidelines and pronouncements of recognized educational and professional associations; may prescribe rules for the content, duration, and organization of courses; shall take into account the accessibility to applicants of such continuing education as it may require, and any impediments to interstate practice of public accounting that may result from differences in requirements in other states; and may provide for relaxation or suspension of requirements in regard to applicants who certify that they do not intend to engage in the practice of public accounting, and for instances of individual hardship.

The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by licensees; by requiring the filing of continuing education certificates with the Department; or by other means established by the Department.

The Department may establish, by rule, guidelines for acceptance of continuing education on behalf of licensed certified public accountants taking continuing education courses in other jurisdictions.

~~(b) Every application for renewal of a license by any person who has been licensed under this Act for 3 years or more shall be accompanied or supported by any evidence the Board shall prescribe, in satisfaction of completing, each 3 years, not less than 120 hours of qualifying continuing professional education programs. Applications for renewal by any person who has been licensed less than 3 years shall be accompanied or supported by evidence of completion of 20 hours of qualifying continuing professional education programs for each full 6 months since the date of licensure or last renewal. Qualifying continuing education programs include those given by continuing education sponsors registered with the Board, those given by the American Institute of CPAs, the Illinois CPA Foundation, and programs given by sponsors approved by national accrediting organizations approved by the Board. All continuing education sponsors applying to the Board for registration shall be required to submit an initial nonrefundable application fee set by Board rule. Each registered continuing education sponsor shall be required to pay an annual renewal fee set by Board rule. Publicly supported colleges, universities, and governmental agencies located in Illinois are exempt from payment of any fees required for continuing education sponsor registration. Failure by a continuing education sponsor to pay the fees prescribed in this Act, or to comply with the rules and regulations established by the Board under this Section regarding requirements for continuing education courses or sponsors, shall constitute grounds for revocation or denial of renewal of the sponsor's registration. All other courses or programs may qualify upon presentation by the licensee of evidence satisfactory to the Board that the course or program meets all Board rules for qualifying education programs.~~

~~Failure by an applicant for renewal of a license to furnish the evidence shall constitute grounds for disciplinary action, unless the Board in its discretion shall determine the failure to have been due to reasonable cause. The Board, in its discretion, may renew a license despite failure to furnish evidence of satisfaction of requirements of continuing education upon condition that the applicant follow a particular program or schedule of continuing education. In issuing rules, regulations, and individual orders in respect of requirements of continuing education, the Board in its discretion may, among other things, use and rely upon guidelines and pronouncements of recognized~~

~~educational and professional associations; may prescribe rules for content, duration, and organization of courses; shall take into account the accessibility to applicants of continuing education as it may require, and any impediments to interstate practice of public accounting that may result from differences in requirements in other states; and may provide for relaxation or suspension of requirements in regard to applicants who certify that they do not intend to engage in the practice of public accounting, and for instances of individual hardship.~~

~~The Board shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by registrants; by requiring the filing of continuing education certificates with the Board; or by other means established by the Board.~~

~~The Board may establish, by rule, guidelines for acceptance of continuing education on behalf of licensed certified public accountants taking continuing education courses in other jurisdictions.~~

(Source: P.A. 92-457, eff. 7-1-04.)

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

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 17. Fees; returned checks; fines. Each person, partnership, limited liability company, and corporation, to which a license or registration is issued, shall pay a fee to be established by the Department ~~Board~~ which allows the Department ~~Board~~ to pay all costs and expenses incident to the administration of this Act. Interim licenses shall be at full rates.

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

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

(Source: P.A. 92-146, eff. 1-1-02; 92-457, eff. 7-1-04; 92-651, eff. 7-11-02.)

(225 ILCS 450/17.1) (from Ch. 111, par. 5518.1)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 17.1. Any registered certified public accountant who has permitted his or her registration to expire or who has had his or her registration on inactive status may have his or her registration restored by making application to the Department and filing proof acceptable to the Department as defined by rule of his or her fitness to have his or her registration restored, which may include sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee.

Any licensed certified public accountant who has permitted his or her license to expire or who has had his or her license on inactive status may have his or her license restored by making application to the Department ~~Board~~ and filing proof acceptable to the Department as defined by rule ~~Board~~ of his or her fitness to have his or her license restored, including sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department ~~Board~~ and by paying the required restoration fee and by submitting proof of the required continuing education.

If the licensed certified public accountant or registered certified public accountant has not maintained an active practice in another jurisdiction satisfactory to the Department ~~Board~~, the Department ~~Board~~ shall determine, by an evaluation program established by rule, fitness to resume active status and may require the applicant to complete a period of supervised ~~auditing~~ experience.

However, any licensed certified public accountant or registered certified public accountant whose license or registration expired while he was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license or registration renewed reinstated or restored without paying any lapsed renewal and restoration fees if within 2 years after honorable termination of such service, training or education except under conditions other than honorable, he furnished the Department ~~Board~~ with satisfactory evidence to the effect that he has been so engaged and that his service, training or education has been so terminated.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/17.2) (from Ch. 111, par. 5518.2)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 17.2. Inactive status. Any licensed certified public accountant or Registered Certified Public Accountant who notifies the Department ~~Board~~ in writing on forms prescribed by the Department ~~Board~~, may elect to place his license or registration on an inactive status and shall, subject to rules of the Department ~~Board~~, be excused from payment of renewal fees until he notifies the Department ~~Board~~ in writing of his desire to resume active status.

Any licensed certified public accountant requesting restoration from inactive status shall be required to pay the current renewal fee, shall be required to submit proof of the required continuing education, and shall be required to restore his license, as provided in this Act.

Any Registered Certified Public Accountant requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to comply with any requirements established by rule.

Any licensed certified public accountant whose license is in an inactive status shall not practice public accounting in this State of

Illinois.

Any Registered Certified Public Accountant whose registration is in an inactive status shall not in any manner hold himself or herself out to the public as a C.P.A. or R.C.P.A.

The Department ~~Board~~ may, in its discretion, license as a licensed certified public accountant, on payment of the required fee, an applicant who is a licensed certified public accountant licensed under the laws of another jurisdiction if the requirements for licensure of licensed certified public accountants in the jurisdiction in which the applicant was licensed were, at the date of his licensure, substantially equivalent to the requirements in force in this State on that date.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/19) (from Ch. 111, par. 5520)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 19. Hearings. The Committee established under the provisions of Section 2.05 shall, upon designation by the Director ~~The Board, or a committee thereof~~, ~~shall~~ hear charges which, if proved, would constitute grounds for disciplinary action; shall hear applications for restoration of a license and the issuance of a license or registration ~~registration cards~~ as a licensed certified public accountant or registered certified public accountant ~~accountants~~ of any person, partnership, limited liability company, or corporation whose license or registration has been suspended or revoked; and shall report its findings and recommendations in connection therewith to the Director ~~Board~~, all as provided in Section 20.01.

The Department ~~Board~~ shall also have power to promulgate and amend rules of professional conduct that shall apply to persons registered ~~certified~~ or licensed under this Act.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 20.01. Grounds for discipline; license or registration.

(a) The Department ~~Board~~ may refuse to issue or renew, or may revoke, suspend, or reprimand any license or licensee, place a licensee or registrant on probation for a period of time subject to any conditions the Department ~~Board~~ may specify including requiring the licensee or registrant to attend continuing education courses or to work under the supervision of another licensee or registrant, impose a fine not to exceed $5,000 for each violation, restrict the authorized scope of practice, or require a licensee or registrant to undergo a peer review program, for any one or more of the following:

(1) Violation of any provision of this Act.

(2) Attempting to procure a license or registration to practice under this Act ~~public accounting~~ by bribery or fraudulent misrepresentations.

(3) Having a license to practice public accounting or registration revoked, suspended, or otherwise acted against, including the denial of licensure or registration, by the licensing or registering authority of another state, territory, or country, including but not limited to the District of Columbia, or any United States territory. No disciplinary action shall be taken in Illinois if the action taken in another

jurisdiction was based upon failure to meet the continuing professional education requirements of that jurisdiction and the applicable Illinois continuing professional education requirements are met.

(4) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of public accounting or the ability to practice public accounting or as a Registered Certified Public Accountant.

(5) Making or filing a report or record which the registrant or licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing, or inducing another person to impede or obstruct the filing. The reports or records shall include only those that are signed in the capacity of a licensed certified public accountant or a registered certified public accountant.

(6) Conviction in this or another State or the District of Columbia, or any United States Territory, of any crime that is punishable by one year or more in prison or conviction of a crime in a federal court that is punishable by one year or more in prison.

(7) Proof that the licensee or registrant is guilty of fraud or deceit, or of gross negligence, incompetency, or misconduct, in the practice of public accounting.

(8) Violation of any rule adopted under this Act.

(9) Practicing on a revoked, suspended, or inactive license or registration.

(10) Suspension or revocation of the right to practice before any state or federal agency.

(11) Conviction of any crime under the laws of the United States or any state or territory of the United States that is a felony or misdemeanor and has dishonesty as an essential element, or of any crime that is directly related to the practice of the profession.

(12) Making any misrepresentation for the purpose of obtaining a license, or registration or material misstatement in furnishing information to the Department ~~Board~~.

(13) Aiding or assisting another person in violating any provision of this Act or rules promulgated hereunder.

(14) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public and violating the rules of professional conduct adopted by the Department ~~Board~~.

(15) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable skill, judgment, or safety.

(16) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional service not actually rendered.

(17) Physical or mental disability, including deterioration through the aging process or loss of abilities and skills that results in the inability to practice the profession with reasonable judgment, skill or safety.

(18) Solicitation of professional services by using false or

misleading advertising.

(19) Failure to file a return, or pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue or any successor agency or the Internal Revenue Service or any successor agency.

(20) Practicing or attempting to practice under a name other than the full name as shown on the license or registration or any other legally authorized name.

(21) A finding by the Department ~~Board~~ that a licensee or registrant has not complied with a provision of any lawful order issued by the Department ~~Board~~.

(22) Making a false statement to the Department ~~Board~~ regarding compliance with continuing professional education requirements.

(23) Failing to make a substantive response to a request for information by the Department ~~Board~~ within 30 days of the request.

(b) (Blank).

(c) In rendering an order, the Department ~~Board~~ shall take into consideration the facts and circumstances involving the type of acts or omissions in subsection (a) including, but not limited to:

(1) the extent to which public confidence in the public accounting profession was, might have been, or may be injured;

(2) the degree of trust and dependence among the involved parties;

(3) the character and degree of financial or economic harm which did or might have resulted; and

(4) the intent or mental state of the person charged at the time of the acts or omissions.

(d) The Department ~~Board~~ shall reissue the license or registration upon a showing that the disciplined licensee or registrant has complied with all of the terms and conditions set forth in the final order.

(e) The Department ~~Board~~ shall deny any application for a license , registration, or renewal, without hearing, to any person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department ~~Board~~ may issue a license , registration, or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

(f) The determination by a court that a licensee or registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in the automatic suspension of his or her license or registration. The licensee or registrant shall be responsible for notifying the Department of the determination by the court that the licensee or registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code. The licensee or registrant shall also notify the Department upon discharge so that a determination may be made under item (17) of subsection (a) whether the licensee or registrant may resume practice ~~The suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient~~.

(Source: P.A. 92-457, eff. 7-1-04; 93-629, eff. 12-23-03.)

(225 ILCS 450/20.1) (from Ch. 111, par. 5522)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 20.1. Investigations; notice; hearing. The Department ~~Board~~ may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proved, would constitute grounds for disciplinary action as set forth in Section 20.01, investigate the actions of any person or entity. The Department ~~Board~~ may refer complaints and investigations to a disciplinary body of the accounting profession for technical assistance. The results of an investigation and recommendations of the disciplinary body may be considered by the Department ~~Board~~, but shall not be considered determinative and the Department ~~Board~~ shall not in any way be obligated to take any action or be bound by the results of the accounting profession's disciplinary proceedings. The Department ~~Board~~, before taking disciplinary action, shall afford the concerned party or parties an opportunity to request a hearing and if so requested shall set a time and place for a hearing of the complaint. The Department ~~Board~~ shall notify the applicant or the licensed or registered person or entity of any charges made and the date and place of the hearing of those charges by mailing notice thereof to that person or entity by registered or certified mail to the place last specified by the accused person or entity in the last notification to the Department ~~Board~~, at least 30 days prior to the date set for the hearing or by serving a written notice by delivery of the notice to the accused person or entity at least 15 days prior to the date set for the hearing, and shall direct the applicant or licensee or registrant to file a written answer to the Department ~~Board~~ under oath within 20 days after the service of the notice and inform the applicant or licensee or registrant that failure to file an answer will result in default being taken against the applicant or licensee or registrant and that the license or registration ~~or certificate~~ may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Director ~~Board~~ may deem proper. In case the person fails to file an answer after receiving notice, his or her license or registration ~~or certificate~~ may, in the discretion of the Department ~~Board~~, be suspended, revoked, or placed on probationary status, or the Department ~~Board~~ may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. The Department ~~Board~~ shall afford the accused person or entity an opportunity to be heard in person or by counsel at the hearing. At ~~Following~~ the conclusion of the hearing the Committee ~~Board~~ shall present to the Director ~~issue~~ a written report ~~order~~ setting forth its finding of facts, conclusions of law, and recommendations ~~penalties to be imposed~~. The report ~~order~~ shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. If the Director disagrees in any regard with the report, he or she may issue an order in contravention of the report. The Director shall provide a written explanation to the Committee of any such deviations and shall specify with particularity the reasons for the deviations.

The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/20.2) (from Ch. 111, par. 5523)
(Section scheduled to be repealed on January 1, 2014)
(Text of Section after amendment by P.A. 92-457)

Sec. 20.2. The Department ~~Board~~ may subpoena and bring before it at any hearing any person in this State and take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.

The Director, any member of the Committee designated by the Director, or any hearing officer appointed may administer oaths to witnesses at any hearing which the Department is authorized by law to conduct or any other oaths required or authorized in any Act administered by the Department.

~~The Chairman of the Board, or any member of the Board designated by the Chairman, or any hearing officer appointed pursuant to Section 20.6, may administer oaths to witnesses at any hearing which the Board is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Board.~~

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/20.3) (from Ch. 111, par. 5524)
(Section scheduled to be repealed on January 1, 2014)
(Text of Section after amendment by P.A. 92-457)

Sec. 20.3. Any circuit court in the State of Illinois, upon the application of the accused person, partnership or corporation, of the complainant or of the Department ~~Board~~, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department ~~Board~~ at any hearing relative to a disciplinary action and the court may compel obedience to the order by proceedings for contempt.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/20.4) (from Ch. 111, par. 5525)
(Section scheduled to be repealed on January 1, 2014)
(Text of Section after amendment by P.A. 92-457)

Sec. 20.4. The Department ~~Board~~, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at disciplinary hearings. The Department ~~Board~~ shall furnish a transcript of that record to any person interested in that hearing upon payment of the reasonable cost established by the Department ~~Board~~.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/20.5) (from Ch. 111, par. 5526)
(Section scheduled to be repealed on January 1, 2014)
(Text of Section after amendment by P.A. 92-457)

Sec. 20.5. Rehearing. In any disciplinary proceeding, a copy of the Committee's report ~~Board's order~~ shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department ~~Board~~ a motion in writing for a rehearing, which motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion or rehearing is denied, then upon such denial the Director may enter an order in accordance with recommendations of the Committee except as provided in Section 20.6 ~~determination of the Board shall be final~~. If the respondent shall order from the reporting service, and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

Whenever the Director is satisfied that substantial justice has

not been done in the disciplinary proceeding, the Director may order a rehearing by the committee or designated hearing officer. The Director shall provide a written explanation to the Committee of any deviation from the recommendations of the Committee and shall specify with particularity the reasons for the deviation.

Upon the suspension or revocation of a registration ~~certificate~~ or license of a registrant or ~~the~~ licensee , the registrant or licensee shall be required to surrender to the Department ~~Board~~ the registration ~~certificate~~ or license issued by the Department ~~Board~~, and upon failure or refusal so to do, the Department ~~Board~~ may seize it.

The Department ~~Board~~ may exchange information relating to proceedings resulting in disciplinary action against licensees or registrants with the regulatory bodies of other states, or with other public authorities or private organizations or with federal authorities having regulatory interest in such matter.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/20.6) (from Ch. 111, par. 5526.6)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 20.6. Notwithstanding the provisions of Section 20.2 of this Act, the Director ~~Board~~ shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any disciplinary action. The Director shall notify the Committee of such appointment.

The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his findings of fact, conclusions of law and recommendations to the Committee and the Director. The Committee shall have 60 days after receiving the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Director. If the Committee fails to present its report within the 60-day period, the Director shall issue an order based on the report of the hearing officer. If the Director disagrees in any regard with the report of the Committee or hearing officer, he or she may issue an order in contravention thereof. The Director shall provide a written explanation to the Committee of any such deviations and shall specify with particularity the reasons for said action in the final order. ~~Board. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and shall issue an order based on the report of the hearing officer unless it disagrees in any regard with the report of the hearing officer, in which case it may issue an order in contravention thereof, which order may require a new hearing as to some or all of the facts in dispute or may issue findings of fact and conclusions of law contrary to the findings and conclusions of the hearing officer.~~

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/21) (from Ch. 111, par. 5527)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 21. Judicial review; cost of record; order as prima facie proof.

(a) All final administrative decisions of the Department ~~Board~~ hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Proceedings for judicial review shall be commenced in the Circuit Court of the county in which the party applying for review resides;

provided, that if such party is not a resident of this State, the venue shall be in Sangamon, Champaign, or Cook County.

(b) The Department ~~Board~~ shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court with the complaint a receipt from the Department ~~Board~~ acknowledging payment of the costs of furnishing and certifying the record, which costs shall be established by the Department ~~Board~~. Exhibits shall be certified without cost. Failure on the part of the plaintiff to file such receipt in court shall be grounds for dismissal of the action.

(c) An order of disciplinary action or a certified copy thereof, over the seal of the Department ~~Board~~ and purporting to be signed by the Director ~~Chairman~~ or authorized agent of the Director ~~Board~~, shall be prima facie proof, subject to being rebutted, that:

(1) the signature is the genuine signature of the Director ~~Chairman~~ or authorized agent of the Director ~~Board~~;

(2) the Director ~~Chairman~~ or authorized agent of the Director ~~Board~~ is duly appointed and qualified; and

(3) the Committee ~~Board~~ and the members thereof are qualified to act.

(Source: P.A. 91-357, eff. 7-29-99; 92-457, eff. 7-1-04.)

(225 ILCS 450/26) (from Ch. 111, par. 5532)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 26. Rules and regulations. The Department and Board shall adopt all necessary and reasonable rules and regulations for the effective administration and enforcement of the provisions of this Act; and without limiting the foregoing the Board shall adopt and prescribe rules and regulations for a fair and wholly impartial method of determining the qualifications of applicants for examination and for a fair and wholly impartial method of examination of persons under this Act ~~Section 2~~ and may establish rules for subjects conditioned and for the transfer of credits from other jurisdictions with respect to subjects passed. ~~All Department rules in effect on the effective date of this amendatory Act of the 92nd General Assembly shall continue in effect under the jurisdiction of the Board until changed by the Board.~~

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/28) (from Ch. 111, par. 5534)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 28. Penalties. Each of the following acts perpetrated in the State of Illinois is a Class B misdemeanor.

(a) The practice of public accounting insofar as it consists in rendering service as described in Section 8, without licensure, in violation of the provisions of this Act;

(b) The obtaining or attempting to obtain licensure as a licensed certified public accountant or registration as a registered certified public accountant by fraud;

(c) The use of the title "Certified Public Accountant" or the abbreviation "C.P.A." or use of any similar words or letters indicating the user is a certified public accountant, the title "Registered Certified Public Accountant", the abbreviation "R.C.P.A.", any similar words or letters indicating the user is a certified public accountant or a registered certified public accountant by any person in contravention of this Act;

(c-5) The use of the title "Certified Public Accountant" or

"Licensed Certified Public Accountant" or the abbreviation "C.P.A." or "L.C.P.A." or any similar words or letters indicating the user is a certified public accountant by any person in contravention with this Act; ~~The use of the title "Certified Public Accountant" or the abbreviation "C.P.A." or any similar words or letters indicating the user is a certified public accountant, by any person who has not received a certificate as a certified public accountant from the Board,~~

(d) The use of the title "Certified Public Accountant" or the abbreviation "C.P.A." or

any similar words or letters indicating that the members are certified public accountants, by any partnership, limited liability company, corporation, or other entity unless all members thereof personally engaged in the practice of public accounting in this State ~~have received certificates as certified public accountants from the Board,~~ are licensed as licensed certified public accountants by the Department ~~Board~~, and are holders of an effective unrevoked license, and the partnership , limited liability company, corporation, or other entity is licensed as licensed certified public accountants by the Board with an effective unrevoked license;

(e) The use of the title "Licensed Certified Public Accountant", ~~licensed certified public accountant", "licensed CPA", "Public Accountant",~~ or the abbreviation "L.C.P.A." ~~"P.A."~~ or any similar words or letters

indicating such person is a licensed certified public accountant, by any person not licensed as a licensed certified public accountant by the Department ~~Board~~, and holding an effective unrevoked license; provided nothing in this Act shall prohibit the use of the title "Accountant" or "Bookkeeper" by any person;

(f) The use of the title "Licensed Certified Public Accountants", "Public Accountants"

or the abbreviation "P.A.'s" or any similar words or letters indicating that the members are public accountants by any partnership, limited liability company, corporation, or other entity unless all members thereof personally engaged in the practice of public accounting in this State are licensed as licensed certified public accountants by the Department ~~Board~~ and are holders of effective unrevoked licenses, and the partnership is licensed as a public accounting firm by the Department ~~Board~~ with an effective unrevoked licenses;

(g) Making false statements to the Department ~~Board~~ regarding compliance with continuing professional

education requirements; ~~.~~

(h) The use of the title "Certified Public Accountant" or the abbreviation "C.P.A." or any similar words or letters indicating that the members are certified public accountants, by any partnership unless all members thereof personally engaged in the practice of public accounting in this State have received certificates as certified public accountants from the Board, are licensed as public accountants by the Department, and are holders of an effective unrevoked license, and the partnership is licensed as public accountants by the Department with an effective unrevoked license.

This Section does not prohibit a firm partnership, limited liability company, corporation, or other entity who does not practice public accounting as set forth in Section 8 of this Act and whose members residing in Illinois are registered with the Department from using the title "Certified Public Accountant" or the abbreviation "C.P.A." or "CPA" or similar words or letters indicating that the members are certified public accountants.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/30) (from Ch. 111, par. 5535)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 30. The practice of public accounting, as described in Section 8 of this Act, by any person in violation of this Act is hereby declared to be inimical to the public welfare and to be a public nuisance. An action to perpetually enjoin from such unlawful practice any person who has been or is engaged therein may be maintained in the name of the people of the State of Illinois by the Attorney General of the State of Illinois, by the State's Attorney of any county in which the action is brought, by the Department ~~Board~~ or by any resident citizen. The injunction proceeding shall be in addition to and not in lieu of any penalties or other remedies provided by this Act. No injunction shall issue under this section against any person for any act exempted under Section 11 of this Act.

If any person shall practice as a licensed certified public accountant or a registered certified public accountant or hold himself or herself out as a licensed certified public accountant or registered certified public accountant without being licensed or registered under the provision of this Act then any licensed certified public accountant or registered certified public accountant, any interested party or any person injured thereby may, in addition to the Department ~~Board~~, petition for relief as provided in subsection (a) of this Section.

Whenever in the opinion of the Department ~~Board~~ any person violates any provision of this Act, the Department ~~Board~~ may issue a rule to show cause why an order to cease and desist should not be entered against him. The rule shall clearly set forth the grounds relied upon by the Department ~~Board~~ and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department ~~Board~~. Failure to answer to the satisfaction of the Department ~~Board~~ shall cause an order to cease and desist to be issued forthwith.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/30.4 new)

(Section scheduled to be repealed on January 1, 2014)

Sec. 30.4. Prohibited practice.

(a) No licensed public accountant, licensed certified public accountant, or public accounting firm may provide contemporaneously with an audit those non-auditing services referenced in subsection (g) of Section 10A of the federal Securities Exchange Act of 1934, as amended, to a company, excluding a not-for-profit organization, that (1) is not required to file periodic information, documents, and reports pursuant to the Securities Exchange Act of 1934 and (2) during the previous fiscal year, had annual revenues exceeding $50,000,000 or more than 500 employees.

(b) (1) A licensed public accountant, licensed certified public accountant, or public accounting firm is exempted from the prohibition in subsection (a) of this Section 30.4 if:

(A) the licensed public accountant, licensed certified public accountant, or public accounting firm presents written notice of the contemporaneous provision of auditing and non-auditing services to the company prior to the commencement of the contemporaneous provision of the services; and

(B) the president or chief executive officer of the company to which the contemporaneous auditing and non-auditing services are to be provided subsequently signs an acknowledgement that the company is aware of and agrees to the contemporaneous provision of the auditing and non-auditing services.

(2) A licensed public accountant, licensed certified public accountant, or public accounting firm waives the exemption provided for in paragraph (1) of this subsection (b) if the licensed public accountant, certified public accountant, or public accounting firm engages in criminal activity or willful or wanton negligence regarding the provision of contemporaneous auditing and non-auditing services to the company.

(c) A violation of this Section shall subject a licensed public accountant, licensed certified public accountant, or public accounting firm to the provisions of Section 20.01 of this Act.

(d) Nothing in this Section shall be construed to authorize or permit the provision of any services by a licensed public accountant, licensed certified public accountant, or public accounting firm that would result in a lack of independence under applicable ethics standards of the accounting profession.

(225 ILCS 450/30.5 new)

(Section scheduled to be repealed on January 1, 2014)

Sec. 30.5. Improper influence on the conduct of audits.

(a) It shall be unlawful for any officer or director of a company that is not required to file periodic information, documents, and reports pursuant to the federal Securities Exchange Act of 1934, or any other person acting under the direction thereof, to take any action to fraudulently influence, coerce, manipulate, or mislead any licensed public accountant or licensed certified public accountant engaged in the performance of an audit of the financial statements of that company for the purpose of rendering the financial statements being audited materially misleading.

(b) A person who, with the intent to deceive, violates this Section is guilty of a Class 4 felony.

(225 ILCS 450/30.6 new)

(Section scheduled to be repealed on January 1, 2014)

Sec. 30.6. Misleading behavior by certified public accountants.

(a) It shall be unlawful for any licensed public accountant or licensed certified public accountant to intentionally mislead a company that is not required to file periodic information, documents, and reports pursuant to the federal Securities Exchange Act of 1934 by falsifying records it creates as part of an audit of the company.

(b) A person who knowingly violates this Section is guilty of a Class 4 felony.

(225 ILCS 450/32) (from Ch. 111, par. 5537)

(Section scheduled to be repealed on January 1, 2014)

Sec. 32. ~~(a) This subsection (a) applies only until July 1, 2004.~~ All moneys received by the Department of Professional Regulation under this Act shall be deposited into the Registered Certified Public Accountants' Administration and Disciplinary Fund, which is hereby created as a special fund in the State Treasury. The funds in the account shall be used by the Department ~~or the Board~~, as appropriated, exclusively for expenses of the Department of Professional Regulation, or the Public Accountants' Registration Committee, ~~or the Board~~ in the administration of this Act.

Moneys in the Registered Certified Public Accountants' Administration and Disciplinary Fund may be invested and reinvested, with all earnings received from the investments to be deposited into the Registered Certified Public Accountants' Administration and Disciplinary Fund.

Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation ~~or the Board~~. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of Professional Regulation Law (20

ILCS 2105/2105-300).

~~(b) This subsection (b) applies beginning July 1, 2004.~~

~~All moneys received by the Board under this Act shall be deposited into the Registered Certified Public Accountants' Administration and Disciplinary Fund, a special fund in the State treasury. The moneys in the Fund shall be used by the Board, as appropriated, exclusively for expenses of the Department of Professional Regulation and the Board in the administration of this Act.~~

~~Moneys in the Registered Certified Public Accountants' Administration and Disciplinary Fund may be invested and reinvested, with all earnings received from the investments to be deposited into the Registered Certified Public Accountants' Administration and Disciplinary Fund.~~

(Source: P.A. 91-239, eff. 1-1-00; 92-457, eff. 8-21-01.)

Section 99. Effective date. This Act takes effect July 1, 2004, except the provisions changing Section 1 of the Illinois Public Accounting Act take effect on October 1, 2006.".

Under the rules, the foregoing **Senate Bill No. 2108**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Mahoney, 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. 3188

A bill for AN ACT in relation to executive agencies.

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. 3188

Passed the House, as amended, May 28, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 3188 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code is amended by changing Section 605-332 as follows:

(20 ILCS 605/605-332)

Sec. 605-332. Financial assistance to energy generation facilities.

(a) As used in this Section:

"New electric generating facility" means a newly-constructed electric generation plant or a newly constructed generation capacity expansion at an existing facility, including the transmission lines and associated equipment that transfers electricity from points of supply to points of delivery, and for which foundation construction commenced not sooner than July 1, 2001, which is designed to provide baseload electric generation operating on a continuous basis throughout the year~~,~~ and :

(1) ~~which~~ has an aggregate rated generating capacity of at least 400 megawatts for all new units at one site, uses coal or gases derived from coal as its primary fuel source, and supports the creation of at least 150 new Illinois coal mining jobs; or

(2) is (i) funded through a federal Department of Energy grant

before July 1, 2005, and (ii) uses coal gasification or integrated gasification-combined cycle units that generate electricity or chemicals, or both, and that supports the creation of Illinois coal-mining jobs.

"Eligible business" means an entity that proposes to construct a new electric generating facility and that has applied to the Department to receive financial assistance pursuant to this Section. With respect to use and occupation taxes, wherever there is a reference to taxes, that reference means only those taxes paid on Illinois-mined coal used in a new electric generating facility.

"Department" means the Illinois Department of Commerce and Economic Opportunity ~~Community Affairs~~.

(b) The Department is authorized to provide financial assistance to eligible businesses for new electric generating facilities from funds appropriated by the General Assembly as further provided in this Section.

An eligible business seeking qualification for financial assistance for a new electric generating facility, for purposes of this Section only, shall apply to the Department in the manner specified by the Department. Any projections provided by an eligible business as part of the application shall be independently verified in a manner as set forth by the Department. An application shall include, but not be limited to:

(1) the projected or actual completion date of the new electric generating facility for which financial assistance is sought;

(2) copies of documentation deemed acceptable by the Department establishing either (i) the total State occupation and use taxes paid on Illinois-mined coal used at the new electric generating facility for a minimum of 4 preceding calendar quarters or (ii) the projected amount of State occupation and use taxes paid on Illinois-mined coal used at the new electric generating facility in 4 calendar year quarters after completion of the new electric generating facility. Bond proceeds subject to this Section shall not be allocated to an eligible business until the eligible business has demonstrated the revenue stream sufficient to service the debt on the bonds; and

(3) the actual or projected amount of capital investment by the eligible business in the new electric generating facility.

The Department shall determine the maximum amount of financial assistance for eligible businesses in accordance with this paragraph. The Department shall not provide financial assistance from general obligation bond funds to any eligible business unless it receives a written certification from the Director of the Bureau of the Budget (now Governor's Office of Management and Budget) that 80% of the State occupation and use tax receipts for a minimum of the preceding 4 calendar quarters for all eligible businesses or as included in projections on approved applications by eligible businesses equal or exceed 110% of the maximum annual debt service required with respect to general obligation bonds issued for that purpose. The Department may provide financial assistance not to exceed the amount of State general obligation debt calculated as above, the amount of actual or projected capital investment in the energy generation facility, or $100,000,000, whichever is less. Financial assistance received pursuant to this Section may be used for capital facilities consisting of buildings, structures, durable equipment, and land at the new electric generating facility. Subject to the provisions of the agreement covering the financial assistance, a portion of the financial assistance may be required to be repaid to the State if

certain conditions for the governmental purpose of the assistance were not met.

An eligible business shall file a monthly report with the Illinois Department of Revenue stating the amount of Illinois-mined coal purchased during the previous month for use in the new electric generating facility, the purchase price of that coal, the amount of State occupation and use taxes paid on that purchase to the seller of the Illinois-mined coal, and such other information as that Department may reasonably require. In sales of Illinois-mined coal between related parties, the purchase price of the coal must have been determined in an arms-length transaction. The report shall be filed with the Illinois Department of Revenue on or before the 20th day of each month on a form provided by that Department. However, no report need be filed by an eligible business in a month when it made no reportable purchases of coal in the previous month. The Illinois Department of Revenue shall provide a summary of such reports to the Governor's Office of Management and Budget ~~Bureau of the Budget~~.

Upon granting financial assistance to an eligible business, the Department shall certify the name of the eligible business to the Illinois Department of Revenue. Beginning with the receipt of the first report of State occupation and use taxes paid by an eligible business and continuing for a 25-year period, the Illinois Department of Revenue shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business.

(Source: P.A. 92-12, eff. 7-1-01; 93-167, eff. 7-10-03; revised 8-23-03.)

Section 10. The Illinois Enterprise Zone Act is amended by changing Section 5.5 as follows:

(20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

Sec. 5.5. High Impact Business.

(a) In order to respond to unique opportunities to assist in the encouragement, development, growth and expansion of the private sector through large scale investment and development projects, the Department is authorized to receive and approve applications for the designation of "High Impact Businesses" in Illinois subject to the following conditions:

(1) such applications may be submitted at any time during the year;

(2) such business is not located, at the time of designation, in an enterprise zone designated pursuant to this Act;

(3) (A) the business intends to make a minimum investment of $12,000,000 which will be placed in service in qualified property and intends to create 500 full-time equivalent jobs at a designated location in Illinois or intends to make a minimum investment of $30,000,000 which will be placed in service in qualified property and intends to retain 1,500 full-time jobs at a designated location in Illinois. The business must certify in writing that the investments would not be placed in service in qualified property and the job creation or job retention would not occur without the tax credits and exemptions set forth in subsection (b) of this Section. The terms "placed in service" and "qualified property" have the same meanings as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(B) the business intends to establish a new electric

generating facility at a
designated location in Illinois. "New electric generating facility", for purposes of this Section, means a newly-constructed electric generation plant or a newly-constructed generation capacity expansion at an existing electric generation plant, including the transmission lines and associated equipment that transfers electricity from points of supply to points of delivery, and for which such new foundation construction commenced not sooner than July 1, 2001. Such facility shall be designed to provide baseload electric generation and shall operate on a continuous basis throughout the year; and shall have an aggregate rated generating capacity of at least 1,000 megawatts for all new units at one site if it uses natural gas as its primary fuel and foundation construction of the facility is commenced on or before December 31, 2004, or shall have an aggregate rated generating capacity of at least 400 megawatts for all new units at one site if it uses coal or gases derived from coal as its primary fuel and shall support the creation of at least 150 new Illinois coal mining jobs, or, is (i) funded through a federal Department of Energy grant before July 1, 2005, and (ii) uses coal gasification or integrated gasification-combined cycle units that generate electricity or chemicals, or both, and shall support the creation of Illinois coal-mining jobs. The business must certify in writing that the investments necessary to establish a new electric generating facility would not be placed in service and the job creation in the case of a coal-fueled plant would not occur without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(C) the business intends to establish production operations at a new coal mine,
re-establish production operations at a closed coal mine, or expand production at an existing coal mine at a designated location in Illinois not sooner than July 1, 2001; provided that the production operations result in the creation of 150 new Illinois coal mining jobs as described in subdivision (a)(3)(B) of this Section, and further provided that the coal extracted from such mine is utilized as the predominant source for a new electric generating facility. The business must certify in writing that the investments necessary to establish a new, expanded, or reopened coal mine would not be placed in service and the job creation would not occur without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(D) the business intends to construct new transmission facilities or upgrade
existing transmission facilities at designated locations in Illinois, for which construction commenced not sooner than July 1, 2001. For the purposes of this Section, "transmission facilities" means transmission lines with a voltage rating of 115 kilovolts or above, including associated equipment, that transfer electricity from points of supply to points of delivery and that transmit a majority of the electricity generated by a new electric generating facility designated as a High Impact Business in accordance with this Section. The

business must certify in writing that the investments necessary to construct new transmission facilities or upgrade existing transmission facilities would not be placed in service without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; and

(4) no later than 90 days after an application is submitted, the Department shall

notify the applicant of the Department's determination of the qualification of the proposed High Impact Business under this Section.

(b) Businesses designated as High Impact Businesses pursuant to subdivision (a)(3)(A) of this Section shall qualify for the credits and exemptions described in the following Acts: Section 9-222 and Section 9-222.1A of the Public Utilities Act, subsection (h) of Section 201 of the Illinois Income Tax Act, ~~,~~ and~~,~~ Section 1d of the Retailers' Occupation Tax Act ; ~~,~~ provided that these credits and exemptions described in these Acts shall not be authorized until the minimum investments set forth in subdivision (a)(3)(A) of this Section have been placed in service in qualified properties and, in the case of the exemptions described in the Public Utilities Act and Section 1d of the Retailers' Occupation Tax Act, the minimum full-time equivalent jobs or full-time jobs set forth in subdivision (a)(3)(A) of this Section have been created or retained. Businesses designated as High Impact Businesses under this Section shall also qualify for the exemption described in Section 5l of the Retailers' Occupation Tax Act. The credit provided in subsection (h) of Section 201 of the Illinois Income Tax Act shall be applicable to investments in qualified property as set forth in subdivision (a)(3)(A) of this Section.

(b-5) Businesses designated as High Impact Businesses pursuant to subdivisions (a)(3)(B), (a)(3)(C), and (a)(3)(D) of this Section shall qualify for the credits and exemptions described in the following Acts: Section 51 of the Retailers' Occupation Tax Act, Section 9-222 and Section 9-222.1A of the Public Utilities Act, and subsection (h) of Section 201 of the Illinois Income Tax Act; however, the credits and exemptions authorized under Section 9-222 and Section 9-222.1A of the Public Utilities Act, and subsection (h) of Section 201 of the Illinois Income Tax Act shall not be authorized until the new electric generating facility, the new transmission facility, or the new, expanded, or reopened coal mine is operational, except that a new electric generating facility whose primary fuel source is natural gas is eligible only for the exemption under Section 5l of the Retailers' Occupation Tax Act.

(c) High Impact Businesses located in federally designated foreign trade zones or sub-zones are also eligible for additional credits, exemptions and deductions as described in the following Acts: Section 9-221 and Section 9-222.1 of the Public Utilities Act; and subsection (g) of Section 201, and Section 203 of the Illinois Income Tax Act.

(d) Existing Illinois businesses which apply for designation as a High Impact Business must provide the Department with the prospective plan for which 1,500 full-time jobs would be eliminated in the event that the business is not designated.

(e) New proposed facilities which apply for designation as High Impact Business must provide the Department with proof of alternative non-Illinois sites which would receive the proposed investment and job creation in the event that the business is not designated as a High Impact Business.

(f) In the event that a business is designated a High Impact

Business and it is later determined after reasonable notice and an opportunity for a hearing as provided under the Illinois Administrative Procedure Act, that the business would have placed in service in qualified property the investments and created or retained the requisite number of jobs without the benefits of the High Impact Business designation, the Department shall be required to immediately revoke the designation and notify the Director of the Department of Revenue who shall begin proceedings to recover all wrongfully exempted State taxes with interest. The business shall also be ineligible for all State funded Department programs for a period of 10 years.

(g) The Department shall revoke a High Impact Business designation if the participating business fails to comply with the terms and conditions of the designation.

(h) Prior to designating a business, the Department shall provide the members of the General Assembly and Illinois Economic and Fiscal Commission with a report setting forth the terms and conditions of the designation and guarantees that have been received by the Department in relation to the proposed business being designated.

(Source: P.A. 91-914, eff. 7-7-00; 92-12, eff. 7-1-01; revised 3-7-02.)".

Under the rules, the foregoing **Senate Bill No. 3188**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, 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. 1553

A bill for AN ACT concerning education.

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. 1553

House Amendment No. 2 to SENATE BILL NO. 1553

Passed the House, as amended, May 28, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. _____1_____. Amend Senate Bill 1553 by replacing everything after the enacting clause with the following:

"Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Sections 6.5 and 6.6 as follows:

(5 ILCS 375/6.5)

(Section scheduled to be repealed on July 1, 2004)

Sec. 6.5. Health benefits for TRS benefit recipients and TRS dependent beneficiaries.

(a) Purpose. It is the purpose of this amendatory Act of 1995 to transfer the administration of the program of health benefits established for benefit recipients and their dependent beneficiaries under Article 16 of the Illinois Pension Code to the Department of Central Management Services.

(b) Transition provisions. The Board of Trustees of the Teachers' Retirement System shall continue to administer the health benefit program established under Article 16 of the Illinois Pension Code through December 31, 1995. Beginning January 1, 1996, the Department of Central Management Services shall be responsible for administering a program of health benefits for TRS benefit recipients and TRS dependent beneficiaries under this Section. The Department of Central

Management Services and the Teachers' Retirement System shall cooperate in this endeavor and shall coordinate their activities so as to ensure a smooth transition and uninterrupted health benefit coverage.

(c) Eligibility. All persons who were enrolled in the Article 16 program at the time of the transfer shall be eligible to participate in the program established under this Section without any interruption or delay in coverage or limitation as to pre-existing medical conditions. Eligibility to participate shall be determined by the Teachers' Retirement System. Eligibility information shall be communicated to the Department of Central Management Services in a format acceptable to the Department.

A TRS dependent beneficiary who is an unmarried child age 19 or over and mentally or physically disabled ~~handicapped~~ does not become ineligible to participate by reason of (i) becoming ineligible to be claimed as a dependent for Illinois or federal income tax purposes or (ii) receiving earned income, so long as those earnings are insufficient for the child to be fully self-sufficient.

(d) Coverage. The level of health benefits provided under this Section shall be similar to the level of benefits provided by the program previously established under Article 16 of the Illinois Pension Code.

Group life insurance benefits are not included in the benefits to be provided to TRS benefit recipients and TRS dependent beneficiaries under this Act.

The program of health benefits under this Section may include any or all of the benefit limitations, including but not limited to a reduction in benefits based on eligibility for federal medicare benefits, that are provided under subsection (a) of Section 6 of this Act for other health benefit programs under this Act.

(e) Insurance rates and premiums. The Director shall determine the insurance rates and premiums for TRS benefit recipients and TRS dependent beneficiaries, and shall present to the Teachers' Retirement System of the State of Illinois, by April 15 of each calendar year, the rate-setting methodology (including but not limited to utilization levels and costs) used to determine the amount of the health care premiums.

For Fiscal Year 1996, the premium shall be equal to the premium actually charged in

Fiscal Year 1995; in subsequent years, the premium shall never be lower than the premium charged in Fiscal Year 1995.

For Fiscal Year 2003, the premium shall not exceed 110% of the premium actually charged

in Fiscal Year 2002.

For Fiscal Year 2004, the premium shall not exceed 112% of the premium actually charged

in Fiscal Year 2003.

For Fiscal Year 2005, the premium shall not exceed a weighted average of 106.6% of the premium actually charged in Fiscal Year 2004.

For Fiscal Year 2006, the premium shall not exceed a weighted average of 109.1% of the premium actually charged in Fiscal Year 2005.

For Fiscal Year 2007, the premium shall not exceed a weighted average of 103.9% of the premium actually charged in Fiscal Year 2006.

For Fiscal Year 2008 and thereafter, the premium in each fiscal year shall not exceed 105% of the premium actually charged in the previous fiscal year.

Rates and premiums may be based in part on age and eligibility for federal medicare coverage. However, the cost of participation for a TRS dependent beneficiary who is an unmarried child age 19 or over and mentally or physically disabled ~~handicapped~~ shall not exceed the cost

for a TRS dependent beneficiary who is an unmarried child under age 19 and participates in the same major medical or managed care program.

The cost of health benefits under the program shall be paid as follows:

(1) For a TRS benefit recipient selecting a managed care program, up to 75% of the

total insurance rate shall be paid from the Teacher Health Insurance Security Fund. Effective with Fiscal Year 2007 and thereafter, for a TRS benefit recipient selecting a managed care program, 75% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund.

(2) For a TRS benefit recipient selecting the major medical coverage program, up to 50%

of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is accessible, as determined by the Teachers' Retirement System. Effective with Fiscal Year 2007 and thereafter, for a TRS benefit recipient selecting the major medical coverage program, 50% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is accessible, as determined by the Department of Central Management Services.

(3) For a TRS benefit recipient selecting the major medical coverage program, up to 75%

of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is not accessible, as determined by the Teachers' Retirement System. Effective with Fiscal Year 2007 and thereafter, for a TRS benefit recipient selecting the major medical coverage program, 75% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is not accessible, as determined by the Department of Central Management Services.

(3.1) For a TRS dependent beneficiary who is Medicare primary and enrolled in a managed care plan, or the major medical coverage program if a managed care plan is not available, 25% of the total insurance rate shall be paid from the Teacher Health Security Fund as determined by the Department of Central Management Services. For the purpose of this item (3.1), the term "TRS dependent beneficiary who is Medicare primary" means a TRS dependent beneficiary who is participating in Medicare Parts A and B.

(4) Except as otherwise provided in item (3.1), the ~~The~~ balance of the rate of insurance, including the entire premium of any coverage

for TRS dependent beneficiaries that has been elected, shall be paid by deductions authorized by the TRS benefit recipient to be withheld from his or her monthly annuity or benefit payment from the Teachers' Retirement System; except that (i) if the balance of the cost of coverage exceeds the amount of the monthly annuity or benefit payment, the difference shall be paid directly to the Teachers' Retirement System by the TRS benefit recipient, and (ii) all or part of the balance of the cost of coverage may, at the school board's option, be paid to the Teachers' Retirement System by the school board of the school district from which the TRS benefit recipient retired, in accordance with Section 10-22.3b of the School Code. The Teachers' Retirement System shall promptly deposit all moneys withheld by or paid to it under this subdivision (e)(4) into the Teacher Health Insurance Security Fund. These moneys shall not be considered assets of the Retirement System.

(f) Financing. Beginning July 1, 1995, all revenues arising from

the administration of the health benefit programs established under Article 16 of the Illinois Pension Code or this Section shall be deposited into the Teacher Health Insurance Security Fund, which is hereby created as a nonappropriated trust fund to be held outside the State Treasury, with the State Treasurer as custodian. Any interest earned on moneys in the Teacher Health Insurance Security Fund shall be deposited into the Fund.

Moneys in the Teacher Health Insurance Security Fund shall be used only to pay the costs of the health benefit program established under this Section, including associated administrative costs, and the costs associated with the health benefit program established under Article 16 of the Illinois Pension Code, as authorized in this Section. Beginning July 1, 1995, the Department of Central Management Services may make expenditures from the Teacher Health Insurance Security Fund for those costs.

After other funds authorized for the payment of the costs of the health benefit program established under Article 16 of the Illinois Pension Code are exhausted and until January 1, 1996 (or such later date as may be agreed upon by the Director of Central Management Services and the Secretary of the Teachers' Retirement System), the Secretary of the Teachers' Retirement System may make expenditures from the Teacher Health Insurance Security Fund as necessary to pay up to 75% of the cost of providing health coverage to eligible benefit recipients (as defined in Sections 16-153.1 and 16-153.3 of the Illinois Pension Code) who are enrolled in the Article 16 health benefit program and to facilitate the transfer of administration of the health benefit program to the Department of Central Management Services.

(g) Contract for benefits. The Director shall by contract, self-insurance, or otherwise make available the program of health benefits for TRS benefit recipients and their TRS dependent beneficiaries that is provided for in this Section. The contract or other arrangement for the provision of these health benefits shall be on terms deemed by the Director to be in the best interest of the State of Illinois and the TRS benefit recipients based on, but not limited to, such criteria as administrative cost, service capabilities of the carrier or other contractor, and the costs of the benefits.

(g-5) Committee. A Teacher Retirement Insurance Program Committee shall be established, to consist of 10 persons appointed by the Governor.

The Committee shall convene at least 4 times each year, and shall consider and make recommendations on issues affecting the program of health benefits provided under this Section. Recommendations of the Committee shall be based on a consensus of the members of the Committee.

If the Teacher Health Insurance Security Fund experiences a deficit balance based upon the contribution and subsidy rates established in this Section and Section 6.6 for Fiscal Year 2008 or thereafter, the Committee shall make recommendations for adjustments to the funding sources established under these Sections.

(h) Continuation ~~and termination~~ of program. It is the intention of the General Assembly that the program of health benefits provided under this Section be maintained on an ongoing, affordable basis . ~~through June 30, 2004. The program of health benefits provided under this Section is terminated on July 1, 2004.~~

The program of health benefits provided under this Section may be amended by the State and is not intended to be a pension or retirement benefit subject to protection under Article XIII, Section 5 of the Illinois Constitution.

(i) Repeal. (Blank). ~~This Section is repealed on July 1, 2004.~~

(Source: P.A. 92-505, eff. 12-20-01; 92-862, eff. 1-3-03; revised 1-10-03.)

(5 ILCS 375/6.6)

(Section scheduled to be repealed on July 1, 2004)

Sec. 6.6. Contributions to the Teacher Health Insurance Security Fund.

(a) Beginning July 1, 1995, all active contributors of the Teachers' Retirement System (established under Article 16 of the Illinois Pension Code) who are not employees of a department as defined in Section 3 of this Act shall make contributions toward the cost of annuitant and survivor health benefits. These contributions shall be at the following rates: until January 1, 2002, 0.5% of salary; beginning January 1, 2002, 0.65% of salary; beginning July 1, 2003, 0.75% of salary; beginning July 1, 2005, 0.80% of salary; beginning July 1, 2007, a percentage of salary to be determined by the Department of Central Management Services by rule, which in each fiscal year shall not exceed 105% of the percentage of salary actually required to be paid in the previous fiscal year.

These contributions shall be deducted by the employer and paid to the System as service agent for the Department of Central Management Services. The System may use the same processes for collecting the contributions required by this subsection that it uses to collect contributions received from school districts and other covered employers under Sections 16-154 and 16-155 of the Illinois Pension Code.

An employer may agree to pick up or pay the contributions required under this subsection on behalf of the teacher; such contributions shall be deemed to have to have been paid by the teacher. Beginning January 1, 2002, if the employer does not directly pay the required member contribution, then the employer shall reduce the member's salary by an amount equal to the required contribution and shall then pay the contribution on behalf of the member. This reduction shall not change the amounts reported as creditable earnings to the Teachers' Retirement System.

A person who purchases optional service credit under Article 16 of the Illinois Pension Code for a period after June 30, 1995 must also make a contribution under this subsection for that optional credit, at the rate provided in subsection (a), based on the salary used in computing the optional service credit, plus interest on this employee contribution. This contribution shall be collected by the System as service agent for the Department of Central Management Services. The contribution required under this subsection for the optional service credit must be paid in full before any annuity based on that credit begins.

(a-5) Beginning January 1, 2002, every employer of a teacher (other than an employer that is a department as defined in Section 3 of this Act) shall pay an employer contribution toward the cost of annuitant and survivor health benefits. These contributions shall be computed as follows:

(1) Beginning January 1, 2002 through June 30, 2003, the employer contribution shall be equal to 0.4% of each teacher's salary.

(2) Beginning July 1, 2003, the employer contribution shall be equal to 0.5% of each teacher's salary.

(3) Beginning July 1, 2005, the employer contribution shall be equal to 0.6% of each teacher's salary.

(4) Beginning July 1, 2007, the employer contribution shall be a percentage of each teacher's salary to be determined by the Department of Central Management Services by rule, which in each

fiscal year shall not exceed 105% of the percentage of each teacher's salary actually required to be paid in the previous fiscal year.

These contributions shall be paid by the employer to the System as service agent for the Department of Central Management Services. The System may use the same processes for collecting the contributions required by this subsection that it uses to collect contributions received from school districts and other covered employers under the Illinois Pension Code.

The school district or other employing unit may pay these employer contributions out of any source of funding available for that purpose and shall forward the contributions to the System on the schedule established for the payment of member contributions.

(b) The Teachers' Retirement System shall promptly deposit all moneys collected under subsections (a) and (a-5) of this Section into the Teacher Health Insurance Security Fund created in Section 6.5 of this Act. The moneys collected under this Section shall be used only for the purposes authorized in Section 6.5 of this Act and shall not be considered to be assets of the Teachers' Retirement System. Contributions made under this Section are not transferable to other pension funds or retirement systems and are not refundable upon termination of service.

(c) On or before November 15 of each year, the Board of Trustees of the Teachers' Retirement System shall certify to the Governor, the Director of Central Management Services, and the State Comptroller its estimate of the total amount of contributions to be paid under subsection (a) of this Section 6.6 for the next fiscal year. The amount certified shall be decreased or increased each year by the amount that the actual active teacher contributions either fell short of or exceeded the estimate used by the Board in making the certification for the previous fiscal year. The certification shall include a detailed explanation of the methods and information that the Board relied upon in preparing its estimate. As soon as possible after the effective date of this amendatory Act of the 92nd General Assembly, the Board shall recalculate and recertify its certifications for fiscal years 2002 and 2003.

(d) Beginning in fiscal year 1996, on the first day of each month, or as soon thereafter as may be practical, the State Treasurer and the State Comptroller shall transfer from the General Revenue Fund to the Teacher Health Insurance Security Fund 1/12 of the annual amount appropriated for that fiscal year to the State Comptroller for deposit into the Teacher Health Insurance Security Fund under Section 1.3 of the State Pension Funds Continuing Appropriation Act.

(e) Except where otherwise specified in this Section, the definitions that apply to Article 16 of the Illinois Pension Code apply to this Section.

(f) (Blank). ~~This Section is repealed on July 1, 2004.~~

(Source: P.A. 92-505, eff. 12-20-01.)

Section 10. The State Pension Funds Continuing Appropriation Act is amended by changing Section 1.3 as follows:

(40 ILCS 15/1.3)

Sec. 1.3. Appropriations for the Teacher Health Insurance Security Fund. Beginning in State fiscal year 1996, there is hereby appropriated, on a continuing annual basis, from the General Revenue Fund to the State Comptroller for deposit into the Teacher Health Insurance Security Fund, an amount equal to the amount certified by the Board of Trustees of the Teachers' Retirement System of Illinois under subsection (c) of Section 6.6 of the State Employees Group Insurance Act of 1971 as the estimated total amount of contributions to be paid under subsection (a) of that Section 6.6 in that fiscal

year.

In addition to any other amounts that may be appropriated for this purpose, in State fiscal years 2005 through 2007, there is hereby appropriated, on a continuing annual basis, from the General Revenue Fund to the State Comptroller for deposit into the Teacher Health Insurance Security Fund, an amount equal to $13,000,000 in each fiscal year.

The moneys appropriated under this Section 1.3 shall be deposited into the Teacher Health Insurance Security Fund and used only for the purposes authorized in Section 6.5 of the State Employees Group Insurance Act of 1971.

(Source: P.A. 89-25, eff. 6-21-95.)

Section 15. The School Code is amended by changing Sections 2-3.11, 21-1a, 21-1b, 21-2, 21-7.1, 21-9, 21-12, 21-14, 21-16, 21-17, 21-18, and 21-23 as follows:

(105 ILCS 5/2-3.11) (from Ch. 122, par. 2-3.11)

Sec. 2-3.11. Report to Governor and General Assembly. To report to the Governor and General Assembly annually on or before January 14 the condition of the schools of the State for the preceding year, ending on June 30.

Such annual report shall contain reports of the State Teacher Certification Board; the schools of the State charitable institutions; reports on driver education, special education, and transportation; and for such year the annual statistical reports of the State Board of Education, including the number and kinds of school districts; number of school attendance centers; number of men and women teachers; enrollment by grades; total enrollment; total days attendance; total days absence; average daily attendance; number of elementary and secondary school graduates; assessed valuation; tax levies and tax rates for various purposes; amount of teachers' orders, anticipation warrants, and bonds outstanding; and number of men and women teachers and total enrollment of private schools. The report shall give for all school districts receipts from all sources and expenditures for all purposes for each fund; the total operating expense, ~~and~~ the per capita cost , and instructional expenditures; federal and state aids and reimbursements; new school buildings, and recognized schools; together with such other information and suggestions as the State Board of Education may deem important in relation to the schools and school laws and the means of promoting education throughout the state.

In this Section, "instructional expenditures" means the annual expenditures of school districts properly attributable to expenditure functions defined in rules of the State Board of Education as: 1100 (Regular Education); 1200-1220 (Special Education); 1250 (Ed. Deprived/Remedial); 1400 (Vocational Programs); 1600 (Summer School); 1650 (Gifted); 1800 (Bilingual Programs); 1900 (Truant Alternative); 2110 (Attendance and Social Work Services); 2120 (Guidance Services); 2130 (Health Services); 2140 (Psychological Services); 2150 (Speech Pathology and Audiology Services); 2190 (Other Support Services Pupils); 2210 (Improvement of Instruction); 2220 (Educational Media Services); 2230 (Assessment and Testing); 2540 (Operation and Maintenance of Plant Services); 2550 (Pupil Transportation Service); 2560 (Food Service); 4110 (Payments for Regular Programs); 4120 (Payments for Special Education Programs); 4130 (Payments for Adult Education Programs); 4140 (Payments for Vocational Education Programs); 4170 (Payments for Community College Programs); 4190 (Other payments to in-state government units); and 4200 (Other payments to out of state government units).

(Source: P.A. 84-1308; 84-1424.)

(105 ILCS 5/21-1a) (from Ch. 122, par. 21-1a)

Sec. 21-1a. Tests required for certification and teacher preparation.

(a) After July 1, 1988, in addition to all other requirements, early childhood, elementary, special, high school, school service personnel, or, except as provided in Section 34-6, administrative certificates shall be issued to persons who have satisfactorily passed a test of basic skills and subject matter knowledge. A person who holds a valid and comparable out-of-state certificate, however, is not required to take a test of basic skills and is not required to take a test of subject matter knowledge, provided that the person has successfully passed a test of subject matter knowledge in another State or territory of the United States that is directly related in content to the specific subject area of certification. The tests of basic skills and subject matter knowledge shall be the tests which from time to time are designated by the State Board of Education in consultation with the State Teacher Certification Board and may be tests prepared by an educational testing organization or tests designed by the State Board of Education in consultation with the State Teacher Certification Board. The areas to be covered by the test of basic skills shall include the basic skills of reading, writing, grammar and mathematics. The test of subject matter knowledge shall assess content knowledge in the specific subject field. The tests shall be designed to be racially neutral to assure that no person in taking the tests is thereby discriminated against on the basis of race, color, national origin or other factors unrelated to the person's ability to perform as a certificated employee. The score required to pass the tests of basic skills and subject matter knowledge shall be fixed by the State Board of Education in consultation with the State Teacher Certification Board. The tests shall be held not fewer than 3 times a year at such time and place as may be designated by the State Board of Education in consultation with the State Teacher Certification Board.

(b) Except as provided in Section 34-6, the provisions of subsection (a) of this Section shall apply equally in any school district subject to Article 34, provided that the State Board of Education shall determine which certificates issued under Sections 34-8.1 and 34-83 prior to July 1, 1988 are comparable to any early childhood certificate, elementary school certificate, special certificate, high school certificate, school service personnel certificate or administrative certificate issued under this Article as of July 1, 1988.

(c) A person who holds an early childhood, elementary, special, high school or school service personnel certificate issued under this Article on or at any time before July 1, 1988, including a person who has been issued any such certificate pursuant to Section 21-11.1 or in exchange for a comparable certificate theretofore issued under Section 34-8.1 or Section 34-83, shall not be required to take or pass the tests in order to thereafter have such certificate renewed.

(d) The State Board of Education in consultation with the State Teacher Certification Board shall conduct a pilot administration of the tests by administering the test to students completing teacher education programs in the 1986-87 school year for the purpose of determining the effect and impact of testing candidates for certification.

Beginning with the 2002-2003 academic year, a student may not enroll in a teacher preparation program at a recognized teacher training institution until he or she has passed the basic skills test.

Beginning with the 2004-2005 academic year, a preservice education teacher may not student teach until he or she has passed the subject matter test in the discipline in which he or she will student teach.

(e) The rules and regulations developed to implement the required test of basic skills and subject matter knowledge shall include the requirements of subsections (a), (b), and (c) and shall include specific regulations to govern test selection; test validation and determination of a passing score; administration of the tests; frequency of administration; applicant fees; frequency of applicants' taking the tests; the years for which a score is valid; and, waiving certain additional tests for additional certificates to individuals who have satisfactorily passed the test of basic skills and subject matter knowledge as required in subsection (a). The State Board of Education shall provide, by rule, specific policies that assure uniformity in the difficulty level of each form of the basic skills test and each subject matter knowledge test from test-to-test and year-to-year. The State Board of Education shall also set a passing score for the tests.

(f) The State Teacher Certification Board may issue a nonrenewable temporary certificate between July 1, 1988 and August 31, 1988 to individuals who have taken the tests of basic skills and subject matter knowledge prescribed by this Section but have not received such test scores by August 31, 1988. Such temporary certificates shall expire on December 31, 1988.

(g) Beginning February 15, 2000, the State Board of Education, in consultation with the State Teacher Certification Board, shall implement and administer a new system of certification for teachers in the State of Illinois. The State Board of Education, in consultation with the State Teacher Certification Board, shall design and implement a system of examinations and various other criteria which shall be required prior to the issuance of Initial Teaching Certificates and Standard Teaching Certificates. These examinations and indicators shall be based on national and State professional teaching standards, as determined by the State Board of Education, in consultation with the State Teacher Certification Board. The State Board of Education may adopt any and all regulations necessary to implement and administer this Section.

(h) The State Board of Education shall report to the Illinois General Assembly and the Governor with recommendations for further changes and improvements to the teacher certification system no later than July 1, 1999 and on an annual basis until July 1, 2001.

(Source: P.A. 91-102, eff. 7-12-99; 92-734, eff. 7-25-02.)

(105 ILCS 5/21-1b) (from Ch. 122, par. 21-1b)

Sec. 21-1b. Subject endorsement on certificates. All certificates initially issued under this Article after June 30, 1986, shall be specifically endorsed by the State Board of Education for each subject the holder of the certificate is legally qualified to teach, such endorsements to be made in accordance with standards promulgated by the State Board of Education in consultation with the State Teacher Certification Board. All certificates which are issued under this Article prior to July 1, 1986 may, by application to the State Board of Education, be specifically endorsed for each subject the holder is legally qualified to teach. Endorsements issued under this Section shall not apply to substitute teacher's certificates issued under Section 21-9 of this Code.

Commencing July 1, 1999, each application for endorsement of an existing teaching certificate shall be accompanied by a $30 nonrefundable fee. There is hereby created a Teacher Certificate Fee Revolving Fund as a special fund within the State Treasury. The proceeds of each $30 fee shall be paid into the Teacher Certificate Fee Revolving Fund; and the moneys in that Fund shall be appropriated and used to provide the technology and other resources necessary for the timely and efficient processing of certification requests.

The State Board of Education and each regional office of education are authorized to charge a service or convenience fee for the use of credit cards for the payment of certification fees. This service or convenience fee may not exceed the amount required by the credit card processing company or vendor that has entered into a contract with the State Board or regional office of education for this purpose, and the fee must be paid to that company or vendor.

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

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

Sec. 21-2. Grades of certificates.

(a) 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 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.

(b) Initial Teaching Certificate. 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. Notwithstanding any other provision of this Article, an Initial Teaching Certificate shall be automatically extended for one year for all persons who (i) have been issued an Initial Teaching Certificate that expires on June 30, 2004 and (ii) have not met, prior to July 1, 2004, the Standard Certificate requirements under paragraph (c) of this Section. An application and fee shall not be required for this extension.

(b-5) A person who holds an out-of-state certificate and who is otherwise eligible for a comparable Illinois certificate may be issued an Initial Certificate if that person has not completed 4 years of teaching. Upon completion of 4 years of teaching, the person is eligible for a Standard Certificate. Beginning July 1, 2004, an out-of-state candidate who has already earned a second-tier certificate in another state is not subject to any Standard Certificate eligibility requirements stated in paragraph (2) of subsection (c) of this Section other than completion of the 4 years of teaching. An out-of-state candidate who has completed less than 4 years of teaching and does not hold a second-tier certificate from another state must meet the requirements stated in paragraph (2) of subsection (c) of this Section, proportionately reduced by the amount of time remaining to complete the 4 years of teaching.

(c) Standard Certificate.

(1) Persons who (i) 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) 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) 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) and (ii) of this paragraph (1), have successfully completed the requirements of paragraphs (2) through (4) of this subsection (c), 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. Notwithstanding any other provisions of this Section, beginning July 1, 2004, persons who hold valid out-of-state certificates and have completed 4 years of teaching on a valid equivalent certificate in another State or territory of the United States shall be issued comparable Standard Certificates. Beginning July 1, 2004, persons who hold valid out-of-state certificates as described in subsection (b-5) of this Section are subject to the requirements of paragraphs (2) through (4) of this subsection (c), as required in subsection (b-5) of this Section, in order to receive a Standard Certificate. 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. Nothing in this Section, however, prohibits an induction or mentoring program from operating prior to approval. Holders of Initial Certificates issued before September 1, 2007 must complete, at a minimum, an approved one-year induction and mentoring program. Holders of Initial Certificates issued on or after September 1, 2007 must complete an approved 2-year induction and mentoring program. 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.

(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, 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.

(C-5) Satisfactory completion of a minimum of 12 semester hours of graduate credit towards an advanced degree in an education-related field from an accredited institution of higher education.

(D) Receipt of an advanced degree from an accredited institution of higher education in

an education-related field that is earned by a person either while he or she holds an Initial Teaching Certificate or prior to his or her receipt of that certificate ~~, 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).

(G) Completion of requirements for meeting the Illinois criteria for becoming "highly qualified" (for purposes of the No Child Left Behind Act of 2001, Public Law 107-110) in an additional teaching area.

(H) Receipt of a minimum 12-hour, post-baccalaureate, education-related professional development certificate issued by an Illinois institution of higher education and developed in accordance with rules adopted by the State Board of Education in consultation with the State Teacher Certification Board.

(I) Completion of the National Board for Professional Teaching Standards (NBPTS) process.

(J) Receipt of a subsequent Illinois certificate or endorsement pursuant to Article 21 of this Code.

(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). Persons who seek to satisfy the requirements of clause (E) of paragraph (2) of this subsection (c) through accumulation of CPDUs may earn credit ~~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). Persons who seek to satisfy the requirements of clause (E) of paragraph (2) of this subsection (c) through accumulation of CPDUs may earn credit from the following, provided that each activity is 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 person's field or fields of certification ~~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.

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

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

An activity listed in this clause (C) is creditable only if its provider is approved for this purpose by the State Board of Education, in consultation with the State Teacher Certification Board.

(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) (Blank). ~~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 the requirements ~~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 assurance ~~evidence~~ of having done so to the regional superintendent of schools or a local professional development committee authorized by the regional superintendent to submit recommendations to him or her for this purpose. ~~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.~~

Within 30 days after receipt, the ~~The~~ regional superintendent of schools shall review the assurance ~~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 of the Standard Certificate or non-issuance. The regional superintendent of schools shall notify the affected person if the recommendation is for non-issuance of the Standard Certificate. A person who is considered not to be eligible for a Standard Certificate and who has received the notice of non-issuance may appeal this determination to the Regional Professional Development Review Committee (RPDRC). The recommendation of the regional superintendent and the RPDRC, along with all supporting materials, must then be forwarded to the State Board of Education for a final determination ~~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).

(7) The changes made to paragraphs (1) through (5) of this subsection (c) by this amendatory Act of the 93rd General Assembly shall apply to those persons who hold or are eligible to hold an Initial Certificate on or after the effective date of this amendatory Act of the 93rd General Assembly and shall be given effect upon their application for a Standard Certificate.

(8) Beginning July 1, 2004, persons who hold a Standard Certificate and have acquired one master's degree in an education-related field are eligible for certificate renewal upon completion of two-thirds of the continuing education units specified in subdivision (C) of paragraph (3) of subsection (e) of Section 21-14 of this Code or of the continuing professional development units specified in subdivision (E) of paragraph (3) of subsection (e) of Section 21-14 of this Code. Persons who hold a Standard Certificate and have acquired a second master's degree, an education specialist, or a doctorate in an education-related field or hold a Master Certificate are eligible for certificate renewal upon completion of one-third of the continuing education units specified in subdivision (C) of paragraph (3) of subsection (e) of Section 21-14 of this Code or of the continuing professional development units specified in subdivision (E) of paragraph (3) of subsection (e) of Section 21-14 of this Code.

(d) Master Certificate. 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 holder of a Master Certificate in an area of

science or social science is eligible to teach in any of the subject areas within those fields, including those taught at the advanced level, as defined by the State Board of Education in consultation with the State Teacher Certification Board. 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; 92-796, eff. 8-10-02.)

(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 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 years with the first renewal being 5 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 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, except as otherwise provided in subsection (c-15) of this Section, 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 satisfy ~~develop an administrative certificate renewal plan for satisfying~~ the continuing professional development requirements of this Section ~~required~~ to renew his or her administrative certificate. The continuing professional development ~~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:

(1) ~~(A)~~ To improve the administrator's knowledge of instructional practices and administrative procedures in accordance with the Illinois

Professional School Leader Standards.

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

(3) ~~(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).~~

The continuing professional development ~~(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, and the certificate holder must maintain documentation of completion of each activity.

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

~~(iii) The activities must be aligned with the 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 30 ~~36~~ continuing professional development hours during the period of the certificate's validity and which must include completion ~~all of the following: (i) Completion~~ of applicable required coursework, including completion of a communication, dissemination, or application component, 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.~~

The certificate holder must complete a verification form developed by the State Board of Education and certify that 100 hours of continuing professional development activities and 5 Administrators' Academy courses have been completed. ~~(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) 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 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 30 ~~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. Certificate holders who evaluate certified staff must complete a 2-day teacher evaluation course, in addition to the 30 continuing professional development hours. ~~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.~~

(c-20) 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 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 (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; 92-796, eff. 8-10-02.)

(105 ILCS 5/21-9) (from Ch. 122, par. 21-9)

Sec. 21-9. Substitute certificates and substitute teaching.

(a) A substitute teacher's certificate may be issued for teaching in all grades of the common schools. Such certificate may be issued upon request of the regional superintendent of schools of any region in which the teacher is to teach. A substitute teacher's certificate is valid for teaching in the public schools of any county. Such certificate may be issued to persons who either (a) hold a certificate valid for teaching in the common schools as shown on the face of the certificate, (b) hold a bachelor of arts degree from an institution of higher learning accredited by the North Central Association or other comparable regional accrediting association or have been graduated from a recognized institution of higher learning with a bachelor's degree, or (c) have had 2 years of teaching experience and meet such other rules and regulations as may be adopted by the State Board of Education in consultation with the State Teacher Certification Board. Such certificate shall expire on June 30 in the fourth year from date of issue. Substitute teacher's certificates are not subject to endorsement as described in Section 21-1b of this Code.

(b) A teacher holding a substitute teacher's certificate may teach only in the place of a certified teacher who is under contract with the employing board and may teach only when no appropriate fully

certified teacher is available to teach in a substitute capacity. A teacher holding an early childhood certificate, an elementary certificate, a high school certificate, or a special certificate may also substitute teach in grades K-12 but only in the place of a certified teacher who is under contract with the employing board. A substitute teacher may teach only for a period not to exceed 90 paid school days or 450 paid school hours in any one school district in any one school term. However, ~~for the 2001-2002, 2002-2003, and 2003-2004 school years,~~ a teacher holding an early childhood, elementary, high school, or special certificate may substitute teach for a period not to exceed 120 paid school days or 600 paid school hours in any one school district in any one school term. Where such teaching is partly on a daily and partly on an hourly basis, a school day shall be considered as 5 hours. The teaching limitations imposed by this subsection upon teachers holding substitute certificates shall not apply in any school district operating under Article 34.
(Source: P.A. 91-102, eff. 7-12-99; 92-184, eff. 7-27-01.)

(105 ILCS 5/21-12) (from Ch. 122, par. 21-12)

Sec. 21-12. Printing; Seal; Signature; Credentials. All certificates shall be printed by and bear the signatures of the chairman and of the secretary of the State Teacher Certification Board. Each certificate shall show the integrally printed seal of the State Teacher Certification Board. All college credentials offered as the basis of a certificate shall be presented to the secretary of the State Teacher Certification Board for inspection and approval.

Commencing July 1, 1999, each application for a certificate or evaluation of credentials shall be accompanied by an evaluation fee of $30 payable to the State Superintendent of Education, which is not refundable, except that no application or evaluation fee shall be required for a Master Certificate issued pursuant to subsection (d) of Section 21-2 of this Code. The proceeds of each $30 fee shall be paid into the Teacher Certificate Fee Revolving Fund, created under Section 21-1b of this Code; and the moneys in that Fund shall be appropriated and used to provide the technology and other resources necessary for the timely and efficient processing of certification requests.

The State Board of Education and each regional office of education are authorized to charge a service or convenience fee for the use of credit cards for the payment of certification fees. This service or convenience fee may not exceed the amount required by the credit card processing company or vendor that has entered into a contract with the State Board or regional office of education for this purpose, and the fee must be paid to that company or vendor.

When evaluation verifies the requirements for a valid certificate, the applicant shall be issued an entitlement card that may be presented to a regional superintendent of schools for issuance of a certificate.

The applicant shall be notified of any deficiencies.
(Source: P.A. 91-102, eff. 7-12-99; 91-357, eff. 7-29-99.)

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

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 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, as provided in subsection (b) of Section 21-2 of this Code, and are renewable every 4 years until the person completes 4 years of teaching. If the holder of an Initial Certificate has completed 4 years of teaching but has not completed the requirements set forth in paragraph (2) of subsection (c) of Section 21-2 of this Code, then the Initial Certificate may be reinstated for one year, during which the requirements must be met. A holder of an Initial certificate who has not completed 4 years of teaching may continuously register the certificate for additional 4-year periods without penalty. Initial Certificates that are not registered shall lapse consistent with subsection (a) of this Section and may be reinstated only in accordance with subsection (a). 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 or disapprove 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 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) of paragraph (3) of this subsection (e); (iii) earning at least 24 continuing education units as described in subdivision (C) of paragraph (3) of this subsection (e); (iv) completing the National Board for Professional Teaching Standards process as described in subdivision (D) of paragraph (3) of this subsection (e); or (v) earning 120 continuing professional development units ("CPDU") as described in subdivision (E) of paragraph (3) of this subsection (e). The maximum continuing professional development units for each continuing professional development activity identified in subdivisions (F) through (J) 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.

Notwithstanding any other requirements to the contrary, if a Standard Teaching Certificate has been maintained as Valid and Active for the 5 years of the certificate's validity and the certificate holder has completed his or her certificate renewal plan before July 1, 2002, the certificate shall be renewed as Valid and Active.

(2) Beginning July 1, 2004, in order to satisfy the requirements for continuing professional development provided for in subsection (c) of Section 21-2 of this Code, each ~~Each~~ Valid and Active Standard Teaching Certificate holder shall complete professional development activities ~~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 address the 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), the certificate holder's activities must address ~~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) , or (D) and may reflect purpose (E) ~~(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.

(E) Address the needs of serving students with disabilities, including adapting and modifying the general curriculum related to the

Illinois Learning Standards to meet the needs of students with disabilities and serving such students in the least restrictive environment. Teachers who hold certificates endorsed for special education must devote at least 50% of their continuing professional development activities to this purpose. Teachers holding other certificates must devote at least 20% of their activities to this purpose.

~~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 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) 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), completion of which means no ~~provided that such a plan need not include any~~ other continuing professional development activities are required ~~nor reflect or contain activities related to the other continuing professional development purposes set forth in paragraph (2) of this subsection (e)~~;

(C) 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) completion of the National Board for ~~of~~ Professional Teaching Standards ("NBPTS") process for certification or recertification, completion of which means no ~~provided that a plan that includes completion of the NBPTS process need not include any~~ other continuing professional

development activities are required ~~nor reflect or contain activities related to the continuing professional development purposes set forth in paragraph (2) of subsection (e) of this Section~~;

(E) 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) through (J) of this paragraph (3);

(F) 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) 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) conferences, workshops, institutes, seminars, and symposiums related to improving the teacher's knowledge and skills as a teacher, subject to disapproval of the activity or event by the State Teacher

Certification Board acting jointly with the State Board of Education, 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. ~~;~~

A teacher, however, may not receive credit for conferences, workshops, institutes, seminars, or symposiums that are designed for entertainment, promotional, or commercial purposes or that are solely inspirational or motivational. The State Superintendent of Education and regional superintendents of schools are authorized to review the activities and events provided or to be provided under this subdivision (H) and to investigate complaints regarding those activities and events, and either the State Superintendent of Education or a regional superintendent of schools may recommend that the State Teacher Certification Board and the State Board of Education jointly disapprove those activities and events considered to be inconsistent with this subdivision (H);

(I) 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 ~~ones~~ teaching assignment, directly related to student achievement or school improvement plans and approved by the regional superintendent of schools or his or her designee 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;

(J) 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; ~~.~~

(K) receipt of a subsequent Illinois certificate or endorsement pursuant to this Article; or

(L) completion of requirements for meeting the Illinois criteria for becoming "highly qualified" (for purposes of the No Child Left Behind Act of 2001, Public Law 107-110) in an additional teaching area.

(M) Successful completion of 4 semester hours of graduate-level coursework on the assessment of one's own performance in relation to the Illinois Teaching Standards, as described in clause (B) of paragraph (2) of subsection (c) of Section 21-2 of this Code.

(N) 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, as described in clause (C) of paragraph (2) of subsection (c) of Section 21-2 of this Code.

(4) A person must complete the requirements of this subsection (e) before the expiration of his or her Standard Teaching Certificate and must submit assurance to the regional superintendent of schools or, if applicable, a local professional development committee authorized by the regional superintendent to submit recommendations to him or her for this purpose. The statement of assurance shall contain a list of the activities completed, the provider offering each activity, the number of credits earned for each activity, and the purposes to which each activity is attributed. The certificate holder shall maintain the evidence of completion of each activity for at least one certificate renewal cycle. The certificate holder shall affirm under penalty of perjury that he or she has completed the activities listed and will maintain the required evidence of completion. The State Board of Education or the regional superintendent of schools for each region shall conduct random audits of assurance statements and supporting documentation. ~~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) (Blank). ~~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) (Blank). ~~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, a school district is authorized to enter into an agreement with the exclusive bargaining representative, if any, to form a local professional development committee (LPDC). The membership and terms of members of the LPDC may be determined by the agreement. Provisions regarding LPDCs contained in a collective bargaining agreement in existence on the effective date of this amendatory Act of the 93rd General Assembly between a school district and the exclusive bargaining representative shall remain in full force and effect for the term of the agreement, unless terminated by mutual agreement. The LPDC shall make recommendations to the regional superintendent of schools on renewal of teaching certificates. The regional superintendent of schools for each region ~~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 recommendations for ~~and approve~~ certificate renewal , if any, received from LPDCs ~~plans and any modifications made to these plans, including transferred plans;~~

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

(3) (blank); ~~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) (blank); ~~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 for ~~of their~~ certificate renewal ~~plans~~ and notify certificate holders if the decision is not to renew the certificate ~~of its determination~~;

(6) provide a certificate holder with the opportunity to appeal a recommendation made by a LPDC, if any, not to renew the certificate to the regional professional development review committee ~~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 State Teacher Certification Board ~~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) (blank). ~~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 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, if any, 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) the certificate holder has satisfactorily completed professional development and continuing education activities set forth in paragraph (3) of subsection (e) of this Section; ~~a certificate renewal plan was filed and approved by the appropriate local professional development committee;~~

(B) the certificate holder has submitted the statement of assurance required under paragraph (4) of subsection (e) of this Section, and this statement has been attached to the application for renewal; ~~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, if any, 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, if any, 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, if any, 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.

If ~~At the same time the regional superintendent of schools provides the State Teacher Certification Board with~~ the notice required by this subsection (g) includes a recommendation of certificate nonrenewal, then, at the same time the regional superintendent of schools provides the State Teacher Certification Board with the notice, he or she shall also notify the certificate holder in writing, by certified mail, return receipt requested, 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, if any, 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 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, if any, 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 and their renewal requirements shall be subject to paragraph (8) of subsection (c) 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 through ~~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 activities need not ~~plans shall not be required to~~ reflect or address the knowledge, skills, and goals of a local school improvement plan.

(k) (Blank). ~~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) (Blank). ~~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.~~

(m) The changes made to this Section by this amendatory Act of the 93rd General Assembly that affect renewal of Standard and Master Certificates shall apply to those persons who hold Standard or Master Certificates on or after the effective date of this amendatory Act of the 93rd General Assembly and shall be given effect upon renewal of those certificates.

(Source: P.A. 92-510, eff. 6-1-02; 92-796, eff. 8-10-02; 93-81, eff. 7-2-03.)

(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) 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 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.

The State Board of Education and each regional office of education are authorized to charge a service or convenience fee for the use of credit cards for the payment of certification fees. This service or convenience fee may not exceed the amount required by the credit card processing company or vendor that has entered into a contract with the State Board or regional office of education for this purpose, and the fee must be paid to that company or vendor.

(Source: P.A. 91-102, eff. 7-12-99; 92-796, eff. 8-10-02.)

(105 ILCS 5/21-17) (from Ch. 122, par. 21-17)

Sec. 21-17. Fee and duplicate certificate. A duplicate certificate shall be issued by the State Superintendent of Education when requested by the regional superintendent of schools as provided in Section 21-16. The request for a duplicate certificate shall be accompanied by a fee of $4, which shall be deposited into the Teacher Certificate Fee Revolving Fund.

The State Board of Education and each regional office of education are authorized to charge a service or convenience fee for the use of credit cards for the payment of certification fees. This service or convenience fee may not exceed the amount required by the credit card processing company or vendor that has entered into a contract with the State Board or regional office of education for this purpose, and the fee must be paid to that company or vendor.

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

(105 ILCS 5/21-18) (from Ch. 122, par. 21-18)

Sec. 21-18. Registration of life certificate-Fee.

The holder of any life certificate, while he continues to teach, shall annually before entering upon his duties, present his certificate or proper evidence thereof to the regional ~~county~~ superintendent of schools ~~for registration~~ and pay a fee of $2, which fee shall be paid into the institute fund.

The State Board of Education and each regional office of education are authorized to charge a service or convenience fee for the use of credit cards for the payment of certification fees. This service or convenience fee may not exceed the amount required by the credit card

processing company or vendor that has entered into a contract with the State Board or regional office of education for this purpose, and the fee must be paid to that company or vendor.

(Source: Laws 1961, p. 31.)

(105 ILCS 5/21-23) (from Ch. 122, par. 21-23)

Sec. 21-23. Suspension or revocation of certificate.

(a) Any certificate issued pursuant to this Article, including but not limited to any administrative certificate or endorsement, may be suspended for a period not to exceed one calendar year by the regional superintendent or for a period not to exceed 5 calendar years by the State Superintendent of Education upon evidence of immorality, a condition of health detrimental to the welfare of pupils, incompetency, unprofessional conduct, the neglect of any professional duty, willful failure to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act, failure to establish satisfactory repayment on an educational loan guaranteed by the Illinois Student Assistance Commission, or other just cause. Unprofessional conduct shall include refusal to attend or participate in, institutes, teachers' meetings, professional readings, or to meet other reasonable requirements of the regional superintendent or State Superintendent of Education. Unprofessional conduct also includes conduct that violates the standards, ethics, or rules applicable to the security, administration, monitoring, or scoring of, or the reporting of scores from, any assessment test or the Prairie State Achievement Examination administered under Section 2-3.64 or that is known or intended to produce or report manipulated or artificial, rather than actual, assessment or achievement results or gains from the administration of those tests or examinations. It shall also include neglect or unnecessary delay in making of statistical and other reports required by school officers. The regional superintendent or State Superintendent of Education shall upon receipt of evidence of immorality, a condition of health detrimental to the welfare of pupils, incompetency, unprofessional conduct, the neglect of any professional duty or other just cause serve written notice to the individual and afford the individual opportunity for a hearing prior to suspension. If a hearing is requested within 10 days of notice of opportunity for hearing it shall act as a stay of proceedings not to exceed 30 days, unless the individual requests a delay. In such an instance, the stay of proceedings must be continued for another 30 days. No certificate shall be suspended until the teacher has an opportunity for a hearing at the educational service region. When a certificate is suspended, the right of appeal shall lie to the State Teacher Certification Board. When an appeal is taken within 10 days after notice of suspension it shall act as a stay of proceedings not to exceed 120 ~~60~~ days. If a certificate is suspended for a period greater than one year, the State Superintendent of Education shall review the suspension prior to the expiration of that period to determine whether the cause for the suspension has been remedied or continues to exist. Upon determining that the cause for suspension has not abated, the State Superintendent of Education may order that the suspension be continued for an appropriate period. Nothing in this Section prohibits the continuance of such a suspension for an indefinite period if the State Superintendent determines that the cause for the suspension remains unabated. Any certificate may be revoked for the same reasons as for suspension by the State Superintendent of Education. No certificate shall be revoked until the teacher has an opportunity for a hearing before the State Teacher Certification Board, which hearing must be held within 120 ~~60~~ days from the date the appeal is taken , unless the State Teacher Certification Board requests a delay. In such

an instance, the stay of the revocation proceedings must be continued until the completion of the proceedings.

The State Board may refuse to issue or may suspend the certificate of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(b) Any certificate issued pursuant to this Article may be suspended for an appropriate length of time as determined by either the regional superintendent or State Superintendent of Education upon evidence that the holder of the certificate has been named as a perpetrator in an indicated report filed pursuant to the Abused and Neglected Child Reporting Act, approved June 26, 1975, as amended, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

The regional superintendent or State Superintendent of Education shall, upon receipt of evidence that the certificate holder has been named a perpetrator in any indicated report, serve written notice to the individual and afford the individual opportunity for a hearing prior to suspension. If a hearing is requested within 10 days of notice of opportunity for hearing, it shall act as a stay of proceedings not to exceed 30 days, unless the individual requests a delay. In such an instance, the stay of proceedings must be continued for another 30 days. No certificate shall be suspended until the teacher has an opportunity for a hearing at the educational service region. When a certificate is suspended, the right of appeal shall lie to the State Teacher Certification Board. When an appeal is taken within 10 days after notice of suspension it shall act as a stay of proceedings not to exceed 120 ~~60~~ days. The State Superintendent may revoke any certificate upon proof at hearing by clear and convincing evidence that the certificate holder has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act. No certificate shall be revoked until the teacher has an opportunity for a hearing before the State Teacher Certification Board, which hearing must be held within 120 ~~60~~ days from the date the appeal is taken, unless the teacher or the hearing officer appointed by the State Teacher Certification Board requests a delay. In such an instance, the stay of the revocation proceedings must be continued until the completion of the proceedings.

(c) The State Superintendent of Education or a person designated by him shall have the power to administer oaths to witnesses at any hearing conducted before the State Teacher Certification Board pursuant to this Section. The State Superintendent of Education or a person designated by him is authorized to subpoena and bring before the State Teacher Certification Board any person in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in the civil cases in circuit courts of this State.

Any circuit court, upon the application of the State Superintendent of Education, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers at any hearing the State Superintendent of Education is authorized to conduct pursuant to this Section, and the court may compel obedience to its orders by proceedings for contempt.

(d) As used in this Section, "teacher" means any school district employee regularly required to be certified, as provided in this Article, in order to teach or supervise in the public schools.

(Source: P.A. 89-610, eff. 8-6-96.)

Section 20. The School Construction Law is amended by changing Sections 5-30 and 5-40 and adding Section 5-57 as follows:

(105 ILCS 230/5-30)

Sec. 5-30. Priority of school construction projects. The State Board of Education shall develop standards for the determination of priority needs concerning school construction projects based upon approved district facilities plans. Such standards shall call for prioritization based on the degree of need and project type in the following order:

(1) Replacement or reconstruction of school buildings destroyed or damaged by flood, tornado, fire, earthquake, or other disasters, either man-made or produced by nature;

(2) Projects designed to alleviate a shortage of classrooms due to population growth or to replace aging school buildings;

(3) Projects resulting from interdistrict reorganization of school districts contingent on local referenda;

(4) Replacement or reconstruction of school facilities determined to be severe and continuing health or life safety hazards;

(5) Alterations necessary to provide accessibility for qualified individuals with disabilities; and

(6) Other unique solutions to facility needs.

The State Board of Education may not make any material changes to the standards in effect on May 18, 2004, unless the State Board of Education is specifically authorized by law.

(Source: P.A. 90-548, eff. 1-1-98.)

(105 ILCS 230/5-40)

Sec. 5-40. Supervision of school construction projects. The Capital Development Board shall exercise general supervision over school construction projects financed pursuant to this Article. School districts, however, must be allowed to choose the architect and engineer for their school construction projects, and no project may be disapproved by the State Board of Education or the Capital Development Board solely due to a school district's selection of an architect or engineer.

(Source: P.A. 90-548, eff. 1-1-98.)

(105 ILCS 230/5-57 new)

Sec. 5-57. Administration of powers; no changes. Notwithstanding any other law to the contrary, the Capital Development Board may not make any material changes in the administration of its powers granted under this Law from how it administered those powers on May 18, 2004, unless specifically authorized by law.

Section 90. The State Mandates Act is amended by adding Section 8.28 as follows:

(30 ILCS 805/8.28 new)

Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1553, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 53, line 15, by replacing "may" with "must ~~may~~".

Under the rules, the foregoing **Senate Bill No. 1553**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 4895

A bill for AN ACT concerning child custody.

Passed the House, May 27, 2004.

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 4895** was taken up, ordered printed and placed on first reading.

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 184
Motion to Concur in House Amendment 2 to Senate Bill 797
Motion to Concur in House Amendment 3 to Senate Bill 1592
Motion to Concur in House Amendments 2 and 3 to Senate Bill 1906
Motion to Concur in House Amendment 1 to Senate Bill 2108
Motion to Concur in House Amendments 1 and 2 to Senate Bill 2253
Motion to Concur in House Amendments 1 and 3 to Senate Bill 2299
Motion to Concur in House Amendment 2 to Senate Bill 2820
Motion to Concur in House Amendment 1 to Senate Bill 3077

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. 3 to House Bill 762
Senate Amendment No. 3 to House Bill 1067

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 582

Offered by Senator Brady and all Senators:
Mourns the death of Jeremy Ridlen of Decatur.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

Senators Brady - Rutherford - Watson and all Republican Members offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 83

WHEREAS, Senator John W. Maitland, Jr. was born in Normal, Ill., on July 29, 1936, to John and Elsa Maitland; and

WHEREAS, Senator Maitland is a graduate of Normal Community High School and Illinois State University and served in the United States Marine Corps; and Senator Maitland married his wife, Joanna Sieg, and together they have three children, Jody Ann, Johnny, and Jay, and six grandchildren; and

WHEREAS, Senator Maitland, a resident of Bloomington, served in the Illinois State Senate from 1979 until he resigned in April 2002 because of health reasons; and

WHEREAS, During those 23 years, he earned the respect of his colleagues, both Republicans and Democrats, because he demonstrated the rare ability to get things done; when he rose to speak in the Senate, people recognized his command of the issues - especially agriculture and education; and

WHEREAS, Senator Maitland is a nationally recognized expert on agriculture issues and has first-hand knowledge of the needs of farmers; he has spent long hours in the fields raising grain; he was president of the local county Farm Bureau; he has studied agriculture and conservation issues in other states; his expertise was the driving force behind the long-sought compromise, forged in 1999, for the regulation of large livestock production facilities in Illinois; and

WHEREAS, Senator Maitland is a strong advocate and tireless champion of a quality education, having served in leadership roles on committees and commissions that analyzed and set education policy affecting Illinois students across the State; he had a leadership role in every major effort to improve education in the last two decades, including the Illinois Educational Reform Act of 1985, the Illinois Task Force on School Finance in 1993, and the Governor' Commission on Education Funding in 1996; Senator Maitland has been particularly outspoken about the need for funding equity; and

WHEREAS, Senator Maitland's membership on committees, his work with organizations and his honors - local, State and national - are too numerous to list; he is held in the highest esteem by his colleagues from both parties; for 23 years, he was the senator from central Illinois, but his legacy of excellence and commitment to the greater good has made Illinois a better place for all its citizens; and

WHEREAS, Illinois Route 9 runs through Senator Maitland's hometown, Bloomington; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the portion of Illinois Route 9 commencing at the east boundary of Bloomington and ending at the west boundary of Danvers, Ill. be designated the John W. Maitland, Jr. Highway; and be it further

RESOLVED, That the Department of Transportation is requested to erect appropriate plaques or signs giving notice to the John W. Maitland, Jr. Highway; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Illinois Secretary of Transportation and to Senator John W. Maitland, Jr.

REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its May 28, 2004 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Environment & Energy: **Senate Amendment No. 4 to House Bill 911**.
Executive: **Senate Amendment No. 3 to House Bill 1067**.
Transportation: **Senate Amendment No. 1 to House Bill 944**.

Senator Viverito, Chairperson of the Committee on Rules, during its May 28, 2004 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: **Motion to Concur in House Amendment 1 to Senate Bill 3111**

Financial Institutions: **Motion to Concur in House Amendment 1 to Senate Bill 2908**

Health & Human Services: **Motion to Concur in House Amendment 1 to Senate Bill 2794; Motion to Concur in House Amendments 1, 2 and 3 to Senate Bill 2880**

Insurance & Pensions: **Motion to Concur in House Amendment 3 to Senate Bill 2238; Motion to Concur in House Amendment 1 to Senate Bill 3077**

Labor & Commerce: **Motion to Concur in House Amendments 1 and 3 to Senate Bill 797**

Licensed Activities: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 2253**

State Government: **Motion to Concur in House Amendment 2 to Senate Bill 2820; Motion to Concur in House Amendments 1 and 2 to Senate Bill 2844; Motion to Concur in House Amendment 1 to Senate Bill 3201**

Senator Viverito, Chairperson of the Committee on Rules, to which was referred **House Bills Numbered 790, 1010 and 1015** on July 1, 2003, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **House Bills Numbered 790, 1010 and 1015** were returned to the order of third reading.

Senator Viverito, Chairperson of the Committee on Rules, to which was referred **Senate Bill No. 1946** on December 22, 2003, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **Senate Bill No. 1946** was returned to the order of Secretary's Desk.

COMMITTEE MEETING ANNOUNCEMENTS

Senator Silverstein, Chairperson of the Committee on Executive, announced that the Executive Committee will meet today in Room 212 Capitol Building, at 5:45 o'clock p.m.

Senator Link, Member of the Committee on Financial Institutions, announced that the Financial Institutions Committee will meet today in Room 400 Capitol Building, at 6:45 o'clock p.m.

Senator Maloney, Vice-Chairperson of the Committee on Labor and Commerce, announced that the Labor and Commerce Committee will meet today in Room 400 Capitol Building, at 6:15 o'clock p.m.

Senator Jacobs, Chairperson of the Committee on Insurance and Pensions, announced that the Insurance and Pensions Committee will meet today in Room 400 Capitol Building, at 4:15 o'clock p.m.

Senator Schoenberg, Chairperson of the Committee on State Government, announced that the State Government Committee will meet today in Room A-1 Stratton Building, at 5:45 o'clock p.m.

Senator Hendon, Vice-Chairperson of the Committee on Environment and Energy, announced that the Environment and Energy Committee will meet today in Room 212 Capitol Building, at 5:15 o'clock p.m.

Senator Shadid, Chairperson of the Committee on Transportation, announced that the Transportation Committee will meet today in Room A-1 Stratton Building, at 4:45 o'clock p.m.

Senator Walsh, Chairperson of the Committee on Agriculture and Conservation, announced that the Agriculture and Conservation Committee will meet today in Room A-1 Stratton Building, at 5:15 o'clock p.m.

Senator Harmon, Vice-Chairperson of the Committee on Judiciary, announced that the Judiciary Committee will meet today in Room 400 Capitol Building, at 4:45 o'clock p.m.

Senator Crotty, Vice-Chairperson of the Committee on Licensed Activities, announced that the Licensed Activities Committee will meet today in Room A-1 Stratton Building, at 6:15 o'clock p.m.

Senator Crotty, Member of the Committee on Health and Human Services, announced that the Health and Human Services Committee will meet today in Room 400 Capitol Building, at 5:15 o'clock p.m.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Garrett, **Senate Bill No. 3013**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Garrett moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 38; Nays 18; Present 1.

The following voted in the affirmative:

Althoff	Geo-Karis	Maloney	Sullivan, D.
Clayborne	Haine	Martinez	Sullivan, J.
Collins	Halvorson	Meeks	Trotter
Cronin	Harmon	Munoz	Viverito
Crotty	Hendon	Obama	Walsh
Cullerton	Hunter	Ronen	Welch
del Valle	Jacobs	Sandoval	Wojcik
DeLeo	Jones, W.	Schoenberg	Mr. President
Demuzio	Lightford	Shadid	
Garrett	Link	Silverstein	

The following voted in the negative:

Bomke	Lauzen	Righter	Syverson
Brady	Luechtefeld	Risinger	Watson
Burzynski	Petka	Roskam	Winkel
Forby	Radogno	Rutherford	
Jones, J.	Rauschenberger	Sieben	

The following voted present:

Dillard

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 3013**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Munoz, **Senate Bill No. 2887**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Munoz moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays 3.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sieben
Bomke	Geo-Karis	Meeks	Silverstein
Brady	Haine	Munoz	Sullivan, D.
Burzynski	Halvorson	Obama	Sullivan, J.
Clayborne	Harmon	Peterson	Syverson
Collins	Hendon	Radogno	Trotter
Cronin	Hunter	Rauschenberger	Viverito
Crotty	Jacobs	Righter	Walsh
Cullerton	Jones, J.	Risinger	Watson
del Valle	Jones, W.	Ronen	Welch
DeLeo	Lightford	Rutherford	Winkel
Demuzio	Link	Sandoval	Wojcik
Dillard	Luechtefeld	Schoenberg	Mr. President
Forby	Maloney	Shadid	

The following voted in the negative:

Lauzen
Petka
Roskam

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2887**.

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS ON SECRETARY'S DESK

On motion of Senator Righter, **House Bill No. 4247**, with Senate Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Righter moved that the Senate recede from its Amendment No. 1 to **House Bill No. 4247**.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays 1.

The following voted in the affirmative:

Althoff	Geo-Karis	Munoz	Silverstein
Bomke	Haine	Obama	Sullivan, D.
Brady	Halvorson	Peterson	Sullivan, J.
Burzynski	Harmon	Petka	Syverson
Clayborne	Hendon	Radogno	Trotter
Collins	Hunter	Rauschenberger	Viverito
Cronin	Jacobs	Righter	Walsh
Crotty	Jones, J.	Risinger	Watson
Cullerton	Jones, W.	Ronen	Welch
del Valle	Lauzen	Roskam	Winkel
DeLeo	Lightford	Rutherford	Wojcik
Demuzio	Link	Sandoval	Mr. President
Dillard	Luechtefeld	Schoenberg	
Forby	Maloney	Shadid	
Garrett	Martinez	Sieben	

The following voted in the negative:

Meeks

The motion prevailed.

And the Senate receded from their Amendment No. 1 to **House Bill No. 4247**.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Meeks asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **House Bill No. 4247.**

At the hour of 3:30 o'clock p.m., the Chair announced that the Senate stand adjourned until Saturday, May 29, 2004, at 9:00 o'clock a.m.