State of Illinois
91st General Assembly
Final Senate Journal

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

26TH LEGISLATIVE DAY

WEDNESDAY, MARCH 24, 1999

9:00 O'CLOCK A.M.

The Senate met pursuant to adjournment.

Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.

Prayer by Reverend Wayne Meyer, First Christian Church, Petersburg, Illinois.

Senator Sieben led the Senate in the Pledge of Allegiance.

Senator Myers moved that reading and approval of the Journals of Thursday, March 18, 1999, Friday, March 19, 1999, Monday, March 22, 1999 and Tuesday, March 23, 1999 be postponed pending arrival of the printed Journals.

The motion prevailed.

COMMUNICATIONS

The following is a Communication from Secretary of State Jesse White along with a veto message from Governor George H. Ryan, regarding Senate Bill No. 937 of the 90th General Assembly.

OFFICE OF THE SECRETARY OF STATE
JESSE WHITE - Secretary of State

Index Department
Administrative Services Division

March 24, 1999

To the Honorable President of the Senate:

Sir:

In compliance with the provisions of the Constitution of the State of Illinois, I am forwarding herewith the enclosed Senate Bill from the 90th General Assembly, as vetoed by the Governor together with his objections.

SENATE 1429

SENATE BILL

937

Respectfully

s/Jesse White
Secretary of State

State of Illinois
OFFICE OF THE GOVERNOR
Springfield, Illinois 62706

George H. Ryan
GOVERNOR

March 23, 1999

To the Honorable Members of
The Senate
90th General Assembly

Pursuant to Article IV, Section 9(b) of the Illinois Constitution of 1970, I hereby veto Senate Bill 937, entitled "AN ACT in relation to taxes."

Senate Bill 937 creates the Qualified Technological Equipment Leasing Occupation and Use Tax Act. This new Act provides for a tax at the rate of 8.25% on the gross receipts from leasing qualified technological equipment for periods of one year or more, beginning with leases entered into on and after July 1, 1999. The bill exempts technological equipment from the Sales and Use Tax Acts, if the technological equipment is purchased for leasing purposes.

Concerns have been raised that the bill, as drafted is too broad and may result in unintended consequences. Such unintended consequences include the potential for increased taxes on certain Illinois businesses. New legislation is being considered by the 91st General Assembly to address these concerns. Because Senate Bill 937 was passed by the 90th General Assembly which can no longer consider

acceptance of an amendatory veto, my only options are to sign what I believe is a flawed bill or veto the bill in its entirety.

For these reasons, I hereby veto Senate Bill 937.

Sincerely,
s/George H. Ryan
GOVERNOR

REPORTS FROM STANDING COMMITTEES

Senator Rauschenberger, Chairperson of the Committee on Appropriations to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 20,** reported the same back with the recommendation that it be adopted.

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

Senator Syverson, Chairperson of the Committee on Public Health and Welfare to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 646,** reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for

consideration on second reading.

Senator Syverson, Chairperson of the Committee on Public Health and Welfare to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 818,** reported the same back with the recommendation that it be adopted.

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

Senator Syverson, Chairperson of the Committee on Public Health and Welfare to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 881,** reported the same back with the recommendation that it be adopted.

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

Senator Syverson, Chairperson of the Committee on Public Health and Welfare to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 1111,** reported the same back with the recommendation that it be adopted.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

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

HOUSE BILL NO. 133

A bill for AN ACT to amend the State Employees Group Insurance Act of 1971.

HOUSE BILL NO. 1175

A bill for AN ACT in relation to corrections.

HOUSE BILL NO. 1282

A bill for AN ACT to amend the State Property Control Act by changing Sections 7 and 7.3.

HOUSE BILL NO. 1452

A bill for AN ACT to amend the Illinois Act on the Aging by adding Section 8.07.

HOUSE BILL NO. 1538

A bill for AN ACT regarding emergency home response systems.

HOUSE BILL NO. 1688

A bill for AN ACT concerned with property conservation rights.

HOUSE BILL NO. 1738

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 21-1.3.

HOUSE BILL NO. 1966

A bill for AN ACT in relation to State's Attorney's salaries.

HOUSE BILL NO. 1987

A bill for AN ACT to amend the Property Tax Code by changing Section 1-130 and by adding Division 11 to Article 10.

HOUSE BILL NO. 2181

A bill for AN ACT to amend the Illinois Public Aid Code by adding Section 9A-11.3.

Passed the House, March 23, 1999.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 133, 1175, 1282, 1452, 1538, 1688, 1738, 1966, 1987 and 2181** were taken up, ordered printed and placed on first reading.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 390

A bill for AN ACT to amend the Illinois Municipal Code by changing Section 2-3-5 and the Division 96 heading and adding Section 11-96-5.

HOUSE BILL NO. 421

A bill for AN ACT to amend the Illinois Marriage and Dissolution of Marriage Act by changing Section 505.

HOUSE BILL NO. 854

A bill for AN ACT to amend the Criminal Identification Act by changing Section 5.

HOUSE BILL NO. 901

A bill for AN ACT to amend the Illinois Municipal Code by changing Sections 11-1-5.1 and 11-7-3.

HOUSE BILL NO. 1265

A bill for AN ACT to amend the Illinois Insurance Code by changing Section 424.

HOUSE BILL NO. 1680

A bill for AN ACT in relation to voter registration, amending named Acts.

HOUSE BILL NO. 1909

A bill for AN ACT in relation to wine, amending named Acts.

HOUSE BILL NO. 2085

A bill for AN ACT to amend the Illinois Vehicle Code by changing Sections 12-205.1 and 12-709.

HOUSE BILL NO. 2243

A bill for AN ACT to amend the Illinois Endangered Species Protection Act.

HOUSE BILL NO. 2492

A bill for AN ACT to create a demonstration grant program to build accessible housing.

HOUSE BILL NO. 2648

A bill for AN ACT to amend the Property Tax Code by changing Section 12-55.

Passed the House, March 23, 1999.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 390, 421, 854, 901, 1265, 1680, 1909, 2085, 2243, 2492 and 2648** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 386

A bill for AN ACT concerning the health of senior citizens, amending named Acts.

HOUSE BILL NO. 429

A bill for AN ACT to amend the Motor Vehicle Retail Installment Sales Act by changing Section 2.8.

HOUSE BILL NO. 515

A bill for AN ACT to amend the Illinois Roofing Industry Licensing Act by changing Sections 2 and 3, by adding Sections 3.5, 4.5, and 5.5, and by repealing Section 4.

HOUSE BILL NO. 540

A bill for AN ACT to amend certain Acts in relation to child support.

HOUSE BILL NO. 616

A bill for AN ACT to amend the Community Services Act by changing

Section 4.

HOUSE BILL NO. 843

A bill for AN ACT to amend the Park District Code by changing Section 5-1.

HOUSE BILL NO. 1217

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 26-4.

HOUSE BILL NO. 1269

A bill for AN ACT to amend the School Code by adding Section 2-3.126.

HOUSE BILL NO. 1557

A bill for AN ACT to amend the Illinois Marriage and Dissolution of Marriage Act by adding Sections 714 and 715.

HOUSE BILL NO. 1963

A bill for AN ACT to amend the School Code by adding Sections 10-21.9a and 34-18.5a.

HOUSE BILL NO. 2824

A bill for AN ACT concerning the registration of motor vehicles.

Passed the House, March 23, 1999.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 386, 429, 515, 540, 616, 843, 1217, 1269, 1557, 1963 and 2824** were taken up, ordered printed and placed on first reading.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 495

A bill for AN ACT concerning transfers to the Local Government Distributive Fund, amending named Acts.

HOUSE BILL NO. 1812

A bill for AN ACT to amend the School Code by changing Section 10-17a.

Passed the House, March 23, 1999.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 495 and 1812** were taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 156, sponsored by Senator Berman was taken up,

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

House Bill No. 421, sponsored by Senator Hawkinson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 429, sponsored by Senator T. Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 515, sponsored by Senator Syverson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 616, sponsored by Senator T. Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1061, sponsored by Senator Philip was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1217, sponsored by Senator Donahue was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1265, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1688, sponsored by Senator Peterson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1780, sponsored by Senator Burzynski was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1966, sponsored by Senator Petka was taken up, read by title a first time and referred to the Committee on Rules.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Syverson, **Senate Bill No. 1** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

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

"AN ACT to amend the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act by changing Sections 3.15 and 4."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act is amended by changing Section 3.15 and 4 as follows:

(320 ILCS 25/3.15) (from Ch. 67 1/2, par. 403.15)

Sec. 3.15. "Covered prescription drug" means (1) any cardiovascular agent or drug; (2) any insulin or other prescription drug used in the treatment of diabetes, including syringe and needles used to administer the insulin; and (3) any prescription drug used in the treatment of arthritis. The Department shall annually publish a formulary listing the most commonly prescribed products that are covered by the program ~~The specific agents or products to be included~~

~~under such categories shall be listed in a handbook to be prepared and distributed by the Department~~. The general types of covered

prescription drugs shall be indicated by rule.
(Source: P.A. 85-1176.)

(320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

Sec. 4. Amount of Grant.

(a) In general. Any individual 65 years or older or any individual who will become 65 years old during the calendar year in which a claim is filed, and any surviving spouse of such a claimant, who at the time of death received or was entitled to receive a grant pursuant to this Section, which surviving spouse will become 65 years of age within the 24 months immediately following the death of such claimant and which surviving spouse but for his or her age is otherwise qualified to receive a grant pursuant to this Section, and any disabled person whose annual household income is less than $14,000 for grant years before the 1998 grant year and less than $16,000 for the 1998 grant year and thereafter and whose household is liable for payment of property taxes accrued or has paid rent constituting property taxes accrued and is domiciled in this State at the time he files his claim is entitled to claim a grant under this Act. With respect to claims filed by individuals who will become 65 years old during the calendar year in which a claim is filed, the amount of any grant to which that household is entitled shall be an amount equal to 1/12 of the amount to which the claimant would otherwise be entitled as provided in this Section, multiplied by the number of months in which the claimant was 65 in the calendar year in which the claim is filed.

(b) Limitation. Except as otherwise provided in subsections (a) and (f) of this Section, the maximum amount of grant which a claimant is entitled to claim is the amount by which the property taxes accrued which were paid or payable during the last preceding tax year or rent constituting property taxes accrued upon the claimant's residence for the last preceding taxable year exceeds 3 1/2% of the claimant's household income for that year but in no event is the grant to exceed (i) $700 less 4.5% of household income for that year for those with a household income of $14,000 or less or (ii) $70 if household income for that year is more than $14,000 but less than $16,000.

(c) Public aid recipients. If household income in one or more months during a year includes cash assistance in excess of $55 per month from the Department of Public Aid or the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) which was determined under regulations of that Department on a measure of need that included an allowance for actual rent or property taxes paid by the recipient of that assistance, the amount of grant to which that household is entitled, except as otherwise provided in subsection (a), shall be the product of (1) the maximum amount computed as specified in subsection (b) of this Section and (2) the ratio of the number of months in which household income did not include such cash assistance over $55 to the number twelve. If household income did not include such cash assistance over $55 for any months during the year, the

amount of the grant to which the household is entitled shall be the maximum amount computed as specified in subsection (b) of this Section. For purposes of this paragraph (c), "cash assistance" does not include any amount received under the federal Supplemental Security Income (SSI) program.

(d) Joint ownership. If title to the residence is held jointly by the claimant with a person who is not a member of his household, the amount of property taxes accrued used in computing the amount of grant to which he is entitled shall be the same percentage of property taxes accrued as is the percentage of ownership held by the claimant in the residence.

(e) More than one residence. If a claimant has occupied more than one residence in the taxable year, he may claim only one residence for any part of a month. In the case of property taxes accrued, he shall pro rate 1/12 of the total property taxes accrued on his residence to each month that he owned and occupied that residence; and, in the case of rent constituting property taxes accrued, shall pro rate each month's rent payments to the residence actually occupied during that month.

(f) There is hereby established a program of pharmaceutical assistance to the aged and disabled which shall be administered by the Department in accordance with this Act, to consist of payments to authorized pharmacies, on behalf of beneficiaries of the program, for the reasonable costs of covered prescription drugs. Each beneficiary who pays $40 for an identification card shall pay the first $15 of prescription costs each month. Each beneficiary who pays $80 for an identification card shall pay the first $25 of prescription costs each month. In addition, after a beneficiary receives $800 in benefits during a State fiscal year, that beneficiary shall also be charged 20% of the cost of each prescription for which payments are made by the program during the remainder of the fiscal year. To become a beneficiary under this program a person must ~~be~~: (1) (i) be 65 years or older on January 1 of the calendar year in which a claim is filed or become 65 years old during the calendar year in which a claim is filed, or (ii) be the surviving spouse of such a claimant, who at the time of death received or was entitled to receive benefits pursuant to this subsection, which surviving spouse will become 65 years of age within the 24 months immediately following the death of such claimant and which surviving spouse but for his or her age is otherwise qualified to receive benefits pursuant to this subsection, or (iii) be disabled, and (2) be ~~is~~ domiciled in this State at the time he files his or her claim, and (3) have ~~has~~ a maximum household income of less than $14,000 for grant years before the 1998 grant year and less than $16,000 for the 1998 grant year and thereafter. In addition, each eligible person must (1) obtain an identification card from the Department, (2) at the time the card is obtained, sign a statement assigning to the State of Illinois benefits which may be otherwise claimed under any private insurance plans, (3) present the identification card to the dispensing pharmacist.

Any person otherwise eligible for pharmaceutical assistance under this Act whose covered drugs are covered by any public program for assistance in purchasing any covered prescription drugs shall be

ineligible for assistance under this Act to the extent such costs are covered by such other plan.

The fee to be charged by the Department for the identification card shall be equal to $40 for persons below the official poverty line as defined by the United States Department of Health and Human Services and $80 for all other persons.

In the event that 2 or more persons are eligible for any benefit under this Act, and are members of the same household, (1) each such person shall be entitled to participate in the pharmaceutical assistance program, provided that he or she meets all other requirements imposed by this subsection and (2) each participating household member contributes the fee required for that person by the preceding paragraph for the purpose of obtaining an identification card. ~~Persons eligible for any benefit under this Act due to become 65 in calendar year 1984 or any subsequent calendar year in which a claim is filed are excluded from the benefit prescribed in this subsection (g) for the calendar year in which they become 65.~~

(Source: P.A. 89-507, eff. 7-1-97; 90-650, eff. 7-27-98; revised 11-18-98.)".

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

On motion of Senator Syverson, **Senate Bill No. 13** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 13 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Controlled Substances Act is amended by changing Sections 309, 312, and 406 and by adding Sections 316, 317, 318, 319, and 320 as follows:

(720 ILCS 570/309) (from Ch. 56 1/2, par. 1309)

Sec. 309. No person shall issue a prescription for a Schedule II controlled substance, which is a narcotic drug listed in Section 206 of this Act; or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers; phenmetrazine and its salts; gluthethimide; pentazocine; or which is hereafter determined to be a "designated product," as defined in Section 102 of this Act, other than on a written ~~the official~~ prescription ~~blank issued by the Department and no person shall fill any such prescription other than on the official prescription blank issued by the Department~~; provided that in the case of an emergency, epidemic or a sudden or unforeseen accident or calamity, the prescriber may issue a lawful oral prescription ~~or transmit via facsimile equipment a written prescription order or a written prescription on a blank other than the official prescription blank issued by the Department~~ where failure to issue such a prescription might result in loss of life or intense suffering, but such oral prescription shall include a statement ~~have endorsed~~

~~thereon~~ by the prescriber ~~a statement~~ concerning the accident or calamity, or circumstances constituting the emergency, the cause for which a written prescription ~~the unofficial blank~~ was used. Within 72 hours after issuing an emergency prescription, the prescriber shall cause a written prescription ~~on the official prescription blank~~ for the emergency quantity prescribed to be delivered to the dispensing pharmacist. The prescription shall have written on its face "Authorization for Emergency Dispensing", and the date of the emergency prescription. The written prescription ~~on the official prescription blank~~ may be delivered to the pharmacist in person, ~~or~~ by mail or via facsimile equipment, but if delivered by mail it must be postmarked within the 72-hour period. Upon receipt, the dispensing pharmacist shall attach this prescription to the emergency oral prescription earlier received and ~~, or in the case of an oral prescription,~~ reduced to writing. The dispensing pharmacist shall notify the Department of Human Services if the prescriber fails to deliver the authorization for emergency dispensing on the ~~official~~ prescription ~~blank~~ to him. Failure of the dispensing pharmacist to do so shall void the authority conferred by this paragraph to dispense without a written prescription ~~on an official prescription blank~~ of a prescriber. ~~All prescriptions on the official blanks shall be written in triplicate and all three copies signed by the prescriber.~~ All prescriptions issued for Schedule II controlled substances shall include both a written and numerical notation of quantity on the face of the prescription. No prescription for a Schedule II controlled substance may be refilled.
(Source: P.A. 89-202, eff. 10-1-95; 89-507, eff. 7-1-97.)
(720 ILCS 570/312) (from Ch. 56 1/2, par. 1312)

Sec. 312. Requirements for dispensing controlled substances.

(a) A practitioner, in good faith, may dispense a Schedule II controlled substance, which is a narcotic drug listed in Section 206 of this Act; or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers; phenmetrazine and its salts; pentazocine; or which is hereafter determined to be a "designated product," as defined in Section 102 of this Act ~~to any person upon an official prescription form~~ and Schedule III, IV, or V controlled substances to any person upon a written prescription of any prescriber, dated and signed by the person prescribing on the day when issued and bearing the name and address of the patient for whom, or the owner of the animal for which the controlled substance is dispensed, and the full name, address and registry number under the laws of the United States relating to controlled substances of the prescriber, if he is required by those laws to be registered. If the prescription is for an animal it shall state the species of animal for which it is ordered. The practitioner filling the prescription shall write the date of filling and his own signature on the face of the written ~~official~~ prescription ~~form~~. The ~~official prescription form or the~~ written prescription shall be retained on file by the practitioner who filled it or pharmacy in which the prescription was filled for a period of 2 years, so as to be readily accessible for inspection or removal by any officer or employee engaged in the enforcement of this

Act. Whenever the practitioner's or pharmacy's copy of any prescription ~~form~~ is removed by an officer or employee engaged in the enforcement of this Act, for the purpose of investigation or as evidence, such officer or employee shall give to the practitioner or pharmacy a receipt in lieu thereof. A prescription form for a Schedule II controlled substance shall not be filled more than 7 days after the date of issuance. A written prescription for Schedule III, IV or V controlled substances shall not be filled or refilled more than 6 months after the date thereof or refilled more than 5 times unless renewed, in writing, by the prescriber.

(b) In lieu of a written prescription required by this Section, a pharmacist, in good faith, may dispense Schedule III, IV, or V substances to any person either upon receiving a facsimile of a written, signed prescription transmitted by the prescriber or the prescriber's agent or upon a lawful oral prescription of a prescriber which oral prescription shall be reduced promptly to writing by the pharmacist and such written memorandum thereof shall be dated on the day when such oral prescription is received by the pharmacist and shall bear the full name and address of the ultimate user for whom, or of the owner of the animal for which the controlled substance is dispensed, and the full name, address, and registry number under the law of the United States relating to controlled substances of the prescriber prescribing if he is required by those laws to be so registered, and the pharmacist filling such oral prescription shall write the date of filling and his own signature on the face of such written memorandum thereof. The facsimile copy of the prescription or written memorandum of the oral prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of not less than two years, so as to be readily accessible for inspection by any officer or employee engaged in the enforcement of this Act in the same manner as a written prescription. The facsimile copy of the prescription or oral prescription and the written memorandum thereof shall not be filled or refilled more than 6 months after the date thereof or be refilled more than 5 times, unless renewed, in writing, by the prescriber.

(c) A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose and not for

the purpose of evading this Act, and then:

(1) only personally by a person registered to dispense a Schedule V controlled substance and then only to his patients, or

(2) only personally by a pharmacist, and then only to a person over 21 years of age who has identified himself to the pharmacist by means of 2 positive documents of identification.

(3) the dispenser shall record the name and address of the purchaser, the name and quantity of the product, the date and time of the sale, and the dispenser's signature.

(4) no person shall purchase or be dispensed more than 120 milliliters or more than 120 grams of any Schedule V substance which contains codeine, dihydrocodeine, or any salts thereof, or ethylmorphine, or any salts thereof, in any 96 hour period. The purchaser shall sign a form, approved by the Department of Professional Regulation, attesting that he has not purchased any

Schedule V controlled substances within the immediately preceding 96 hours.

(5) a copy of the records of sale, including all information required by paragraph (3), shall be forwarded to the Department of Professional Regulation at its principal office by the 15th day of the following month.

(6) all records of purchases and sales shall be maintained for not less than 2 years.

(7) no person shall obtain or attempt to obtain within any consecutive 96 hour period any Schedule V substances of more than 120 milliliters or more than 120 grams containing codeine, dihydrocodeine or any of its salts, or ethylmorphine or any of its salts. Any person obtaining any such preparations or combination of preparations in excess of this limitation shall be in unlawful possession of such controlled substance.

(8) a person qualified to dispense controlled substances under this Act and registered thereunder shall at no time maintain or keep in stock a quantity of Schedule V controlled substances defined and listed in Section 212 (b) (1), (2) or (3) in excess of 4.5 liters for each substance; a pharmacy shall at no time maintain or keep in stock a quantity of Schedule V controlled substances as defined in excess of 4.5 liters for each substance, plus the additional quantity of controlled substances necessary to fill the largest number of prescription orders filled by that pharmacy for such controlled substances in any one week in the previous year. These limitations shall not apply to Schedule V controlled substances which Federal law prohibits from being dispensed without a prescription.

(9) no person shall distribute or dispense butyl nitrite for inhalation or other introduction into the human body for euphoric or physical effect.

(d) Every practitioner shall keep a record of controlled substances received by him and a record of all such controlled substances administered, dispensed or professionally used by him otherwise than by prescription. It shall, however, be sufficient compliance with this paragraph if any practitioner utilizing controlled substances listed in Schedules III, IV and V shall keep a record of all those substances dispensed and distributed by him other than those controlled substances which are administered by the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means to the body of a patient or research subject. A practitioner who dispenses, other than by administering, a controlled substance in Schedule II, which is a narcotic drug listed in Section 206 of this Act, or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers, pentazocine, methaqualone, or

which is hereafter determined to be a "designated product" as defined in Section 102 of this Act, shall do so only upon the issuance of a written ~~an official~~ prescription blank by a prescriber; and every practitioner who so dispenses such designated products shall comply with the provisions of Sections 310 and 311 of this Act.

(e) Whenever a manufacturer distributes a controlled substance

in a package prepared by him, and whenever a wholesale distributor distributes a controlled substance in a package prepared by him or the manufacturer, he shall securely affix to each package in which that substance is contained a label showing in legible English the name and address of the manufacturer, the distributor and the quantity, kind and form of controlled substance contained therein. No person except a pharmacist and only for the purposes of filling a prescription under this Act, shall alter, deface or remove any label so affixed.

(f) Whenever a practitioner dispenses any controlled substance, he shall affix to the container in which such substance is sold or dispensed, a label indicating the date of initial filling, the practitioner's name and address, ~~the serial number of the prescription,~~ the name of the patient, the name of the prescriber, the directions for use and cautionary statements, if any, contained in any prescription or required by law, the proprietary name or names or the established name of the controlled substance, and the dosage and quantity, except as otherwise authorized by regulation by the Department of Professional Regulation. No person shall alter, deface or remove any label so affixed.

(g) A person to whom or for whose use any controlled substance has been prescribed or dispensed by a practitioner, or other persons authorized under this Act, and the owner of any animal for which such substance has been prescribed or dispensed by a veterinarian, may lawfully possess such substance only in the container in which it was delivered to him by the person dispensing such substance.

(h) The responsibility for the proper prescribing or dispensing of controlled substances is upon the prescriber and the responsibility for the proper filling of a prescription for controlled substance drugs rests with the pharmacist. An order purporting to be a prescription issued to any individual, which is not in the regular course of professional treatment nor part of an authorized methadone maintenance program, nor in legitimate and authorized research instituted by any accredited hospital, educational institution, charitable foundation, or federal, state or local governmental agency, and which is intended to provide that individual with controlled substances sufficient to maintain that individual's or any other individual's physical or psychological addiction, habitual or customary use, dependence, or diversion of that controlled substance is not a prescription within the meaning and intent of this Act; and the person issuing it, shall be subject to the penalties provided for violations of the law relating to controlled substances.

(i) A prescriber shall not preprint or cause to be preprinted a prescription for any controlled substance; nor shall any practitioner issue, fill or cause to be issued or filled, a preprinted prescription for any controlled substance.

(j) No person shall manufacture, dispense, deliver, possess with intent to deliver, prescribe, or administer or cause to be administered under his direction any anabolic steroid, for any use in humans other than the treatment of disease in accordance with the order of a physician licensed to practice medicine in all its branches for a valid medical purpose in the course of professional practice. The use of anabolic steroids for the purpose of hormonal manipulation that is intended to increase muscle mass, strength or

weight without a medical necessity to do so, or for the intended purpose of improving physical appearance or performance in any form of exercise, sport, or game, is not a valid medical purpose or in the course of professional practice.
(Source: P.A. 89-202, eff. 10-1-95; 90-253, eff. 7-29-97.)

(720 ILCS 570/316 new)

Sec. 316. Controlled substance prescription monitoring program.

The Department must provide for a controlled substance prescription monitoring program that includes the following components:

(1) Each time a controlled substance designated by the Department is dispensed, the dispenser must transmit to the central repository the following information:

(A) The recipient's name.

(B) The recipient's address.

(C) The national drug code number of the controlled substance dispensed.

(D) The date the controlled substance is dispensed.

(E) The quantity of the controlled substance dispensed.

(F) The number of days of supply dispensed.

(G) The dispenser's United States Drug Enforcement Agency registration number.

(H) The prescriber's United States Drug Enforcement Agency registration number.

(2) The information required to be transmitted under this Section must be transmitted not more than 15 days after the date on which a controlled substance is dispensed.

(3) A dispenser must transmit the information required under this Section by:

(A) an electronic device compatible with the receiving device of the central repository;

(B) a computer diskette;

(C) a magnetic tape; or

(D) a pharmacy universal claim form or Pharmacy Inventory Control form;

that meets specifications prescribed by the Department.

(720 ILCS 570/317 new)

Sec. 317. Central repository for collection of information.

(a) The Department must designate a central repository for the collection of information transmitted under Section 316.

(b) The central repository must do the following:

(1) Create a database for information required to be transmitted under Section 316 in the form required under rules adopted by the Department, including search capability for the following:

(A) A recipient's name.

(B) A recipient's address.

(C) The national drug code number of a controlled substance dispensed.

(D) The dates a controlled substance is dispensed.

(E) The quantities of a controlled substance dispensed.

(F) The number of days of supply dispensed.

(G) A dispenser's United States Drug Enforcement Agency registration number.

(H) A prescriber's United States Drug Enforcement Agency registration number.

(2) Provide the Department with continuing 24 hour a day on-line access to the database maintained by the central repository. The Department of Professional Regulation must provide the Department with 24 hour on-line access to the license information of a prescriber or dispenser.

(3) Secure the information collected by the central repository and the database maintained by the central repository against access by unauthorized persons.

(720 ILCS 570/318 new)

Sec. 318. Confidentiality of information.

(a) Information received by the central repository under Section 316 is confidential.

(b) The Department must carry out a program to protect the confidentiality of the information described in subsection (a). The Department may disclose the information to another person only under subsection (c), (d), or (f) and for a fee not to exceed the actual cost of furnishing the information.

(c) The Department may disclose confidential information described in subsection (a) to any person who is engaged in receiving, processing, or storing the information.

(d) The Department may release confidential information described in subsection (a) to the following persons:

(1) A governing body that licenses practitioners and is engaged in an investigation, an adjudication, or a prosecution of a violation under any state or federal law that involves a controlled substance.

(2) An investigator for the Consumer Protection Division of the office of the Attorney General, a prosecuting attorney, the Attorney General, a deputy Attorney General, or an investigator from the office of the Attorney General, who is engaged in any of the following activities involving controlled substances:

(A) an investigation;

(B) an adjudication; or

(C) a prosecution of a violation under any state or federal law that involves a controlled substance.

(3) A law enforcement officer who is:

(A) authorized by the Department of State Police to receive information of the type requested for the purpose of investigations involving controlled substances;

(B) approved by the Department to receive information of the type requested for the purpose of investigations involving controlled substances; and

(C) engaged in the investigation or prosecution of a violation under any State or federal law that involves a controlled substance.

(e) Before the Department releases confidential information under subsection (d), the applicant must demonstrate to the Department that:

(1) the applicant has reason to believe that a violation under any state or federal law that involves a controlled

substance has occurred; and

(2) the requested information is reasonably related to the investigation, adjudication, or prosecution of the violation described in subdivision (1).

(f) The Department may release to:

(1) a governing body that licenses practitioners;

(2) an investigator for the Consumer Protection Division of the office of the Attorney General, a prosecuting attorney, the Attorney General, a deputy Attorney General, or an investigator from the office of the Attorney General; or

(3) a law enforcement officer who is:

(A) authorized by the Department of State Police to receive the type of information released; and

(B) approved by the Department to receive the type of information released;

confidential information generated from computer records that

identifies practitioners who are prescribing or dispensing large quantities of a controlled substance as determined by the Advisory Committee created by Section 320.

(g) The information described in subsection (f) may not be released until it has been reviewed by an employee of the Department who is licensed as a prescriber or a dispenser and until that employee has certified that further investigation is warranted. However, failure to comply with this subsection (g) does not invalidate the use of any evidence that is otherwise admissible in a proceeding described in subsection (h).

(h) An investigator or a law enforcement officer receiving confidential information under subsection (c), (d), or (f) may disclose the information to a law enforcement officer or an attorney for the office of the Attorney General for use as evidence in the following:

(1) A proceeding under any state or federal law that involves a controlled substance.

(2) A criminal proceeding or a proceeding in juvenile court that involves a controlled substance.

(i) The Department may compile statistical reports from the information described in subsection (a). The reports must not include information that identifies any practitioner, ultimate user, or other person administering a controlled substance.

(720 ILCS 570/319 new)

Sec. 319. Rules. The Department must adopt rules under the Illinois Administrative Procedure Act to implement Sections 316 through 318, including the following:

(1) Information collection and retrieval procedures for the central repository, including the controlled substances to be included in the program required under Section 316.

(2) Design for the creation of the database required under Section 317.

(3) Requirements for the development and installation of on-line electronic access by the Department to information collected by the central repository.

(720 ILCS 570/320 new)

Sec. 320. Advisory committee.

(a) The Secretary of Human Services must appoint an advisory committee to assist the Department in implementing the controlled substance prescription monitoring program created by Section 316 of this Act.

(b) The Secretary of Human Services must determine the number of members to serve on the advisory committee. The Secretary must choose one of the members of the advisory committee to serve as chair of the committee.

(c) The advisory committee may appoint its other officers as it deems appropriate.

(d) The members of the advisory committee shall receive no compensation for their services as members of the advisory committee but may be reimbursed for their actual expenses incurred in serving on the advisory committee.

(720 ILCS 570/406) (from Ch. 56 1/2, par. 1406)

Sec. 406. (a) It is unlawful for any person:

(1) who is subject to Article III knowingly to distribute or dispense a controlled substance in violation of Sections 308 through 314 of this Act; or

(2) who is a registrant, to manufacture a controlled substance not authorized by his registration, or to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person; or

(3) to refuse or fail to make, keep or furnish any record,

notification, order form, statement, invoice or information required under this Act; or

(4) to refuse an entry into any premises for any inspection authorized by this Act; or

(5) knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by a person unlawfully possessing controlled substances, or which is used for possessing, manufacturing, dispensing or distributing controlled substances in violation of this Act.

Any person who violates this subsection (a) is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for each subsequent offense. The fine for each subsequent offense shall not be more than $100,000. In addition, any practitioner who is found guilty of violating this subsection (a) is subject to suspension and revocation of his professional license, in accordance with such procedures as are provided by law for the taking of disciplinary action with regard to the license of said practitioner's profession.

(b) It is unlawful for any person knowingly:

(1) to distribute, as a registrant, a controlled substance classified in Schedule I or II, except pursuant to an order form as required by Section 307 of this Act; or

(2) to use, in the course of the manufacture or distribution of a controlled substance, a registration number which is fictitious, revoked, suspended, or issued to another person; or

(3) to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge; or

(4) to furnish false or fraudulent material information in, or omit any material information from, any application, report or other document required to be kept or filed under this Act, or any record required to be kept by this Act; or

(5) to make, distribute or possess any punch, die, plate, stone or other thing designed to print, imprint or reproduce the trademark, trade name or other identifying mark, imprint or device of another, or any likeness of any of the foregoing, upon any controlled substance or container or labeling thereof so as to render the drug a counterfeit substance; or

(6) to possess without authorization, ~~official~~ blank prescription forms or counterfeit prescription forms; or

(7) (Blank). ~~to issue a prescription or fill any prescription for a controlled substance other than on the appropriate lawful prescription form. However, in the case of any epidemic or a sudden or unforeseen accident or calamity, the prescriber may issue a prescription on a form other than the official prescription form issued by the Department, where failure to issue such a prescription might result in loss of life or intense suffering, but such prescription shall have endorsed thereon, by the prescriber, a statement concerning the accident, calamity or circumstance constituting the emergency, the cause of which the unofficial blank was used.~~

Any person who violates this subsection (b) is guilty of a Class 4 felony for the first offense and a Class 3 felony for each subsequent offense. The fine for the first offense shall be not more than $100,000. The fine for each subsequent offense shall not be more than $200,000.

(c) A person who knowingly or intentionally violates Section 316, 317, 318, or 319 is guilty of a Class A misdemeanor.

(Source: P.A. 85-1287.)

(720 ILCS 570/308 rep.)

(720 ILCS 570/310 rep.)

(720 ILCS 570/311 rep.)

Section 10. The Illinois Controlled Substances Act is amended by repealing Sections 308, 310, and 311.".

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 13, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, on page 9, line 15, by inserting "Schedule II" after "Sec. 316."; and
on page 9, line 17, by inserting "Schedule II" after "a"; and
on page 9, line 20, by inserting "Schedule II" after "a"; and
on page 9, line 27, by inserting "Schedule II" after "the"; and
on page 9, by deleting line 30; and
on page 9, line 31, by changing "(G)" to "(F)"; and
on page 9, line 33, by changing "(H)" to "(G)"; and
on page 10, line 4, by inserting "Schedule II" after "a"; and
on page 10, line 29, by inserting "Schedule II" after "a"; and

on page 10, line 31, by inserting "Schedule II" after "a"; and
on page 10, by deleting line 33; and
on page 11, line 1, by changing "(G)" to "(F)"; and
on page 11, line 3, by changing "(H)" to "(G)"; and
on page 11, by replacing lines 8 through 10 with "Regulation must provide the Department with electronic access to the license information of a prescriber or dispenser. The Department of Professional Regulation may charge a fee for this access not to exceed the actual cost of furnishing the information."; and
on page 11, line 22, by replacing "for" with "may charge"; and
on page 12, line 26, by inserting "Schedule II" after "a"; and
on page 13, line 12, by inserting "Schedule II" after "a"; and
on page 13, line 28, by inserting "Schedule II" after "a"; and
on page 13, line 30, by inserting "Schedule II" after "a"; and
on page 14, line 7, by replacing "controlled" with "Schedule II controlled"; and
on page 14, line 20, by inserting "Schedule II" after "the"; and
on page 14, line 21, by inserting after the period the following: "The Advisory Committee consists of prescribers and dispensers.".

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

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

On motion of Senator Sieben, **Senate Bill No. 71** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 71 on page 1, line 8, after "18" by inserting ","; and
on page 2, line 15, after "construct" by inserting "form"; and
on page 7, line 12, by replacing "information" with "informational"; and
on page 8, line 16, by replacing "information" with "informational"; and
on page 9, line 21, by replacing "information" with "informational"; and
on page 12, line 19, by replacing "Sec.12.1" with "Sec. 12.1"; and
on page 19, line 4, by replacing "(j)" with "(i)"; and

on page 19, line 10, by replacing "(k)" with "(j)"; and
on page 28, line 24, by replacing "precipation" with "precipitation".

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

On motion of Senator Sieben, **Senate Bill No. 73** having been printed, was taken up, read by title a second time and ordered to a

third reading.

On motion of Senator Sieben, **Senate Bill No. 74** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **Senate Bill No. 75** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **Senate Bill No. 76** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **Senate Bill No. 77** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **Senate Bill No. 78** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, **Senate Bill No. 185** having been printed, was taken up and read by title a second time.

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 185 by replacing the title with the following:

"AN ACT to amend the Illinois Vehicle Code by changing Section 12-201."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 12-201 as follows:

(625 ILCS 5/12-201) (from Ch. 95 1/2, par. 12-201)

Sec. 12-201. When lighted lamps are required.

(a) When operated upon any highway in this State, every motorcycle shall at all times exhibit at least one lighted lamp, showing a white light visible for at least 500 feet in the direction the motorcycle is proceeding. However, in lieu of such lighted lamp, a motorcycle may be equipped with and use a means of modulating the upper beam of the head lamp between high and a lower brightness. No such head lamp shall be modulated, except to otherwise comply with this Code, during times when lighted lamps are required for other motor vehicles.

(b) All other motor vehicles shall exhibit at least 2 lighted head lamps, with at least one on each side of the front of the vehicle, which satisfy United States Department of Transportation requirements, showing white lights, including that emitted by high intensity discharge (HID) lamps, or lights of a yellow or amber tint, during the period from a half hour after sunset to a half hour before

sunrise, at times when rain, snow, fog, or other atmospheric conditions require the use of windshield wipers, and at any other times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1000 feet. Parking lamps may be used in addition to but not in lieu of such head lamps. Every motor vehicle, trailer, or semi-trailer shall also exhibit at least 2 lighted lamps, commonly known as tail lamps, which shall be mounted on the left rear and right rear of the vehicle so as to throw a red light visible for at least 500 feet in the reverse direction, except that a truck tractor or road tractor manufactured before January 1, 1968 and all motorcycles need be equipped with only one such tail lamp.

(c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light a rear registration plate when required and render it clearly legible from a distance of 50 feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating a rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(d) A person shall install only head lamps that satisfy United States Department of Transportation regulations and show white light, including that emitted by HID lamps, or light of a yellow or amber tint for use by a motor vehicle.

(Source: P.A. 88-147.)".

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

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

On motion of Senator Radogno, **Senate Bill No. 206** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Molaro, **Senate Bill No. 272** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 272 on page 1 by deleting lines 10 through 18.

Floor Amendment No. 2 was held in the Committee on Commerce and Industry.

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

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

At the hour of 9:26 o'clock a.m., Senator Geo-Karis presiding.

On motion of Senator Cronin, **Senate Bill No. 277** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 311** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 311 on page 1, line 17, by replacing "A" with "In counties with a population of not less than 500,000 and not more than 800,000, a"; and
on page 1, line 22, by replacing "99" with "55".

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

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

On motion of Senator Radogno, **Senate Bill No. 427** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Fawell, **Senate Bill No. 468** having been printed, was taken up and read by title a second.

Floor Amendments numbered 1 and 2 were held in the Committee on Revenue.

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

On motion of Senator Dillard, **Senate Bill No. 527** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 527 by replacing the title with the following:

"AN ACT to amend the Lawn Care Products Application and Notice Act by changing Section 3."; and
by replacing everything after the enacting clause with the following:

"Section 5. The Lawn Care Products Application and Notice Act is amended by changing Section 3 as follows:

(415 ILCS 65/3) (from Ch. 5, par. 853)

Sec. 3. Notification requirements for application of lawn care products.

(a) Lawn Markers.

(1) Immediately following application of lawn care products to a lawn, other than a golf course, an applicator for hire shall place a lawn marker at the usual point or points of entry.

(2) The lawn marker shall consist of a 4 inch by 5 inch sign, vertical or horizontal, attached to the upper portion of a dowel or other supporting device with the bottom of the marker extending no less than 12 inches above the turf.

(3) The lawn marker shall be white and lettering on the lawn marker shall be in a contrasting color. The marker shall

state on one side, in letters of not less than 3/8 inch, the following: "LAWN CARE APPLICATION - STAY OFF GRASS UNTIL DRY - FOR MORE INFORMATION CONTACT: (here shall be inserted the name and business telephone number of the applicator for hire).

(4) The lawn marker shall be removed and discarded by the property owner or resident, or such other person authorized by the property owner or resident, on the day following the application. The lawn marker shall not be removed by any person other than the property owner or resident or person designated by such property owner or resident.

(5) For applications to residential properties of 2 families or less, the applicator for hire shall be required to place lawn markers at the usual point or points of entry.

(6) For applications to residential properties of 2 families or more, or for application to other commercial properties, the applicator for hire shall place lawn markers at the usual point or points of entry to the property to provide notice that lawn care products have been applied to the lawn.

(b) Notification requirement for application of plant protectants on golf courses.

(1) Blanket posting procedure. Each golf course shall post in a conspicuous place or places an all-weather poster or placard stating to users of or visitors to the golf course that from time to time plant protectants are in use and additionally stating that if any questions or concerns arise in relation thereto, the golf course superintendent or his designee should be contacted to supply the information contained in subsection (c) of this Section.

(2) The poster or placard shall be prominently displayed in the pro shop, locker rooms and first tee at each golf course.

(3) The poster or placard shall be a minimum size of 8 1/2 by 11 inches and the lettering shall not be less than 1/2 inch.

(4) The poster or placard shall read: "PLANT PROTECTANTS ARE PERIODICALLY APPLIED TO THIS GOLF COURSE. IF DESIRED, YOU MAY CONTACT YOUR GOLF COURSE SUPERINTENDENT FOR FURTHER INFORMATION.".

(c) Information to Customers of Applicators for Hire. At the time of application of lawn care products to a lawn, an applicator for hire shall provide the following information to the customer:

(1) The brand name or common name of each lawn care product applied;

(2) The type of fertilizer or pesticide contained in the lawn care product applied;

(3) The reason for use of each lawn care product applied;

(4) The range of concentration of end use product applied to the lawn and amount of material applied;

(5) Any special instruction appearing on the label of the lawn care product applicable to the customer's use of the lawn following application; and

(6) The business name and telephone number of the applicator for hire as well as the name of the person actually applying lawn care products to the lawn.

(d) Prior notification of application to lawn. In the case of all lawns other than golf courses:

(1) Any neighbor whose property abuts or is adjacent to the property of a customer of an applicator for hire may receive prior notification of an application by contacting the applicator for hire and providing his name, address and telephone number.

(2) At least the day before a scheduled application, an applicator for hire shall provide notification to a person who has requested notification pursuant to paragraph (1) of this subsection (d), such notification to be made in writing, in person or by telephone, disclosing the date and approximate time of day of application.

(3) In the event that an applicator for hire is unable to provide prior notification to a neighbor whose property abuts or is adjacent to the property because of the absence or inaccessibility of the individual, at the time of application to a customer's lawn, the applicator for hire shall leave a written notice at the residence of the person requesting notification, which shall provide the information specified in paragraph (2) of this subsection (d).

(e) Prior notification of application to golf courses.

(1) Any landlord or resident with property that abuts or is

adjacent to a golf course may receive prior notification of an application of lawn care products or plant protectants, or both, by contacting the golf course superintendent and providing his name, address and telephone number.

(2) At least the day before a scheduled application of lawn care products or plant protectants, or both, the golf course superintendent shall provide notification to any person who has requested notification pursuant to paragraph (1) of this subsection (e), such notification to be made in writing, in person or by telephone, disclosing the date and approximate time of day of application.

(3) In the event that the golf course superintendent is unable to provide prior notification to a landlord or resident because of the absence or inaccessibility, at the time of application, of the landlord or resident, the golf course superintendent shall leave a written notice with the landlord or at the residence which shall provide the information specified in paragraph (2) of this subsection (e).

(f) Notification and posting for applications of pesticides to school grounds other than school structures.

(1) It shall be the responsibility of the administrator of the school to post the school property when pesticides are being applied in accordance with the following notification procedures:

(A) Signs shall be posted at least 2 business days before application of a pesticide and shall remain posted at least 2 business days after application of the pesticide. Signs shall be posted (i) at every entry point to the school grounds where the pesticide is applied and (ii) in highly visible locations around the perimeter of the area if the pesticide is applied in an open area. Signs shall be at

least 6" x 6", headed "Notice of Pesticide Application", and bright yellow in color with black writing at least 1" in height. Signs shall identify the date of application, the date and time for re-entry to the area treated if such information is specified on the pesticide label, and the name and telephone contact number for the school personnel responsible for the pesticide application program.

(B) Each school shall maintain a registry of parents and guardians of students and of school employees who have registered to receive written notification prior to applications of pesticides. Parents and guardians and school employees shall be notified in writing within 30 days of the first full day of the school year that they may register for notification of pesticide applications. A registry notice form shall be developed by the Department.

(C) Written notification must be provided to all registered parents and guardians of students and employees who attend or work at the school at least 2 business days before application of any pesticide on school property. Written notices shall identify the name and active ingredient of the pesticide or pesticides, the intended date of the application of the pesticide or pesticides, the date and time for re-entry to the area treated if such information is specified on the pesticide label, and the name and telephone contact number for the school administrator who is responsible for the pesticide application program.

(D) Written notice and posting must be provided at least 2 business days in advance if a school is scheduled to have an application of a pesticide or pesticides on a weekend or other day when school is not is session.

(E) Prior written notice shall not be required if there is an imminent threat to health or property. If such a situation arises, the appropriate school personnel must sign a statement describing the circumstances that gave rise to the health threat, ensure that posting takes place, and ensure that written notice is provided as soon as practicable.

(2) Qualifications and responsibilities of persons making the pesticide applications on school grounds:

(A) Employees of the school who make any pesticide application on the school grounds shall be licensed in accordance with the public and commercial not-for-hire licensing requirements of Section 60.11.1 of the Illinois Pesticide Act.

(B) Employees of the school who make any pesticide application on the school grounds shall comply with the appropriate storage, handling, preparation for use, transport, and clean up requirements as set forth in this Act.

(C) If the school contracts with a commercial applicator for pesticide application, the applicator shall

provide the information necessary so the school administrator can comply with the notice and posting requirements of this Section.

(Source: P.A. 86-358.)

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

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

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

On motion of Senator Dillard, **Senate Bill No. 529** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 529 on page 1, line 2, by replacing "Section 3.26" with "Sections 3.26 and 10.3"; and
on page 1, line 6, by replacing "Section 3.26" with "Sections 3.26 and 10.3"; and
on page 3, by inserting the following immediately after line 14:

"(225 ILCS 235/10.3 new)

Sec. 10.3. Notification and posting for applications of pesticides to school structures.

(a) Notification requirements. It shall be the responsibility of the administrator of the school to post the school structure when pesticides are being applied in accordance with the following notification procedures:

(1) Signs shall be posted at least 2 business days before application of a pesticide and shall remain posted at least 2 business days after application of the pesticide. Signs shall be posted (i) at every entry point to the school structure and (ii) at every entry point to the designated areas within the structure if the pesticide application was made only to designated areas within the structure. Signs shall be at least 6" x 6", headed "Notice of Pesticide Application", and bright yellow in color with black writing at least 1" in height. Signs shall identify the date of application, the date and time for re-entry to the

area treated if such information is specified on the pesticide label, and the name and telephone contact number for the school personnel responsible for the pesticide application program.

(2) Each school shall maintain a registry of parents and guardians of students and of school employees who have registered to receive written notification prior to applications of pesticides. Parents and guardians and school employees shall be notified in writing within 30 days of the first full day of the school year that they may register for notification of pesticide applications. A registry notice form shall be developed by the Department.

(3) Written notification must be provided to all registered

parents and guardians of students and employees who attend or work at the school at least 2 business days before application of any pesticide to the school structure. Written notices shall identify the name and active ingredient of the pesticide or pesticides, the intended date of the application of the pesticide or pesticides, the date and time for re-entry to the area treated if such information is specified on the pesticide label, and the name and telephone contact number for the school administrator who is responsible for the pesticide application program.

(4) Written notice and posting must be provided at least 2 business days in advance if a school is scheduled to have an application of a pesticide or pesticides on a weekend or other day when school is not is session.

(5) Prior written notice shall not be required if there is an imminent threat to health or property. If such a situation arises, the appropriate school personnel must sign a statement describing the circumstances that gave rise to the health threat, ensure that posting takes place, and ensure that written notice is provided as soon as practicable.

(b) Qualifications and responsibilities of persons making the pesticide applications to the school structure.

(1) Employees of the school who make any general use or restricted use pesticide application shall be certified in accordance with provisions of this Act.

(2) Employees of the school who make any pesticide application shall comply with the appropriate storage, handling, preparation for use, transport, and clean up requirements as set forth in this Act.

(3) If the school contracts with a commercial structural pest control applicator for pesticide application, the applicator shall provide the information necessary so the school administrator can comply with the notice and posting requirements of this Section.

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

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

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

On motion of Senator Sieben, **Senate Bill No. 578** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 578 on page 1 by replacing line 2 with the following: "Section 11-501.4-1."

and by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing

Section 11-501.4-1 as follows:

(625 ILCS 5/11-501.4-1)

Sec. 11-501.4-1. Reporting of test results of blood or urine conducted in the regular course of providing emergency medical treatment.

(a) Notwithstanding any other provision of law, the results of blood or urine tests performed for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, in an individual's blood or urine conducted upon persons receiving medical treatment in a hospital emergency room for injuries resulting from a motor vehicle accident shall ~~may~~ be reported to the Department of State Police or local law enforcement agencies in cases where the blood alcohol concentration is 0.08 or more of if there is any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act. Such blood or urine tests are admissible in evidence as a business record exception to the hearsay rule only in prosecutions for any violation of Section 11-501 of this Code or a similar provision of a local ordinance, or in prosecutions for reckless homicide brought under the Criminal Code of 1961.

(b) The confidentiality provisions of law pertaining to medical records and medical treatment shall not be applicable with regard to tests performed upon an individual's blood or urine under the provisions of subsection (a) of this Section. No person shall be liable for civil damages or professional discipline as a result of the reporting of the tests or the evidentiary use of an individual's blood or urine test results under this Section or Section 11-501.4 or as a result of that person's testimony made available under this Section or Section 11-501.4, except for willful or wanton misconduct.".

(Source: P.A. 89-517, eff. 1-1-97; 90-779, eff. 1-1-99.)

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

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

On motion of Senator Cronin, **Senate Bill No. 653** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 653 on page 1, line 16, by replacing "Commission" with "institution ~~Commission~~".

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 653 on page 1, line 1, by replacing "named Acts" with "a named Act"; and

by deleting pages 14 through 16.

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

On motion of Senator Radogno, **Senate Bill No. 673** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 673 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Criminal Justice Information Act is amended by adding Section 7.1 as follows:

(20 ILCS 3930/7.1 new)

Sec. 7.1. Sexual assault nurse examiner pilot program.

(a) Legislative findings and intent. The General Assembly finds that the compassionate treatment of sexual assault victims in hospital emergency rooms is necessary to help alleviate the suffering of sexual assault victims. The General Assembly also finds that the effective collection and presentation of forensic evidence in sexual assault cases is necessary to increase the success rate of prosecutions for sex crimes in Illinois.

The General Assembly intends to create a pilot program to establish 4 sexual assault nurse examiner (SANE) projects in the State of Illinois. For each project, specially trained sexual assault nurse examiners will provide health assessments and collect forensic evidence from sexual assault victims in the emergency room. The nurses will also testify to victims' injuries during criminal prosecutions.

(b) Definitions. In this Section:

(1) "Sexual assault nurse examiner" means a registered nurse who has completed a sexual assault nurse examiner (SANE) training program that meets the Forensic Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses.

(2) "Hospital" means a facility licensed by the Department of Public Health under the Hospital Licensing Act or that meets both the definition of hospital and the exemption provisions of that Act.

(3) "Hospital emergency services" means the health care delivered to outpatients within or under the care and supervision of personnel working in a designated emergency department or emergency room of a hospital.

(c) SANE pilot program. The Authority shall, subject to appropriation, establish a SANE pilot program to operate 4 pilot projects in Illinois. The projects shall be established in the emergency rooms of hospitals in Cook, Lake, Champaign, and Madison Counties. Each project must provide the following services:

(1) Compassionate health assessment and effective forensic evidence collection for sexual assault victims by a trained sexual assault nurse examiner in a hospital emergency room as part of the provision of hospital emergency services.

(2) Presentation of testimony regarding victims' injuries during criminal prosecutions for sex offenses.

Hospitals in Cook, Lake, Champaign, and Madison Counties may

apply to the Authority to participate in the program.

The 4 pilot projects established by the Authority under this Section shall be in existence for a minimum of 3 years.

(d) Report. No later than 2 years after the establishment of pilot projects under this Section, the Authority must report to the General Assembly on the efficacy of SANE programs.

(e) Rules. The Authority shall adopt rules to implement this Section.".

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 673, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, by replacing lines 19 and 20 with the following:

"in the emergency rooms of hospitals in 4 counties geographically distributed throughout the State. Each project must provide the"; and

on page 2, by replacing line 29 with "Hospitals located throughout the State".

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

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

On motion of Senator Bomke, **Senate Bill No. 721** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **Senate Bill No. 723** having been printed, was taken up and read by title a second time.

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

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

On motion of Senator Sieben, **Senate Bill No. 724** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Fawell, **Senate Bill No. 734** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 734 by replacing the title with the following:

"AN ACT to amend the General Not For Profit Corporation Act of 1986 by changing Sections 107.03, 107.15, 107.75, and 108.21."; and

by replacing everything after the enacting clause with the following:

"Section 5. The General Not For Profit Corporation Act of 1986 is amended by changing Sections 107.03, 107.15, 107.75, and 108.21 as follows:

(805 ILCS 105/107.03) (from Ch. 32, par. 107.03)

Sec. 107.03. Members.

(a) A corporation may have one or more classes of members or may have no members.

(b) If the corporation has one or more classes of members, the designation of the class or classes and the qualifications and rights of the members of each class shall be set forth in the articles of incorporation or the bylaws. The articles of incorporation or the bylaws may provide for representatives or delegates of members and may establish their qualifications and rights.

(c) If the corporation is to have no members, that fact shall be set forth in the articles of incorporation or the bylaws.

(d) A corporation may issue certificate evidencing membership therein.

(e) The transfer of a certificate of membership in a not-for-profit corporation in which assets are held for a charitable, religious, eleemosynary, benevolent or educational purpose, shall be without payment of any consideration of money or property of any kind or value to the transferor in respect to such transfer. Any transfer in violation of this Section shall be void.

(f) Where the articles of incorporation or bylaws provide that a corporation shall have no members, or where a corporation has under its articles of incorporation, bylaws or in fact no members entitled to vote on a matter, any provision of this Act requiring notice to, the presence of, or the vote, consent or other action by members of the corporation in connection with such matter shall be satisfied by notice to, the presence of, or the vote, consent or other action of the directors of the corporation.

(g) A residential cooperative not-for-profit corporation containing 50 or more single family units and located in a county with a population between 780,000 and 3,000,000 shall specifically set forth the qualifications and rights of its members in the Articles of Incorporation and the bylaws.

(Source: P.A. 87-854.)

(805 ILCS 105/107.15) (from Ch. 32, par. 107.15)

Sec. 107.15. Notice of members' meetings. Written notice stating the place, day, and hour of the meeting and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than 5 nor more than 60 days before the date of the meeting, or in the case of a removal of one or more directors, a merger, consolidation, dissolution or sale, lease or exchange of assets not less than 20 nor more than 60 days before the date of the meeting, by or at the direction of the president, or the secretary, or the officer or persons calling the meeting, to each member of record entitled to vote at such meeting. A residential cooperative not-for-profit corporation containing 50 or more single family units and located in a county with a population between 780,000 and 3,000,000 shall, in addition to the other requirements of this Section, post notice of member's meetings in conspicuous places

in the residential cooperative at least 48 hours prior to the meeting of the members.

(Source: P.A. 84-1423.)

(805 ILCS 105/107.75) (from Ch. 32, par. 107.75)

Sec. 107.75. Books and records.

(a) Each corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, board of directors and committees having any of the authority of the board of directors; and shall keep at its registered office or principal office a record giving the names and addresses of its members entitled to vote. All books and records of a corporation may be inspected by any member entitled to vote, or that member's agent or attorney, for any proper purpose at any reasonable time.

(b) A residential cooperative not-for-profit corporation containing 50 or more single family units and located in a county with a population between 780,000 and 3,000,000 shall keep an accurate and complete account of all transfers of membership and shall, on a quarterly basis, record all transfers of membership with the county clerk of the county in which the residential cooperative is located. Additionally, a list of all transfers of membership shall be available for inspection by any member of the corporation.

(Source: P.A. 84-1423.)

(805 ILCS 105/108.21) (from Ch. 32, par. 108.21)

Sec. 108.21. Meetings of the board of directors of a residential cooperative not-for-profit corporation containing 24 or more units and located in a city containing more than 1,000,000 inhabitants or

containing 50 or more single family units and located in a county with a population between 780,000 and 3,000,000 inhabitants shall be open to any member, except for the portion of any meeting held (i) to discuss litigation when an action against or on behalf of the corporation has been filed and is pending in a court or administrative tribunal, or when the board of directors finds that such an action is probable or imminent, (ii) to consider information regarding appointment, employment or dismissal of an employee, or (iii) to discuss violations of rules and regulations of the corporation by a residential shareholder. Any member may record by tape, film or other means the proceedings at such meetings or portions thereof required to be open by this Section. The board may prescribe reasonable rules and regulations to govern the right to make such recordings. Notice of such meetings shall be mailed or delivered at least 48 hours prior thereto, unless a written waiver of such notice is signed by the person or persons entitled to such notice pursuant to the articles of incorporation, bylaws, other instrument before the meeting is convened. Copies of notices of meetings of the board of directors shall be posted in entranceways, elevators, or other conspicuous places in the residential cooperative at least 48 hours prior to the meeting of the board of directors. If there is no common entranceway for 7 or more apartments, the board of directors may designate one or more locations in the proximity of such units where the notices of meetings shall be posted. For purposes of this Section, "meeting of the board of directors" means any gathering of a quorum of the members of the board of directors of

the residential cooperative held for the purpose of discussing business of the cooperative. The provisions of this Section shall apply to any residential cooperative containing 24 or more units and located in a city containing more than 1,000,000 inhabitants or containing 50 or more single family units and located in a county with a population between 780,000 and 3,000,000 inhabitants situated in the State of Illinois regardless of where such cooperative may be incorporated.
(Source: P.A. 84-1423.)
Section 99. Effective date. This Act takes effect upon becoming law.".

Floor Amendment No. 2 was held in the Committee on Judiciary.
There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 736** having been printed, was taken up and read by title a second time.
The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1
AMENDMENT NO. 1. Amend Senate Bill 736, by replacing everything after the enacting clause with the following:
"Section 1. Short title. This Act may be cited as the Homes Inspectors Licensing Act.".

Floor Amendment No. 2 was held in the Committee on Rules.
There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 748** having been printed, was taken up and read by title a second time.

Senator Cullerton offered the following amendment:

AMENDMENT NO. 1
AMENDMENT NO. 1. Amend Senate Bill 748 on page 4, line 8 by inserting after "pregnancy," the following:
"or both parties are age 55 or older,".

Senator DeLeo moved the adoption of the foregoing amendment.
The motion prevailed and the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 749** having been printed, was taken up and read by title a second time.
Senator Cullerton offered the following amendment:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 749 as follows:
on page 1, by replacing line 9 with the following:
"only when the person engaging or seeking to engage ~~engaged or sought to be engaged by~~"; and
on page 2, line 26, by replacing "~~business~~" with "of the business"; and
by replacing line 27 with the following:
"the filing of a notice of lien (i) in the recorder's office of the county in which the real property is located, as to real property, and (ii) in the Office of the Secretary of State, as to tangible personal property, by"; and
on page 5, lines 19 and 21, after "assets" each time it appears, by inserting "of the business that are subject to this Act"; and
on page 6, line 5, by replacing "~~payment~~" with "payment"; and
on line 19, after "claim", by inserting ","; and
on line 21, by replacing "and" with "~~and~~"; and
on line 24, before the period, by inserting the following: ", and (iii) prior recorded liens perfected under the Uniform Commercial Code".

Senator DeLeo moved the adoption of the foregoing amendment.

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

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

On motion of Senator Cronin, **Senate Bill No. 782** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cronin, **Senate Bill No. 783** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Parker, **Senate Bill No. 818** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 818 on page 1, line 10, by

replacing "as appropriated funds become available," with "~~as appropriated funds become available,~~"; and
on page 2, line 20, by replacing "investigation of cases" with "assessment of alleged or suspected cases"; and
on page 3, line 10, by replacing "investigation" with "assessment"; and
on page 6, line 9, by replacing "circumstances;" with "circumstances,"; and

on page 6, line 10, by replacing "distress;" with "distress,"; and
on page 7, lines 30 and 31, by deleting "or a Christian Science Practitioner"; and
on page 8, line 33, by replacing "support" with "support, assistance, or intervention"; and
on page 9, line 10, by replacing "Abuse" with "abuse"; and
on page 12, line 2, by replacing "investigating" with "assessing"; and
on page 12, lines 3 and 7, by replacing "Officer", each time it appears, with "Office"; and
on page 13, by replacing line 17 with "assessments or making referrals for service plans."; and
on page 16, line 24, after "guardian" by inserting "for assessment, provision of services, or any other decision-making authority as is appropriate for the individual"; and
on page 17, lines 4 through 6, by deleting "with authority to make decisions concerning conducting an assessment or providing services"; and
on page 17, by replacing lines 19 and 20 with "Project may seek directly or through another agency a court order ~~may request an order of protection under the Illinois Domestic Violence Act of 1986~~ seeking appropriate remedies,"; and
on page 20, by deleting lines 24 through 30; and
by deleting all of pages 21 through 31.

Senator Parker offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 818, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Mental Health and Developmental Disabilities Administrative Act is amended by changing Section 66 as follows:

(20 ILCS 1705/66) (from Ch. 91 1/2, par. 100-66)

Sec. 66. Domestic abuse of disabled adults. Pursuant to the ~~Domestic~~ Abuse of ~~Disabled~~ Adults with Disabilities Intervention Act, ~~as appropriated funds become available,~~ the Department shall have the authority to provide developmental disability or mental health services in state-operated facilities or through Department supported community agencies to eligible adults in substantiated cases of abuse, neglect or exploitation on a priority basis and to waive current eligibility requirements in an emergency pursuant to the ~~Domestic~~ Abuse of ~~Disabled~~ Adults with Disabilities Intervention Act. This Section shall not be interpreted to be in conflict with standards for admission to residential facilities as provided in the Mental Health and Developmental Disabilities Code.

(Source: P.A. 89-507, eff. 7-1-97.)

Section 10. The Domestic Abuse of Disabled Adults Intervention Act is amended by changing the Act title and Sections 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55, and 60 as follows:

(20 ILCS 2435/Act title)

An Act concerning ~~domestic~~ abuse of adults with disabilities, and amending a named Act.

(Source: P.A. 87-658.)

(20 ILCS 2435/1) (from Ch. 23, par. 3395-1)

Sec. 1. Short title. This Act may be cited as the ~~Domestic~~ Abuse of Adults with Disabilities ~~Disabled Adults~~ Intervention Act.

(Source: P.A. 87-658.)

(20 ILCS 2435/5) (from Ch. 23, par. 3395-5)

Sec. 5. Legislative declaration and intent. The Illinois General Assembly recognizes that many adult persons with disabilities in this State are in need of protection from ~~domestic~~ abuse, neglect, and exploitation, and that this State has a responsibility to protect those persons while not infringing on the individual's rights. ~~Protection should maintain the individual's rights, and, at the same time, protect the individual from domestic abuse, neglect, and exploitation. The General Assembly recognizes that many services currently exist in the State but that access to services is often involved and complicated.~~ It is the intent of the General Assembly to provide for the voluntary reporting and assessment of alleged or suspected cases ~~detection and correction~~ of ~~domestic~~ abuse, neglect, and exploitation of adults with disabilities~~. It is intended that the reporting of cases of domestic abuse, neglect, and exploitation will cause the existing services~~ in order for the resources of the State to be utilized ~~brought to bear in an effort~~ to prevent, reduce, or eliminate such ~~further domestic~~ abuse, neglect, and exploitation.

(Source: P.A. 87-658.)

(20 ILCS 2435/10) (from Ch. 23, par. 3395-10)

Sec. 10. Purposes. This Act shall be liberally construed and applied to promote its underlying purposes, which are to:

(a) prevent, reduce, and eliminate ~~domestic~~ abuse, neglect, and exploitation of adults with disabilities ~~adult disabled persons~~;

(a-5) recognize abuse, neglect, and exploitation of adults with disabilities as a serious problem which takes on many forms, including physical abuse, sexual abuse, neglect, and exploitation, and to facilitate accessibility of services and remedies under the Act in order to provide immediate and effective assistance and protection;

(b) provide for the reporting and assessment of ~~permit health care providers, medical professionals, social service workers, and other citizens to voluntarily report~~ alleged or suspected ~~domestic~~ abuse, neglect, and exploitation of adults with disabilities ~~adult disabled persons~~;

(c) refer abused, neglected, and exploited adults with disabilities ~~adult disabled persons~~ to appropriate State and private agencies for emergency services, protective services, and other assistance necessary to prevent further harm; ~~and~~

(c-5) encourage and support the efforts of law enforcement officers to provide immediate, effective assistance and protection for adults with disabilities who are abused, neglected, or exploited;

(c-7) support the expansion of civil and criminal remedies for adults with disabilities who are abused, neglected, or exploited; and

(d) collect information on the incidence of ~~domestic~~ abuse, neglect, and exploitation of adults with disabilities ~~adult disabled persons~~ and other data to aid in the establishment, ~~and~~ coordination, and provision of adequate services to adults with disabilities in a timely, appropriate manner.

(Source: P.A. 87-658.)

(20 ILCS 2435/15) (from Ch. 23, par. 3395-15)

Sec. 15. Definitions. As used in this Act:

"Abuse" means causing any physical ~~injury~~, sexual, ~~abuse~~ or mental injury to an adult with disabilities, including exploitation of the adult's financial resources ~~disabled person inflicted by another individual or entity~~. Nothing in this Act shall be

construed to mean that an adult with disabilities ~~disabled person~~ is a victim of abuse or neglect for the sole reason that he or she is being furnished with or relies upon treatment by spiritual means through prayer alone, in accordance with the tenets and practices of a recognized church or religious denomination. Nothing in this Act shall be construed to mean that an adult with disabilities is a victim of abuse because of health care services provided or not provided by licensed health care professionals.

"Adult with disabilities" means a person aged 18 through 59 who resides in a domestic living situation and whose physical or mental disability impairs his or her ability to seek or obtain protection from abuse, neglect, or exploitation.

~~"Adult disabled person" means a person aged 18 through 59 who is a disabled person.~~

~~"Comprehensive rehabilitation" means those services necessary and appropriate for increasing the potential for independent living or gainful employment as applicable.~~

"Department" means the Department of Human Services.

~~"Secretary" means the Secretary of Human Services.~~

~~"Disabled person" means any person who, by reason of a physical or mental impairment, is or may be expected to be totally or partially incapacitated for independent living or gainful employment.~~

"Adults with Disabilities ~~Domestic~~ Abuse Project" or "project" means that program within the Office of Inspector General designated by the Department of Human Services ~~designated by the Secretary~~ to receive and assess reports of alleged or suspected ~~domestic~~ abuse, neglect, or exploitation of adults with disabilities ~~adult disabled persons~~.

"Domestic living situation" means a residence where the adult with disabilities ~~disabled person~~ lives alone or with his or her family or household members, a care giver, or others or at a board and care home or other community-based unlicensed facility, but is not:

(1) a licensed facility as defined in Section 1-113 of the Nursing Home Care Act.

(2) A life care facility as defined in the Life Care Facilities Act.

(3) A home, institution, or other place operated by the federal government, a federal agency, or the State.

(4) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities and that is required to be licensed under the Hospital Licensing Act.

(5) A community living facility as defined in the Community Living Facilities Licensing Act.

(6) A community-integrated living arrangement as defined in

the Community-Integrated Living Arrangements Licensure and Certification Act or community residential alternative as licensed under that Act. ~~and not a facility operated by the Department of Human Services as successor to the Department of Mental Health and Developmental Disabilities.~~

"Emergency" means a situation in which an adult with disabilities is in ~~disabled person's life or safety is in imminent~~ danger of death or great bodily harm.

"Exploitation" means the illegal, including tortious, use of ~~an adult disabled person or of~~ the assets or resources of an adult with disabilities ~~disabled person~~. Exploitation includes, but is not limited to, the misappropriation of assets or resources of an adult with disabilities ~~disabled person~~ by undue influence, by breach of a fiduciary relationship, by fraud, deception, or extortion, or by the

use of the assets or resources in a manner contrary to law.

"Family or household members" means a person who as a family member, volunteer, or paid care provider has assumed responsibility for all or a portion of the care of an adult with disabilities who needs assistance with activities of daily living ~~includes spouses, former spouses, parents, children, stepchildren and other persons related by blood or marriage, persons who share or formerly shared a common dwelling and persons who have or allegedly have a child in common. Family or household members includes any person who has the responsibility for an adult disabled person as a result of a family relationship or who has assumed responsibility for all or a portion of the care of an adult disabled person voluntarily, or by express or implied contract, or by court order~~.

"Neglect" means the ~~another individual's or entity's~~ failure of another individual to provide an adult with disabilities with or the willful withholding from an adult with disabilities the necessities of life, including, but not limited to, food, clothing, shelter, or medical care. ~~to exercise that degree of care toward an adult disabled person that a reasonable person would exercise under the circumstances and includes but is not limited to:~~

~~(1) the failure to take reasonable steps to protect an adult disabled person from acts of abuse;~~

~~(2) the repeated, careless imposition of unreasonable confinement;~~

~~(3) the failure to provide food, shelter, clothing, and personal hygiene to an adult disabled person who requires that assistance;~~

~~(4) the failure to provide medical, rehabilitation, and habilitation care for the physical and mental health needs of an adult disabled person; or~~

~~(5) the failure to protect an adult disabled person from health and safety hazards.~~

Nothing in the definition of "neglect" shall be construed to impose a requirement that assistance be provided to an adult with disabilities ~~disabled person~~ over his or her objection in the absence of a court order, nor to create any new affirmative duty to provide support, assistance, or intervention to an adult with disabilities. Nothing in this Act shall be construed to mean that an adult with disabilities

is a victim of neglect because of health care services provided or not provided by licensed health care professionals ~~disabled person~~.

"Physical abuse" includes sexual abuse and means any of the following:

(1) knowing or reckless use of physical force, confinement, or restraint;

(2) knowing, repeated, and unnecessary sleep deprivation; or

(3) knowing or reckless conduct which creates an immediate risk of physical harm.

"Secretary" means the Secretary of Human Services.

"Sexual abuse" means touching, fondling, sexual threats, sexually inappropriate remarks, or any other sexual activity with an adult with disabilities when the adult with disabilities is unable to understand, unwilling to consent, threatened, or physically forced to engage in sexual behavior.

~~"Rehabilitation" or "habilitation" means those vocational or other appropriate services that increase the opportunities for independent functioning or gainful employment.~~

"Substantiated case" means a reported case of alleged or suspected ~~domestic~~ abuse, neglect, or exploitation in which the Adults with Disabilities ~~Domestic~~ Abuse Project staff, after assessment, determines that there is reason to believe abuse,

neglect, or exploitation has occurred.
(Source: P.A. 89-507, eff. 7-1-97.)

(20 ILCS 2435/20) (from Ch. 23, par. 3395-20)

Sec. 20. Establishment of project. The Office of Inspector General ~~Department of Human Services~~ shall establish an Adults with Disabilities ~~a Domestic~~ Abuse Project as provided in this Act for adults with disabilities ~~adult disabled persons~~ who have been abused, neglected, or exploited ~~in domestic living situations~~.
(Source: P.A. 89-507, eff. 7-1-97.)

(20 ILCS 2435/25) (from Ch. 23, par. 3395-25)

Sec. 25. Reports of ~~domestic~~ abuse, neglect, or exploitation of an adult with disabilities.

(a) Any person who has reasonable cause to believe abuse, neglect, or exploitation of an adult with disabilities has occurred may report this to the statewide telephone number established under this Act. ~~Any person, institution, or agency may voluntarily report a case of alleged or suspected domestic abuse, neglect, or exploitation of an adult disabled person to the Domestic Abuse Project. Law enforcement officers shall also continue to report incidents of alleged abuse pursuant to the Illinois Domestic Violence Act of 1986.~~

(b) Any person, institution, or agency making a report or assessment under this Section in good faith, or providing information, participating in an assessment, or taking photographs or x-rays, shall be immune from any civil or criminal liability on account of making the report or assessment, providing information, or participating in an assessment, or on account of submitting or otherwise disclosing the photographs or x-rays to the Adults with Disabilities ~~Domestic~~ Abuse Project.

(c) The identity of a person making a report of alleged or

suspected ~~domestic~~ abuse, neglect, or exploitation under this Section may be disclosed by the Office of Inspector General ~~Department or other agency provided for~~ only with the person's written consent or by court order.

(d) The privileged quality of communication between any licensed health care professional or any other person who reports abuse, neglect, or exploitation and his or her patient or client shall not apply to situations involving abused, neglected, or exploited adults with disabilities. Use of a telecommunication device for the deaf constitutes an oral report. Written reports may be taken, but cannot be required.

(1) Any reporter who makes a report or any person conducting an assessment under this Act shall testify fully in any judicial or administrative proceeding resulting from such report as to any evidence of abuse, neglect, or exploitation and the cause thereof.

(2) No evidence shall be excluded by reason of any common law or statutory privilege relating to communications between the alleged abuser or the adult with disabilities who is the subject of the report under this Act and the person making the report or conducting the assessment.

(e) All reports shall, if possible, include the name and address of the adult with disabilities, the name and address of the alleged abuser, if applicable, the nature and extent of the suspected abuse, neglect, or exploitation, the possible extent of the injury or condition as a result of the abuse, neglect, or exploitation, any evidence of previous abuse, neglect, or exploitation, the time, date and location of the incident, the name, address of the reporter, and any other information that the reporter believes may be useful in assessing the suspected abuse, neglect, or exploitation.

(f) The Office of Inspector General shall refer evidence of crimes against an adult with disabilities to the appropriate law

enforcement agency according to Office of Inspector General policies. A referral to law enforcement may be made at any time. When the Office of Inspector General has reason to believe that the death of an adult with disabilities may be the result of abuse, neglect, or exploitation, the Office of Inspector General shall immediately report the matter to the coroner or medical examiner and shall cooperate fully with any subsequent investigation.

(g) Nothing in this Act shall preclude a person from reporting an alleged act of abuse, neglect, or exploitation of an adult with disabilities to a law enforcement agency.

(h) Nothing in this Act shall diminish the duty of law enforcement officers to respond to and investigate incidents of alleged abuse, neglect, and exploitation pursuant to the Illinois Domestic Violence Act of 1986, when applicable.

(Source: P.A. 87-658.)

(20 ILCS 2435/30) (from Ch. 23, par. 3395-30)

Sec. 30. Statewide telephone number.

(a) There shall be a single, statewide, TTY accessible, 24-hour toll free telephone number established and maintained by the Office of Inspector General ~~Department~~ that all persons may use to report

alleged or suspected ~~domestic~~ abuse, neglect, or exploitation of an adult with disabilities ~~disabled person during normal business hours and equipped with an automated telephone recording device to receive reports after the close of normal business hours~~.

(b) The Office of Inspector General ~~Department~~ shall make every effort to publicize the statewide, TTY accessible, 24-hour toll free telephone number and to encourage public understanding of and cooperation in reporting and eliminating ~~domestic~~ abuse, neglect, and exploitation of adults with disabilities ~~adult disabled persons~~.

(c) The Office of Inspector General shall conduct training at least annually for persons taking reports on the statewide telephone number and persons conducting assessments or making referrals for service plans.

(Source: P.A. 87-658.)

(20 ILCS 2435/35) (from Ch. 23, par. 3395-35)

Sec. 35. Assessment of reports.

(a) The Adults with Disabilities ~~Domestic~~ Abuse Project shall, upon receiving a report of alleged or suspected ~~domestic~~ abuse, neglect, or exploitation obtain ~~and upon receiving~~ the consent of the subject of the report to~~,~~ conduct an assessment with respect to the report. The assessment shall include, but not be limited to, a face-to-face interview with the adult with disabilities ~~disabled person~~ who is the subject of the report and may include a visit to the residence of the adult with disabilities, and interviews or consultations with service agencies or individuals who may have knowledge of the ~~adult disabled person's~~ circumstances of the adult with disabilities. A determination shall be made whether each report is substantiated. If the Office of Inspector General determines that there is clear and substantial risk of death or great bodily harm, it shall immediately secure or provide emergency protective services for purposes of preventing further abuse, neglect, or exploitation, and for safeguarding the welfare of the person. Such services must be provided in the least restrictive environment commensurate with the adult with disabilities' needs. ~~If, after the assessment, the Domestic Abuse Project determines that a case is substantiated, it shall develop, with the consent of and in consultation with the adult disabled person, a service plan for the adult disabled person. The plan shall include services and other supports which are appropriate to the needs of the adult disabled person and which involve the least restriction of the adult disabled person's activities commensurate with his needs, such as those provided by the Department's Home~~

~~Services Program and supported community agencies. Every effort shall be made by the Domestic Abuse Project to coordinate and cooperate with public and private agencies to ensure the provision of services necessary to eliminate further domestic abuse, neglect, and exploitation of the adult disabled person who is the subject of the report.~~

(a-5) The Adults with Disabilities Abuse Project shall initiate an assessment of all reports of alleged or suspected abuse or neglect within 7 days after receipt of the report, except reports of abuse or neglect that indicate that the life or safety of an adult with disabilities is in imminent danger shall be assessed within 24 hours

after receipt of the report. Reports of exploitation shall be assessed within 30 days after the receipt of the report.

(b) (Blank). ~~The Domestic Abuse Project shall conduct an assessment of all reports of alleged or suspected domestic abuse or neglect within 7 days after receipt of the report, except reports of abuse or neglect that indicate that an adult disabled person's life or safety is in imminent danger shall be assessed within 24 hours after receipt of the report. Reports of exploitation shall be assessed within 30 days after the receipt of the report.~~

(c) The Department shall effect written interagency agreements with other State departments and any other public and private agencies to coordinate and cooperate in the handling of substantiated cases; to accept and manage substantiated cases on a priority basis; and to waive eligibility requirements for the adult with disabilities ~~disabled persons~~ in an emergency.

(d) Every effort shall be made by the Adults with Disabilities Abuse Project to coordinate and cooperate with public and private agencies to ensure the provision of services necessary to eliminate further abuse, neglect, and exploitation of the adult with disabilities who is the subject of the report.

The Office of Inspector General ~~Department~~ shall promulgate rules and regulations to ensure the effective implementation of the Adults with Disabilities ~~Domestic~~ Abuse Project statewide.

(e) When the Adults with Disabilities Abuse Project determines that a case is substantiated, it shall refer the case to the appropriate office within the Department of Human Services to develop, with the consent of and in consultation with the adult with disabilities, a service plan for the adult with disabilities.

(f) The Adults with Disabilities Abuse Project shall refer reports of alleged or suspected abuse, neglect, or exploitation to another State agency when that agency has a statutory obligation to investigate such reports.

(g) If the Adults with Disabilities Abuse Project has reason to believe that a crime has been committed, the incident shall be reported to the appropriate law enforcement agency.

(Source: P.A. 89-507, eff. 7-1-97.)

(20 ILCS 2435/40) (from Ch. 23, par. 3395-40)

Sec. 40. ~~Assessment and~~ Service plan periods. The Department shall by rule establish the period of time ~~within which an assessment shall begin and~~ within which a service plan shall be implemented and the duration of the plan. The rules shall provide for an expedited response to emergency situations.

(Source: P.A. 87-658.)

(20 ILCS 2435/45) (from Ch. 23, par. 3395-45)

Sec. 45. Consent.

(a) If the Adults with Disabilities ~~Domestic~~ Abuse Project has received a report of alleged or suspected abuse, neglect, or exploitation with regard to an adult with disabilities ~~disabled person~~ who lacks the capacity to consent to an assessment or to services, the Adults with Disabilities ~~Domestic~~ Abuse Project may

seek, directly or through another agency, the appointment of a temporary or permanent guardian for assessment, provision of

services, or any other decision-making authority as is appropriate for the individual as provided in Article XIa of the Probate Act of 1975 or other relief as provided under the Illinois Domestic Violence Act of 1986.

(a-5) If the adult with disabilities consents to the assessment, such assessment shall be conducted. If the adult with disabilities consents to the services included in the service plan, such services shall be provided. If the adult with disabilities refuses or withdraws his or her consent to the completion of the assessment, the assessment shall be terminated. If the adult with disabilities refuses or withdraws his or her consent to the provision of services, the services shall not be provided.

(b) A guardian of the person of an adult with disabilities ~~disabled person~~ who is abused, neglected, or exploited by another individual in a domestic living situation may consent to an assessment or to services being provided pursuant to the service plan. If the guardian is alleged to be the perpetrator of the abuse, neglect, or exploitation, the Adults with Disabilities ~~Domestic~~ Abuse Project shall seek the appointment of a temporary substitute guardian pursuant to Section 213.3 of the Illinois Domestic Violence Act of 1986 under the provisions of Article XIa of the Probate Act of 1975. If a guardian withdraws his consent or refuses to allow an assessment or services to be provided to the adult with disabilities, the Adults with Disabilities ~~Domestic~~ Abuse Project may seek directly or through another agency a court order ~~request an order of protection under the Illinois Domestic Violence Act of 1986~~ seeking appropriate remedies, and may in addition request removal of the guardian and appointment of a successor guardian pursuant to Article XIa of the Probate Act of 1975.

(c) For the purposes of this Section only, "lacks the capacity to consent" shall mean that the adult with disabilities ~~disabled person~~ reasonably appears to be unable by reason of physical or mental condition to receive and evaluate information related to the assessment or services, or to communicate decisions related to the assessment or services ~~in the manner in which the person communicates~~.

(Source: P.A. 90-655, eff. 7-30-98.)

(20 ILCS 2435/50) (from Ch. 23, par. 3395-50)

Sec. 50. Access of an adult with disabilities ~~disabled persons~~.

(a) No person shall obstruct or impede the access of an adult with disabilities ~~disabled person~~ to the Adults with Disabilities ~~Domestic~~ Abuse Project nor obstruct or impede the assessment of ~~domestic~~ abuse, neglect, or exploitation of an adult with disabilities ~~disabled person~~ if the adult consents to the assessment. If a person does so obstruct or impede the access of an adult with disabilities ~~disabled person~~ or assessment of ~~domestic~~ abuse, neglect, or exploitation of the adult, local law enforcement agencies shall take all appropriate action to assist the party seeking access in petitioning for a warrant or an ex parte injunctive order. The warrant or order may issue upon a showing of probable cause to believe that the adult with disabilities ~~disabled person~~ is the subject of ~~domestic~~ abuse, neglect, or exploitation that constitutes a criminal offense or that any other criminal offense is occurring that affects the interests or welfare of the adult disabled person. When, from the personal observations of a law enforcement officer, it appears probable that delay of entry in order to obtain a warrant or order would cause the adult with disabilities ~~disabled person~~ to be

in imminent danger of death or great bodily harm, entry may be made by the law enforcement officer after an announcement of the officer's

authority and purpose.

(b) Pursuant to applicable State and federal law and regulation, the reporting, assessment, and provision of services shall be fully accessible to adults with disabilities.

(Source: P.A. 87-658.)

(20 ILCS 2435/55) (from Ch. 23, par. 3395-55)

Sec. 55. Access to records. All records concerning reports of ~~domestic~~ abuse, neglect, or exploitation of an adult with disabilities ~~disabled persons~~ and all records generated as a result of the reports shall be confidential and shall not be disclosed except as specifically authorized by this Act or other applicable law. Access to the records, but not access to the identity of the person or persons making a report of alleged ~~domestic~~ abuse, neglect, or exploitation as contained in the records, shall be allowed to the following persons and for the following purposes:

(a) Adults with Disabilities ~~Domestic~~ Abuse Project staff in the furtherance of their responsibilities under this Act;

(b) A law enforcement agency investigating alleged or suspected ~~domestic~~ abuse, neglect, or exploitation of an adult with disabilities ~~disabled persons~~;

(c) An adult with disabilities ~~disabled person~~ reported to be abused, neglected, or exploited, or the ~~adult disabled person's~~ guardian of an adult with disabilities unless the guardian is the alleged perpetrator of the abuse, neglect, or exploitation;

(d) A court, upon its finding that access to the records may be necessary for the determination of an issue before the court. However, the access shall be limited to an in camera inspection of the records, unless the court determines that disclosure of the information contained therein is necessary for the resolution of an issue then pending before it;

(e) A grand jury, upon its determination that access to the records is necessary to the conduct of its official business;

(f) Any person authorized by the Secretary, in writing, for audit or bona fide research purposes;

(g) A coroner or medical examiner who has reason to believe that abuse or neglect contributed to or resulted in the death of an adult with disabilities ~~an adult disabled person has died as the result of domestic abuse or neglect~~;

(h) The agency designated pursuant to the Protection and Advocacy for Developmentally Disabled Persons Act and the Protection and Advocacy for Mentally Ill Persons Act.

(Source: P.A. 89-507, eff. 7-1-97.)

(20 ILCS 2435/60) (from Ch. 23, par. 3395-60)

Sec. 60. Annual reports. The Office of Inspector General ~~Department~~ shall file with the Governor and the General Assembly, within 90 days after the end of each fiscal year, a report concerning its implementation of the Domestic Abuse Project during each fiscal year, together with any recommendations for future implementation. The annual report shall include data on numbers of reports received, numbers of reports substantiated, and unsubstantiated, number of

referrals to law enforcement and other referral resources, numbers of assessments and service plans completed, and protective services provided. The report shall also include information on public education efforts engaged in, and training provided to persons or agencies who are responsible for the Act's implementation.
(Source: P.A. 87-658.)

(20 ILCS 2435/65 rep.)

Section 15. The Domestic Abuse of Disabled Adults Intervention Act is amended by repealing Section 65.".

The motion prevailed and the amendment was adopted and ordered

printed.

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

On motion of Senator Parker, **Senate Bill No. 839** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lauzen, **Senate Bill No. 878** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lauzen, **Senate Bill No. 880** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 880 is amended by replacing the title with the following:

"AN ACT to create the Local Government Taxpayers' Bill of Rights Act."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Local Government Taxpayers' Bill of Rights Act.

Section 5. Legislative declaration. The General Assembly finds and declares that, in order to ensure fairness in the administration and enforcement of locally imposed and administered taxes, all taxpayers should, at a minimum, be afforded certain basic rights. It is the intent of the General Assembly to place guarantees in Illinois law to ensure that the rights, privacy, and property of Illinois taxpayers are adequately protected during the assessment and collection of all taxes imposed and administered by the 1,282 municipalities, 102 counties, and 142 home rule units of this State. A local government taxpayers' bill of rights is necessary as current law does not provide for specific and guaranteed rights of taxpayers in the administration, enforcement, and collection of local taxes to assure taxpayers a minimum standard of due process in their dealings with local governments. This legislation also provides taxpayers a minimum level of consistency with regard to the assessment and

collection of local taxes as they do business in multiple locations within this State.

The General Assembly further finds that tax systems are largely based on voluntary compliance and self-assessment and the development of understandable tax laws. Providing clear tax laws at the local level and providing all necessary due process rights in the collection and enforcement of local tax laws will only serve to improve voluntary compliance and self-assessment of local government taxes.

Section 10. Application and home rule preemption. The limitations provided by this Act shall take precedence over any provision of any tax ordinance imposed by an Illinois municipality, county, or home rule unit.

This Act is a denial and limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution.

Section 15. Definitions. In this Act:

"Locally imposed and administered tax" means a tax imposed by a unit of local government that is collected or administered by a unit of local government and not an agency or Department of the State. A

"locally imposed and administered tax" does not include a tax imposed upon real property under the Property Tax Code.

"Local tax administrator" included directors of local government departments of revenue or taxation, or other local government officers charged with the administration or collection of a locally imposed and administered tax, including their staffs, employees, or agents to the extent they are authorized by a local tax administrator to act in the local tax administrator's stead.

"Person" means and includes an individual, trust, estate, partnership, association, firm, company, corporation, limited liability company, or fiduciary.

"Unit of local government" includes a municipality, a county, or special district, including a home rule unit of this State, but does not include municipalities with a population greater than 500,000.

Section 20. Publication of rules and regulations. Units of local government are authorized to adopt reasonable rules and regulations pertaining to the administration of this Act. Any rule or regulation adopted under the authority of this Act must be published in the same manner as the ordinance imposing the tax that is the subject of the rules or regulations.

Section 25. Responsibilities of units of local government. Each unit of local government shall have the powers and obligations enumerated in the following Sections to protect the rights of the taxpayers.

Section 30. Application of payments. Taxpayers have the right to know how tax payments and remittances will be applied to the tax liability owed to units of local government. Each unit of local government must provide, by ordinance or regulation, for the order of application of tax payments to tax liability, penalty, and interest, provided that in no case may a payment be applied to penalties due before it is applied to tax or interest. In the event that a unit of local government does not provide for application of payments, any

payment or remittance received for a tax period will be applied first to tax for the period, then to interest due for the period, and then to penalties due for the period.

Section 35. Statute of limitations. Units of local government have an obligation to review tax returns in a timely manner and issue any determination of tax due as promptly as possible so that taxpayers may make timely corrections of future returns and minimize any interest charges applied to tax underpayments. Each unit of local government must provide appropriate statutes of limitation for the determination and assessment of tax, provided, however, that a statute of limitations may not exceed the following:

(1) No notice of determination of tax due or assessment may be issued more than 4 years after the end of the calendar year for which the return for the period was filed or the end of the calendar year in which the return for the period was due, whichever occurs later.

(2) If any tax a return was not filed or if during any 4-year period for which a notice of tax determination or assessment may be issued by the unit of local government the tax paid or remitted was less than 75% of the tax due for that period, the statute of limitations shall be no more than 6 years after the end of the calendar year in which the return for the period was due or the end of the calendar year in which the return for the period was filed, whichever occurs later.

In the event that a unit of local government fails to provide a statute of limitations, the maximum statutory period provided in this Section applies.

This Section does not place any limitation on a unit of local government if a fraudulent tax return is filed.

Section 40. Audit procedures. Taxpayers have the right to be treated by officers, employees, and agents of the local tax administrator with courtesy, fairness, uniformity, consistency, and common sense. Taxpayers must be notified in writing of a proposed audit of the taxpayer's books and records. The notice of audit must specify the tax and time period to be audited and must detail the minimum documentation or books and records to be made available to the auditor. Audits must be held only during reasonable times of the day and, unless impracticable, at times agreed to by the taxpayer. An auditor who determines that there has been an overpayment of tax during the course of the audit is obligated to identify the overpayment to the taxpayer so that the taxpayer can take the necessary steps to recover the overpayment.

Section 45. Appeals process. Units of local government have an obligation to provide, by ordinance or regulation, a procedure for appealing a determination of tax due or an assessment. Taxpayers are entitled to receive a written statement of rights whenever they receive a protestable notice, a bill, a claim denial, or reduction regarding any tax. The statement must explain the reason for the assessment, the amount of the tax liability proposed, the procedure for appealing the assessment, and the obligations of the unit of local government during the audit, appeal, refund, and collection process. In no event may a taxpayer be provided a time period less

than 60 days after the date the notice was served in which to protest a notice of tax determination or notice of tax liability. The unit of local government must also adopt rules or procedures for opening up any closed protest period or extending the protest period upon the showing of reasonable cause by the taxpayer.

Section 50. Interest. Units of local government must provide by ordinance for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of tax. In no event may an ordinance impose an interest charge for late payment, underpayment, or nonpayment exceeding 1%, or a fraction thereof, of the tax imposed by the ordinance per month on any late tax payments, tax remittance, or unpaid or unremitted tax liability. Units of local government must pay interest to taxpayers who have made overpayments of tax at the same rate as interest charged on underpayments.

Section 55. Late filing penalties. Late filing penalties may not exceed 2% of the tax due and not timely paid or remitted to the unit of local government. A late filing penalty may not apply if a failure to file penalty is imposed by the unit of local government. A local tax administrator may determine that the late filing was due to reasonable cause and abate the penalty.

Section 60. Late payment penalty. Late payment penalties may not exceed 2% of the tax due and not timely paid or remitted to the unit of local government. This penalty shall not apply if a failure to file penalty is imposed by the unit of local government. A local tax administrator may determine that the late filing was due to reasonable cause and abate the penalty.

Section 65. Failure to file penalty. If no return is filed before the issuance of a notice of tax deficiency or of tax liability to the taxpayer, any failure to file penalty may not exceed 20% of the total tax due for the applicable reporting period for which the return was required to have been filed. A local tax administrator may determine that the failure to file a return was due to reasonable cause and abate the penalty.

Section 70. Credits and refunds. Taxpayers have a right to obtain a credit or refund of overpaid tax, penalty, or interest. If a tax ordinance does not provide for a credit or refund, and it appears that an amount of tax, interest, or penalty has been paid or remitted to the unit of local government, the taxpayer may file a

claim for credit or refund, provided, however, that no person may be eligible for a credit or refund unless the person had paid or remitted the tax, interest, or penalty directly to the unit of local government. Units of local government shall provide a form or procedure for requesting a refund or credit. While a unit of local government may provide for a longer statute of limitations for filing a claim for refund or credit, in no event may a statute of limitations on a claim made in writing be less than 4 years after the end of the calendar year in which payment or remittance in error was made. Any credit or refund issued must bear interest, at a rate equal to the rate of interest charged for an underpayment of tax, from the date the local government received the erroneous payment or remittance until the date the credit or refund is issued.

Section 75. Erroneous written information. Units of local

government are obligated to abate taxes, interest, and penalties assessed based upon erroneous written information or advice given by the local tax administrator or his or her staff, employees, or authorized agents.

Section 80. Installment contracts. Local tax administrators may not cancel any installment contracts unless the taxpayer fails to pay any amount due on time and fails to cure the delinquency in the allowable time supplied by the local tax administrator, or fails to demonstrate good faith in restructuring any installment plan agreement or contract with the local tax administrator.

Section 85. Escrow accounts. Local tax administrators must place seized taxpayer bank accounts in escrow with the bank for 20 days to permit the taxpayer to correct any errors by the local tax administrator.

Section 90. Tax Appeal Officer and Board of Appeals. Units of local government must appoint a Tax Appeal Officer or a Board of Appeals. The Tax Appeal Officer or Board of Appeals shall review requests for abatement of taxes, interest, or penalties based on collectability, equity, or hardship. The Tax Appeal Officer or Board of Appeals has the power to abate, in whole or in part, any tax, interest or penalty with the approval of the local tax administrator. A taxpayer may apply to the Tax Appeal Officer or Board of Appeals for an abatement before, during, or after any administrative hearing or judicial process.

Appeal to the Tax Appeals Officer or Board of Appeals is a process separate and distinct from any administrative hearing or judicial process in which a taxpayer is protesting or challenging any tax, interest, or penalty on factual or legal grounds.

Section 95. Voluntary disclosure. For any tax for which a taxpayer has not received a written notice of an audit or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of one-half percent per month, for all periods prior to the filing of the application but not more than 4 years before the date of filing the application, provided, however, that the 4-year limitation does not apply to taxes collected by the applicant from another person and held in trust for the unit of local government. Except for the amount of tax and interest due under this Section, a taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed, provided, however, that if the taxpayer incorrectly determined and underpaid the amount of tax due as provided in this Section, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the

taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest required under this Section must be made within 90 days after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator, whichever is longer, except that any additional

amounts owed as a result of an underpayment of tax and interest previously paid under this Section must be paid within 90 days after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.

Section 100. Reckless actions. A taxpayer has the right to sue a unit of local government if the local tax administrator intentionally or recklessly disregards any laws, regulations, or rules in collecting taxes. The maximum recovery for damages for the suit shall be $100,000. If the taxpayer's suit is determined by the court to be frivolous, the court may impose a penalty on the taxpayer not to exceed $10,000 to be collected as a tax.

Section 105. Review of liens. The local tax administrator must establish an internal review process concerning liens against taxpayers. If the lien is determined to be improper, the local tax administrator must publicly disclose that fact, remove the lien at its own expense, and correct the taxpayer's credit record.

Section 110. Publication of tax ordinances and business fees. Each unit of local government imposing taxes or fees on persons doing business within their jurisdiction shall forward a certified copy of each ordinance imposing such tax or fee to the Department of Commerce and Community Affairs no later than November 1, 1999. The Department of Commerce and Community Affairs shall retain copies of local government tax or fee ordinances and shall maintain a computerized database of those ordinances that is readily accessible to interested and affected taxpayers. Units of local government must notify the Department of Commerce and Community Affairs, in writing, of the adoption of any new taxes or fees or any amendments to existing taxes or fees within 30 days after the adoption or amendment.

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

Floor Amendments numbered 2 and 3 were held in the Committee on Local Government.

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

On motion of Senator Dillard, **Senate Bill No. 890** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Luechtefeld, **Senate Bill No. 938** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 938 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Sections 2A-1.1, 2A-1.2, 4-22, 5-29, 6-66, 7-8, 7-11, 7-14, 7-56, 7-60, 7-61, 7-63, 8-4, 8-5, 10-14, 13-1, 13-2, 14-3.1, 16-5.01, 19-2, and 19-4 as follows:

(10 ILCS 5/2A-1.1) (from Ch. 46, par. 2A-1.1)

Sec. 2A-1.1. All Elections - Consolidated Schedule. (a) In

even-numbered years, the general election shall be held on the first Tuesday after the first Monday of November; and an election to be known as the general primary election shall be held on the second ~~third~~ Tuesday in September; and in presidential election years, an election to be known as the presidential primary election shall be held on the third Tuesday in March ~~March~~;

(b) In odd-numbered years, an election to be known as the consolidated election shall be held on the first Tuesday in April except as provided in Section 2A-1.1a of this Act; and an election to be known as the consolidated primary election shall be held on the last Tuesday in February.

(Source: P.A. 90-358, eff. 1-1-98.)

(10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

Sec. 2A-1.2. Consolidated Schedule of Elections - Offices Designated.

(a) At the general election in the appropriate even-numbered years, the following offices shall be filled or shall be on the ballot as otherwise required by this Code:

(1) Elector of President and Vice President of the United States;

(2) United States Senator and United States Representative;

(3) State Executive Branch elected officers;

(4) State Senator and State Representative;

(5) County elected officers, including State's Attorney, County Board member, County Commissioners, and elected President of the County Board or County Chief Executive;

(6) Circuit Court Clerk;

(7) Regional Superintendent of Schools, except in counties or educational service regions in which that office has been abolished;

(8) Judges of the Supreme, Appellate and Circuit Courts, on the question of retention, to fill vacancies and newly created judicial offices;

(9) (Blank);

(10) Trustee of the Metropolitan Sanitary District of Chicago, and elected Trustee of other Sanitary Districts;

(11) Special District elected officers, not otherwise designated in this Section, where the statute creating or authorizing the creation of the district requires an annual election and permits or requires election of candidates of political parties.

(b) At the general primary election:

(1) in each even-numbered year candidates of political parties shall be nominated for those offices to be filled at the general election in that year, except where pursuant to law nomination of candidates of political parties is made by caucus.

(2) in the appropriate even-numbered years the political party offices of State central committeeman, township committeeman, ward committeeman, and precinct committeeman shall be filled ~~and delegates and alternate delegates to the National nominating conventions shall be elected as may be required pursuant to this Code. In the even-numbered years in which a Presidential election is to be held, candidates in the~~

~~Presidential preference primary shall also be on the ballot~~.

(3) in each even-numbered year, where the municipality has provided for annual elections to elect municipal officers pursuant to Section 6(f) or Section 7 of Article VII of the Constitution, pursuant to the Illinois Municipal Code or pursuant to the municipal charter, the offices of such municipal officers shall be filled at an election held on the date of the general primary election, provided that the municipal election shall be a

nonpartisan election where required by the Illinois Municipal Code. For partisan municipal elections in even-numbered years, a primary to nominate candidates for municipal office to be elected at the general primary election shall be held on the Tuesday 6 weeks preceding that election.

(4) in each school district which has adopted the provisions of Article 33 of the School Code, successors to the members of the board of education whose terms expire in the year in which the general primary is held shall be elected.

(b-5) At the presidential primary election in appropriate even-numbered years, delegates and alternate delegates to the National nominating convention shall be elected as may be required under this Code. In the even-numbered years in which a Presidential election is to be held, candidates in the Presidential preference primary shall also be on the ballot.

(c) At the consolidated election in the appropriate odd-numbered years, the following offices shall be filled:

(1) Municipal officers, provided that in municipalities in which candidates for alderman or other municipal office are not permitted by law to be candidates of political parties, the runoff election where required by law, or the nonpartisan election where required by law, shall be held on the date of the consolidated election; and provided further, in the case of municipal officers provided for by an ordinance providing the form of government of the municipality pursuant to Section 7 of Article VII of the Constitution, such offices shall be filled by election or by runoff election as may be provided by such ordinance;

(2) Village and incorporated town library directors;

(3) City boards of stadium commissioners;

(4) Commissioners of park districts;

(5) Trustees of public library districts;

(6) Special District elected officers, not otherwise designated in this section, where the statute creating or authorizing the creation of the district permits or requires election of candidates of political parties;

(7) Township officers, including township park commissioners, township library directors, and boards of managers of community buildings, and Multi-Township Assessors;

(8) Highway commissioners and road district clerks;

(9) Members of school boards in school districts which adopt Article 33 of the School Code;

(10) The directors and chairman of the Chain O Lakes - Fox River Waterway Management Agency;

(11) Forest preserve district commissioners elected under Section 3.5 of the Downstate Forest Preserve District Act;

(12) Elected members of school boards, school trustees, directors of boards of school directors, trustees of county boards of school trustees (except in counties or educational service regions having a population of 2,000,000 or more inhabitants) and members of boards of school inspectors, except school boards in school districts that adopt Article 33 of the School Code;

(13) Members of Community College district boards;

(14) Trustees of Fire Protection Districts;

(15) Commissioners of the Springfield Metropolitan Exposition and Auditorium Authority;

(16) Elected Trustees of Tuberculosis Sanitarium Districts;

(17) Elected Officers of special districts not otherwise designated in this Section for which the law governing those districts does not permit candidates of political parties.

(d) At the consolidated primary election in each odd-numbered year, candidates of political parties shall be nominated for those offices to be filled at the consolidated election in that year, except where pursuant to law nomination of candidates of political parties is made by caucus, and except those offices listed in paragraphs (12) through (17) of subsection (c).

At the consolidated primary election in the appropriate odd-numbered years, the mayor, clerk, treasurer, and aldermen shall be elected in municipalities in which candidates for mayor, clerk, treasurer, or alderman are not permitted by law to be candidates of political parties, subject to runoff elections to be held at the consolidated election as may be required by law, and municipal officers shall be nominated in a nonpartisan election in municipalities in which pursuant to law candidates for such office are not permitted to be candidates of political parties.

At the consolidated primary election in the appropriate odd-numbered years, municipal officers shall be nominated or elected, or elected subject to a runoff, as may be provided by an ordinance providing a form of government of the municipality pursuant to Section 7 of Article VII of the Constitution.

(e) (Blank).

(f) At any election established in Section 2A-1.1, public questions may be submitted to voters pursuant to this Code and any special election otherwise required or authorized by law or by court order may be conducted pursuant to this Code.

Notwithstanding the regular dates for election of officers established in this Article, whenever a referendum is held for the establishment of a political subdivision whose officers are to be elected, the initial officers shall be elected at the election at which such referendum is held if otherwise so provided by law. In such cases, the election of the initial officers shall be subject to the referendum.

Notwithstanding the regular dates for election of officials established in this Article, any community college district which becomes effective by operation of law pursuant to Section 6-6.1 of

the Public Community College Act, as now or hereafter amended, shall elect the initial district board members at the next regularly scheduled election following the effective date of the new district.

(g) At any election established in Section 2A-1.1, if in any precinct there are no offices or public questions required to be on the ballot under this Code then no election shall be held in the precinct on that date.

(h) There may be conducted a referendum in accordance with the provisions of Division 6-4 of the Counties Code.

(Source: P.A. 89-5, eff. 1-1-96; 89-95, eff. 1-1-96; 89-626, eff. 8-9-96; 90-358, eff. 1-1-98.)

(10 ILCS 5/4-22) (from Ch. 46, par. 4-22)

Sec. 4-22. Except as otherwise provided in this Section upon application to vote each registered elector shall sign his name or make his mark as the case may be, on a certificate substantially as follows:

CERTIFICATE OF REGISTERED VOTER

City of ..... Ward ..... Precinct .....

Election ..... (Date) ..... (Month) ..... (Year)

Registration Record .....

Checked by .....

Voter's number ....

INSTRUCTION TO VOTERS

Sign this certificate and hand it to the election officer in charge. After the registration record has been checked, the officer will hand it back to you. Whereupon you shall present it to the

officer in charge of the ballots.

I hereby certify that I am registered from the address below and am qualified to vote.

Signature of voter .....

residence address .....

An individual shall not be required to provide his social security number when applying for a ballot. He shall not be denied a ballot, nor shall his ballot be challenged, solely because of his refusal to provide his social security number. Nothing in this Act prevents an individual from being requested to provide his social security number when the individual applies for a ballot. If, however, the certificate contains a space for the individual's social security number, the following notice shall appear on the certificate, immediately above such space, in bold-face capital letters, in type the size of which equals the largest type on the certificate:

"THE INDIVIDUAL APPLYING FOR A BALLOT WITH THIS DOCUMENT IS NOT REQUIRED TO DISCLOSE HIS OR HER SOCIAL SECURITY NUMBER. HE OR SHE MAY NOT BE DENIED A BALLOT, NOR SHALL HIS OR HER BALLOT BE CHALLENGED, SOLELY BECAUSE OF HIS OR HER REFUSAL TO PROVIDE HIS OR HER SOCIAL SECURITY NUMBER."

The certificates of each State-wide political party at a general primary election shall be separately printed upon paper of uniform quality, texture and size, but the certificates of no 2 State-wide political parties shall be of the same color or tint. However, if the election authority provides computer generated applications with

the precinct, ballot style and voter's name and address preprinted on the application, a single application may be used for State-wide political parties if it contains spaces or check-off boxes to indicate the political party. Such application shall not entitle the voter to vote in the primary of more than one political party at the same election.

At the consolidated primary, such certificates may contain spaces or checkoff boxes permitting the voter to request a primary ballot of any other political party which is established only within a political subdivision and for which a primary is conducted on the same election day. Such application shall not entitle the voter to vote in both the primary of the State-wide political party and the primary of the local political party with respect to the offices of the same political subdivision. In no event may a voter vote in more than one State-wide primary on the same day.

The judges in charge of the precinct registration files shall compare the signature upon such certificate with the signature on the registration record card as a means of identifying the voter. Unless satisfied by such comparison that the applicant to vote is the identical person who is registered under the same name, the judges shall ask such applicant the questions for identification which appear on the registration card, and if the applicant does not prove to the satisfaction of a majority of the judges of the election precinct that he is the identical person registered under the name in question then the vote of such applicant shall be challenged by a judge of election, and the same procedure followed as provided by law for challenged voters.

In case the elector is unable to sign his name, a judge of election shall check the data on the registration card and shall check the address given, with the registered address, in order to determine whether he is entitled to vote.

One of the judges of election shall check the certificate of each applicant for a ballot after the registration record has been examined, and shall sign his initials on the certificate in the space provided therefor, and shall enter upon such certificate the number

of the voter in the place provided therefor, and make an entry in the voting record space on the registration record, to indicate whether or not the applicant voted. Such judge shall then hand such certificate back to the applicant in case he is permitted to vote, and such applicant shall hand it to the judge of election in charge of the ballots. The certificates of the voters shall be filed in the order in which they are received and shall constitute an official poll record. The term "poll lists" and "poll books", where used in this Article, shall be construed to apply to such official poll record.

After each general primary election the county clerk shall indicate by color code or other means next to the name of each registrant on the list of registered voters in each precinct the primary ballot of a political party that the registrant requested at that general primary election. The county clerk, within 30 ~~60~~ days after the general primary election, shall provide a copy of this coded list to the chairman of the county central committee of each

established political party or to the chairman's duly authorized representative.

Within 60 days after the effective date of this amendatory Act of 1983, the county clerk shall provide to the chairman of the county central committee of each established political party or to the chairman's duly authorized representative the list of registered voters in each precinct at the time of the general primary election of 1982 and shall indicate on such list by color code or other means next to the name of a registrant the primary ballot of a political party that the registrant requested at the general primary election of 1982.

The county clerk may charge a fee to reimburse the actual cost of duplicating each copy of a list provided under either of the 2 preceding paragraphs.

Where an elector makes application to vote by signing and presenting the certificate provided by this Section, and his registration record card is not found in the precinct registry of voters, but his name appears as that of a registered voter in such precinct upon the printed precinct register as corrected or revised by the supplemental list, or upon the consolidated list, if any, and whose name has not been erased or withdrawn from such register, the printed precinct register as corrected or revised by the supplemental list, or consolidated list, if any, shall be prima facie evidence of the elector's right to vote upon compliance with the provisions hereinafter set forth in this Section. In such event one of the judges of election shall require an affidavit by such person and one voter residing in the precinct before the judges of election, substantially in the form prescribed in Section 17-10 of this Act, and upon the presentation of such affidavits, a certificate shall be issued to such elector, and upon the presentation of such certificate and affidavits, he shall be entitled to vote.

Provided, however, that applications for ballots made by registered voters under the provisions of Article 19 of this Act shall be accepted by the Judges of Election in lieu of the "Certificate of Registered Voter" provided for in this Section.

When the county clerk delivers to the judges of election for use at the polls a supplemental or consolidated list of the printed precinct register, he shall give a copy of the supplemental or consolidated list to the chairman of a county central committee of an established political party or to the chairman's duly authorized representative.

Whenever 2 or more elections occur simultaneously, the election authority charged with the duty of providing application certificates may prescribe the form thereof so that a voter is required to execute

only one, indicating in which of the elections he desires to vote.

After the signature has been verified, the judges shall determine in which political subdivisions the voter resides by use of the information contained on the voter registration cards or the separate registration lists or other means approved by the State Board of Elections and prepared and supplied by the election authority. The voter's certificate shall be so marked by the judges as to show the respective ballots which the voter is given.

(Source: P.A. 84-809.)

(10 ILCS 5/5-29) (from Ch. 46, par. 5-29)

Sec. 5-29. Upon application to vote, except as hereinafter provided for absent electors, each registered elector shall sign his name or make his mark as the case may be, on a certificate substantially as follows:

"Certificate of Registered Voter

Town of.....District or Precinct Number.....;
City of.....Ward.....Precinct.....;
Village of.....Precinct.....;
Election.....
(date) (month) (year)
Registration record
Checked by.....
Voter's number.....

Instruction to voters

Sign this certificate and hand it to the election officer in charge. After the registration record has been checked, the officer will hand it back to you. Whereupon you shall present it to the officer in charge of the ballots.

I hereby certify that I am registered from the address below and am qualified to vote.

Signature of voter .....
Residence address ....."

An individual shall not be required to provide his social security number when applying for a ballot. He shall not be denied a ballot, nor shall his ballot be challenged, solely because of his refusal to provide his social security number. Nothing in this Act prevents an individual from being requested to provide his social security number when the individual applies for a ballot. If, however, the certificate contains a space for the individual's social security number, the following notice shall appear on the certificate, immediately above such space, in bold-face capital letters, in type the size of which equals the largest type on the certificate:

"THE INDIVIDUAL APPLYING FOR A BALLOT WITH THIS DOCUMENT IS NOT REQUIRED TO DISCLOSE HIS OR HER SOCIAL SECURITY NUMBER. HE OR SHE MAY NOT BE DENIED A BALLOT, NOR SHALL HIS OR HER BALLOT BE CHALLENGED, SOLELY BECAUSE OF HIS OR HER REFUSAL TO PROVIDE HIS OR HER SOCIAL SECURITY NUMBER."

Certificates as above prescribed shall be furnished by the county clerk for all elections.

The Judges in charge of the precinct registration files shall compare the signature upon such certificate with the signature on the registration record card as a means of identifying the voter. Unless satisfied by such comparison that the applicant to vote is the identical person who is registered under the same name, the Judges shall ask such applicant the questions for identification which appear on the registration card and if the applicant does not prove to the satisfaction of a majority of the judges of the election precinct that he is the identical person registered under the name in question then the vote for such applicant shall be challenged by a Judge of Election, and the same procedure followed as provided by law

for challenged voters.

In case the elector is unable to sign his name, a Judge of Election shall check the data on the registration card and shall check the address given, with the registered address, in order to determine whether he is entitled to vote.

One of the Judges of election shall check the certificate of each applicant for a ballot after the registration record has been examined and shall sign his initials on the certificate in the space provided therefor, and shall enter upon such certificate the number of the voter in the place provided therefor, and make an entry in the voting record space on the registration record, to indicate whether or not the applicant voted. Such judge shall then hand such certificate back to the applicant in case he is permitted to vote, and such applicant shall hand it to the judge of election in charge of the ballots. The certificates of the voters shall be filed in the order in which they are received and shall constitute an official poll record. The term "Poll Lists" and "Poll Books" where used in this article 5 shall be construed to apply to such official poll records.

After each general primary election the county clerk shall indicate by color code or other means next to the name of each registrant on the list of registered voters in each precinct the primary ballot of a political party that the registrant requested at that general primary election. The county clerk, within 30 ~~60~~ days after the general primary election, shall provide a copy of this coded list to the chairman of the county central committee of each established political party or to the chairman's duly authorized representative.

Within 60 days after the effective date of this amendatory Act of 1983, the county clerk shall provide to the chairman of the county central committee of each established political party or to the chairman's duly authorized representative the list of registered voters in each precinct at the time of the general primary election of 1982 and shall indicate on such list by color code or other means next to the name of a registrant the primary ballot of a political party that the registrant requested at the general primary election of 1982.

The county clerk may charge a fee to reimburse the actual cost of duplicating each copy of a list provided under either of the 2 preceding paragraphs.

Where an elector makes application to vote by signing and presenting the certificate provided by this Section, and his registration record card is not found in the precinct registry of voters, but his name appears as that of a registered voter in such precinct upon the printed precinct list of voters and whose name has not been erased or withdrawn from such register, it shall be the duty of one of the Judges of Election to require an affidavit by such person and two voters residing in the precinct before the judges of election that he is the same person whose name appears upon the precinct register and that he resides in the precinct stating the street number of his residence. Forms for such affidavit shall be supplied by the county clerk for all elections. Upon the making of such affidavit and the presentation of his certificate such elector shall be entitled to vote. All affidavits made under this paragraph shall be preserved and returned to the county clerk in an envelope. It shall be the duty of the county clerk within 30 days after such

election to take steps provided by Section 5-27 of this article 5 for the execution of new registration affidavits by electors who have voted under the provisions of this paragraph.

Provided, however, that the applications for ballots made by registered voters and under the provisions of article 19 of this act

shall be accepted by the Judges of Election in lieu of the "certificate of registered voter" provided for in this section.

When the county clerk delivers to the judges of election for use at the polls a supplemental or consolidated list of the printed precinct register, he shall give a copy of the supplemental or consolidated list to the chairman of a county central committee of an established political party or to the chairman's duly authorized representative.

Whenever two or more elections occur simultaneously, the election authority charged with the duty of providing application certificates may prescribe the form thereof so that a voter is required to execute only one, indicating in which of the elections he desires to vote.

After the signature has been verified, the judges shall determine in which political subdivisions the voter resides by use of the information contained on the voter registration cards or the separate registration lists or other means approved by the State Board of Elections and prepared and supplied by the election authority. The voter's certificate shall be so marked by the judges as to show the respective ballots which the voter is given.

(Source: P.A. 84-809; 84-832.)

(10 ILCS 5/6-66) (from Ch. 46, par. 6-66)

Sec. 6-66. Upon application to vote each registered elector shall sign his name or make his mark as the case may be, on a certificate substantially as follows:

"CERTIFICATE OF REGISTERED VOTER

City of ..... Ward .... Precinct .... Election .....(Date).....(Month).....(Year) Registration Record ..... Checked by ..... Voter's number ....

INSTRUCTION TO VOTERS

Sign this certificate and hand it to the election officers in charge. After the registration record has been checked, the officer will hand it back to you. Whereupon you shall present it to the officer in charge of the ballots.

I hereby certify that I am registered from the address below and am qualified to vote.

Signature of voter .....
Residence address ....."

An individual shall not be required to provide his social security number when applying for a ballot. He shall not be denied a ballot, nor shall his ballot be challenged, solely because of his refusal to provide his social security number. Nothing in this Act prevents an individual from being requested to provide his social security number when the individual applies for a ballot. If, however, the certificate contains a space for the individual's social security number, the following notice shall appear on the certificate, immediately above such space, in bold-face capital letters, in type the size of which equals the largest type on the

certificate:

"THE INDIVIDUAL APPLYING FOR A BALLOT WITH THIS DOCUMENT IS NOT REQUIRED TO DISCLOSE HIS OR HER SOCIAL SECURITY NUMBER. HE OR SHE MAY NOT BE DENIED A BALLOT, NOR SHALL HIS OR HER BALLOT BE CHALLENGED, SOLELY BECAUSE OF HIS OR HER REFUSAL TO PROVIDE HIS OR HER SOCIAL SECURITY NUMBER."

The applications of each State-wide political party at a primary election shall be separately printed upon paper of uniform quality, texture and size, but the applications of no 2 State-wide political parties shall be of the same color or tint. If the election authority provides computer generated applications with the precinct, ballot style, and voter's name and address preprinted on the application, a single application may be used for State-wide political parties if it contains spaces or check-off boxes to

indicate the political party. Such applications may contain spaces or check-off boxes permitting the voter to also request a primary ballot of any political party which is established only within a political subdivision and for which a primary is conducted on the same election day. Such applications shall not entitle the voter to vote in both the primary of a State-wide political party and the primary of a local political party with respect to the offices of the same political subdivision or to vote in the primary of more than one State-wide political party on the same day.

The judges in charge of the precinct registration files shall compare the signature upon such certificate with the signature on the registration record card as a means of identifying the voter. Unless satisfied by such comparison that the applicant to vote is the identical person who is registered under the same name, the judges shall ask such applicant the questions for identification which appear on the registration card, and if the applicant does not prove to the satisfaction of a majority of the judges of the election precinct that he is the identical person registered under the name in question then the vote of such applicant shall be challenged by a judge of election, and the same procedure followed as provided in this Article and Act for challenged voters.

In case the elector is unable to sign his name, a judge of election shall check the data on the registration card and shall check the address given, with the registered address, in order to determine whether he is entitled to vote.

One of the judges of election shall check the certificate of such applicant for a ballot after the registration record has been examined, and shall sign his initials on the certificate in the space provided therefor, and shall enter upon such certificate the number of the voter in the place provided therefor, and make an entry in the voting record space on the registration record, to indicate whether or not the applicant voted. Such judge shall then hand such certificate back to the applicant in case he is permitted to vote, and such applicant shall hand it to the judge of election in charge of the ballots. The certificates of the voters shall be filed in the order in which they are received and shall constitute an official poll record. The terms "poll lists" and "poll books", where used in this Article and Act, shall be construed to apply to such official

poll record.

After each general primary election the board of election commissioners shall indicate by color code or other means next to the name of each registrant on the list of registered voters in each precinct the primary ballot of a political party that the registrant requested at the general primary election. The board of election commissioners, within 30 ~~60~~ days after that general primary election, shall provide a copy of this coded list to the chairman of the county central committee of each established political party or to the chairman's duly authorized representative.

Within 60 days after the effective date of this amendatory Act of 1983, the board of election commissioners shall provide to the chairman of the county central committee of each established political party or to the chairman's duly authorized representative the list of registered voters in each precinct at the time of the general primary election of 1982 and shall indicate on such list by color code or other means next to the name of a registrant the primary ballot of a political party that the registrant requested at the general primary election of 1982.

The board of election commissioners may charge a fee to reimburse the actual cost of duplicating each copy of a list provided under either of the 2 preceding paragraphs.

Where an elector makes application to vote by signing and

presenting the certificate provided by this Section, and his registration card is not found in the precinct registry of voters, but his name appears as that of a registered voter in such precinct upon the printed precinct register as corrected or revised by the supplemental list, or upon the consolidated list, if any provided by this Article and whose name has not been erased or withdrawn from such register, the printed precinct register as corrected or revised by the supplemental list, or consolidated list, if any, shall be prima facie evidence of the elector's right to vote upon compliance with the provisions hereinafter set forth in this Section. In such event it shall be the duty of one of the judges of election to require an affidavit by such person and 2 voters residing in the precinct before the judges of election that he is the same person whose name appears upon the printed precinct register as corrected or revised by the supplemental list, or consolidated list, if any, and that he resides in the precinct, stating the street and number of his residence, and upon the presentation of such affidavits, a certificate shall be issued to such elector, and upon the presentation of such certificate and affidavits, he shall be entitled to vote. Any elector whose name does not appear as a registered voter on the printed precinct register or supplemental list but who has a certificate issued by the board of election commissioners as provided in Section 6-43 of this Article, shall be entitled to vote upon the presentation of such certificate accompanied by the affidavits of 2 voters residing in the precinct that the elector is the same person described in such certificate and that he resides in the precinct, stating the street and number of his residence. Forms for all affidavits required hereunder shall be supplied by the board of election commissioners. All affidavits made under this paragraph

shall be preserved and returned to the board of election commissioners in the manner provided by this Article and Article 18 of this Act. It shall be the duty of the board of election commissioners, within 30 days after such election, to take the steps provided by Section 6-64 of this Article for the execution of new registration affidavits by electors who have voted under the provisions of this paragraph.

When the board of election commissioners delivers to the judges of election for use at the polls a supplemental or consolidated list of the printed precinct register, it shall give a copy of the supplemental or consolidated list to the chairman of a county central committee of an established political party or to the chairman's duly authorized representative.

Whenever 2 or more elections occur simultaneously, the election official or officials charged with the duty of providing application certificates may prescribe the form thereof so that a voter is required to execute only one, indicating in which of the elections he desires to vote.

After the signature has been verified, the judges shall determine in which political subdivisions the voter resides by use of the information contained on the voter registration cards or the separate registration lists or other means approved by the State Board of Elections and prepared and supplied by the election authority. The voter's certificate shall be so marked by the judges as to show the respective ballots which the voter is given.

(Source: P.A. 84-809.)

(10 ILCS 5/7-8) (from Ch. 46, par. 7-8)

Sec. 7-8. The State central committee shall be composed of one or two members from each congressional district in the State and shall be elected as follows:

State Central Committee

(a) Within 30 days after the effective date of this amendatory

Act of 1983 the State central committee of each political party shall certify to the State Board of Elections which of the following alternatives it wishes to apply to the State central committee of that party.

Alternative A. At the general primary held ~~on the third Tuesday~~ in ~~March~~ 1970, and ~~at the primary held~~ every 4 years thereafter, each primary elector may vote for one candidate of his party for member of the State central committee for the congressional district in which he resides. The candidate receiving the highest number of votes shall be declared elected State central committeeman from the district. A political party may, in lieu of the foregoing, by a majority vote of delegates at any State convention of such party, determine to thereafter elect the State central committeemen in the manner following:

At the county convention held by such political party State central committeemen shall be elected in the same manner as provided in this Article for the election of officers of the county central committee, and such election shall follow the election of officers of the county central committee. Each elected ward, township or precinct committeeman shall cast as his vote one vote for each ballot

voted in his ward, township, part of a township or precinct in the last preceding primary election of his political party. In the case of a county lying partially within one congressional district and partially within another congressional district, each ward, township or precinct committeeman shall vote only with respect to the congressional district in which his ward, township, part of a township or precinct is located. In the case of a congressional district which encompasses more than one county, each ward, township or precinct committeeman residing within the congressional district shall cast as his vote one vote for each ballot voted in his ward, township, part of a township or precinct in the last preceding primary election of his political party for one candidate of his party for member of the State central committee for the congressional district in which he resides and the Chairman of the county central committee shall report the results of the election to the State Board of Elections. The State Board of Elections shall certify the candidate receiving the highest number of votes elected State central committeeman for that congressional district.

The State central committee shall adopt rules to provide for and govern the procedures to be followed in the election of members of the State central committee.

Alternative B. Each congressional committee shall, within 30 days after the adoption of this alternative, appoint a person of the sex opposite that of the incumbent member for that congressional district to serve as an additional member of the State central committee until his or her successor is elected at the general primary election in 1986. Each congressional committee shall make this appointment by voting on the basis set forth in paragraph (e) of this Section. In each congressional district at the general primary election held in 1986 and every 4 years thereafter, the male candidate receiving the highest number of votes of the party's male candidates for State central committeeman, and the female candidate receiving the highest number of votes of the party's female candidates for State central committeewoman, shall be declared elected State central committeeman and State central committeewoman from the district. At the general primary election held in 1986 and every 4 years thereafter, if all a party's candidates for State central committeemen or State central committeewomen from a congressional district are of the same sex, the candidate receiving the highest number of votes shall be declared elected a State central committeeman or State central committeewoman from the district, and,

because of a failure to elect one male and one female to the committee, a vacancy shall be declared to exist in the office of the second member of the State central committee from the district. This vacancy shall be filled by appointment by the congressional committee of the political party, and the person appointed to fill the vacancy shall be a resident of the congressional district and of the sex opposite that of the committeeman or committeewoman elected at the general primary election. Each congressional committee shall make this appointment by voting on the basis set forth in paragraph (e) of this Section.

Under both of the foregoing alternatives, the State central

committee of each political party shall be composed of members elected or appointed from the several congressional districts of the State, and of no other person or persons whomsoever. The members of the State central committee shall, within 30 days after each quadrennial election of the full committee, meet in the city of Springfield and organize by electing from among their own number a chairman, and may at such time elect such officers from among their own number (or otherwise), as they may deem necessary or expedient. The outgoing chairman of the State central committee of the party shall, 10 days before the meeting, notify each member of the State central committee elected at the primary of the time and place of such meeting. In the organization and proceedings of the State central committee, each State central committeeman and State central committeewoman shall have one vote for each ballot voted in his or her congressional district by the primary electors of his or her party at the primary election immediately preceding the meeting of the State central committee. Whenever a vacancy occurs in the State central committee of any political party, the vacancy shall be filled by appointment of the chairmen of the county central committees of the political party of the counties located within the congressional district in which the vacancy occurs and, if applicable, the ward and township committeemen of the political party in counties of 2,000,000 or more inhabitants located within the congressional district. If the congressional district in which the vacancy occurs lies wholly within a county of 2,000,000 or more inhabitants, the ward and township committeemen of the political party in that congressional district shall vote to fill the vacancy. In voting to fill the vacancy, each chairman of a county central committee and each ward and township committeeman in counties of 2,000,000 or more inhabitants shall have one vote for each ballot voted in each precinct of the congressional district in which the vacancy exists of his or her county, township, or ward cast by the primary electors of his or her party at the primary election immediately preceding the meeting to fill the vacancy in the State central committee. The person appointed to fill the vacancy shall be a resident of the congressional district in which the vacancy occurs, shall be a qualified voter, and, in a committee composed as provided in Alternative B, shall be of the same sex as his or her predecessor. A political party may, by a majority vote of the delegates of any State convention of such party, determine to return to the election of State central committeeman and State central committeewoman by the vote of primary electors. Any action taken by a political party at a State convention in accordance with this Section shall be reported to the State Board of Elections by the chairman and secretary of such convention within 10 days after such action.

Ward, Township and Precinct Committeemen

(b) At the general primary ~~held on the third Tuesday~~ in ~~March,~~ 1972, and every 4 years thereafter, each primary elector in cities having a population of 200,000 or over may vote for one candidate of his party in his ward for ward committeeman. Each candidate for ward

committeeman must be a resident of and in the ward where he seeks to be elected ward committeeman. The one having the highest number of

votes shall be such ward committeeman of such party for such ward. At the general primary election ~~held on the third Tuesday~~ in ~~March,~~ 1970, and every 4 years thereafter, each primary elector in counties containing a population of 2,000,000 or more, outside of cities containing a population of 200,000 or more, may vote for one candidate of his party for township committeeman. Each candidate for township committeeman must be a resident of and in the township or part of a township (which lies outside of a city having a population of 200,000 or more, in counties containing a population of 2,000,000 or more), and in which township or part of a township he seeks to be elected township committeeman. The one having the highest number of votes shall be such township committeeman of such party for such township or part of a township. At the general primary election ~~held on the third Tuesday~~ in ~~March,~~ 1970 and every 2 years thereafter, each primary elector, except in counties having a population of 2,000,000 or over, may vote for one candidate of his party in his precinct for precinct committeeman. Each candidate for precinct committeeman must be a bona fide resident of the precinct where he seeks to be elected precinct committeeman. The one having the highest number of votes shall be such precinct committeeman of such party for such precinct. The official returns of the primary shall show the name of the committeeman of each political party.

Terms of Committeemen. All precinct committeemen elected under the provisions of this Article shall continue as such committeemen until the date of the primary to be held in the second year after their election. Except as otherwise provided in this Section for certain State central committeemen who have 2 year terms, all State central committeemen, township committeemen and ward committeemen shall continue as such committeemen until the date of primary to be held in the fourth year after their election. However, a vacancy exists in the office of precinct committeeman when a precinct committeeman ceases to reside in the precinct in which he was elected and such precinct committeeman shall thereafter neither have nor exercise any rights, powers or duties as committeeman in that precinct, even if a successor has not been elected or appointed.

(c) The Multi-Township Central Committee shall consist of the precinct committeemen of such party, in the multi-township assessing district formed pursuant to Section 2-10 of the Property Tax Code and shall be organized for the purposes set forth in Section 45-25 of the Township Code. In the organization and proceedings of the Multi-Township Central Committee each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected.

County Central Committee

(d) The county central committee of each political party in each county shall consist of the various township committeemen, precinct committeemen and ward committeemen, if any, of such party in the county. In the organization and proceedings of the county central committee, each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected; each township committeeman shall have one vote for each ballot voted in his township or part of a township as the case may be by the primary electors of his party at the primary election for the nomination of candidates for election to the General Assembly immediately preceding the meeting of the county central committee; and in the organization and proceedings of the county central committee, each ward committeeman shall have one vote

for each ballot voted in his ward by the primary electors of his party at the primary election for the nomination of candidates for

election to the General Assembly immediately preceding the meeting of the county central committee.

Congressional Committee

(e) The congressional committee of each party in each congressional district shall be composed of the chairmen of the county central committees of the counties composing the congressional district, except that in congressional districts wholly within the territorial limits of one county, or partly within 2 or more counties, but not coterminous with the county lines of all of such counties, the precinct committeemen, township committeemen and ward committeemen, if any, of the party representing the precincts within the limits of the congressional district, shall compose the congressional committee. A State central committeeman in each district shall be a member and the chairman or, when a district has 2 State central committeemen, a co-chairman of the congressional committee, but shall not have the right to vote except in case of a tie.

In the organization and proceedings of congressional committees composed of precinct committeemen or township committeemen or ward committeemen, or any combination thereof, each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected, each township committeeman shall have one vote for each ballot voted in his township or part of a township as the case may be by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee, and each ward committeeman shall have one vote for each ballot voted in each precinct of his ward located in such congressional district by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee; and in the organization and proceedings of congressional committees composed of the chairmen of the county central committees of the counties within such district, each chairman of such county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee.

Judicial District Committee

(f) The judicial district committee of each political party in each judicial district shall be composed of the chairman of the county central committees of the counties composing the judicial district.

In the organization and proceedings of judicial district committees composed of the chairmen of the county central committees of the counties within such district, each chairman of such county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the judicial district committee.

Circuit Court Committee

(g) The circuit court committee of each political party in each judicial circuit outside Cook County shall be composed of the

chairmen of the county central committees of the counties composing the judicial circuit.

In the organization and proceedings of circuit court committees, each chairman of a county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the circuit court committee.

Judicial Subcircuit Committee

(g-1) The judicial subcircuit committee of each political party in each judicial subcircuit in Cook County shall be composed of the ward and township committeemen of the townships and wards composing

the judicial subcircuit.

In the organization and proceedings of each judicial subcircuit committee, each township committeeman shall have one vote for each ballot voted in his township or part of a township, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee; and each ward committeeman shall have one vote for each ballot voted in his ward or part of a ward, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee.

Municipal Central Committee

(h) The municipal central committee of each political party shall be composed of the precinct, township or ward committeemen, as the case may be, of such party representing the precincts or wards, embraced in such city, incorporated town or village. The voting strength of each precinct, township or ward committeeman on the municipal central committee shall be the same as his voting strength on the county central committee.

For political parties, other than a statewide political party, established only within a municipality or township, the municipal or township managing committee shall be composed of the party officers of the local established party. The party officers of a local established party shall be as follows: the chairman and secretary of the caucus for those municipalities and townships authorized by statute to nominate candidates by caucus shall serve as party officers for the purpose of filling vacancies in nomination under Section 7-61; for municipalities and townships authorized by statute or ordinance to nominate candidates by petition and primary election, the party officers shall be the party's candidates who are nominated at the primary. If no party primary was held because of the provisions of Section 7-5, vacancies in nomination shall be filled by the party's remaining candidates who shall serve as the party's officers.

Powers

(i) Each committee and its officers shall have the powers usually exercised by such committees and by the officers thereof, not inconsistent with the provisions of this Article. The several committees herein provided for shall not have power to delegate any of their powers, or functions to any other person, officer or committee, but this shall not be construed to prevent a committee

from appointing from its own membership proper and necessary subcommittees.

(j) The State central committee of a political party which elects it members by Alternative B under paragraph (a) of this Section shall adopt a plan to give effect to the delegate selection rules of the national political party and file a copy of such plan with the State Board of Elections when approved by a national political party.

(k) For the purpose of the designation of a proxy by a Congressional Committee to vote in place of an absent State central committeeman or committeewoman at meetings of the State central committee of a political party which elects its members by Alternative B under paragraph (a) of this Section, the proxy shall be appointed by the vote of the ward and township committeemen, if any, of the wards and townships which lie entirely or partially within the Congressional District from which the absent State central committeeman or committeewoman was elected and the vote of the chairmen of the county central committees of those counties which lie entirely or partially within that Congressional District and in which there are no ward or township committeemen. When voting for such

proxy the county chairman, ward committeeman or township committeeman, as the case may be shall have one vote for each ballot voted in his county, ward or township, or portion thereof within the Congressional District, by the primary electors of his party at the primary at which he was elected. However, the absent State central committeeman or committeewoman may designate a proxy when permitted by the rules of a political party which elects its members by Alternative B under paragraph (a) of this Section.

(Source: P.A. 90-627, eff. 7-10-98.)

(10 ILCS 5/7-11) (from Ch. 46, par. 7-11)

Sec. 7-11. Any candidate for President of the United States may have his name printed upon the primary ballot of his political party by filing in the office of the State Board of Elections not more than 99 and not less than 92 days prior to the date of the presidential ~~general~~ primary election, in any year in which a Presidential election is to be held, a petition signed by not less than 3000 or more than 5000 primary electors, members of and affiliated with the party of which he is a candidate, and no candidate for President of the United States, who fails to comply with the provisions of this Article shall have his name printed upon any primary ballot: Provided, however, that if the rules or policies of a national political party conflict with such requirements for filing petitions for President of the United States in a presidential preference primary, the Chairman of the State central committee of such national political party shall notify the State Board of Elections in writing, citing by reference the rules or policies of the national political party in conflict, and in such case the Board shall direct such petitions to be filed not more than 69 and not less than 62 days prior to the date of the presidential ~~general~~ primary election, in any year in which a Presidential election is to be held. Provided, further, unless rules or policies of a national political party otherwise provide, the vote for President of the United States, as

herein provided for, shall be for the sole purpose of securing an expression of the sentiment and will of the party voters with respect to candidates for nomination for said office, and the vote of the state at large shall be taken and considered as advisory to the delegates and alternates at large to the national conventions of respective political parties; and the vote of the respective congressional districts shall be taken and considered as advisory to the delegates and alternates of said congressional districts to the national conventions of the respective political parties.
(Source: P.A. 86-873; 86-1089.)

(10 ILCS 5/7-14) (from Ch. 46, par. 7-14)

Sec. 7-14. Not less than 61 days before the date of the general primary and the presidential primary election the State Board of Elections shall meet and shall examine all petitions filed under this Article 7, in the office of the State Board of Elections. The State Board of Elections shall then certify to the county clerk of each county, the names of all candidates whose nomination papers or certificates of nomination have been filed with the Board and direct the county clerk to place upon the official ballot for the general primary election or the presidential primary election the names of such candidates in the same manner and in the same order as shown upon the certification.

The State Board of Elections shall, in its certificate to the county clerk, certify the names of the offices, and the names of the candidates in the order in which the offices and names shall appear upon the primary ballot; such names to appear in the order in which petitions have been filed in the office of the State Board of Elections except as otherwise provided in this Article.

Not less than 55 days before the date of the general primary and

the presidential primary election, each county clerk shall certify the names of all candidates whose nomination papers have been filed with such clerk and declare that the names of such candidates for the respective offices shall be placed upon the official ballot for the general or presidential primary in the order in which such nomination papers were filed with the clerk, or as determined by lot, or as otherwise specified by statute. Each county clerk shall place a copy of the certification on file in his or her office and at the same time issue to the board of election commissioners a copy of the certification that has been filed in the county clerk's office, together with a copy of the certification that has been issued to the clerk by the State Board of Elections, with directions to the board of election commissioners to place upon the official ballot for the general or presidential primary in that election jurisdiction the names of all candidates that are listed on such certification in the same manner and in the same order as shown upon such certifications.

The certification shall indicate, where applicable, the following:

(1) The political party affiliation of the candidates for the respective offices;

(2) If there is to be more than one candidate elected or nominated to an office from the State, political subdivision or district;

(3) If the voter has the right to vote for more than one candidate for an office;

(4) The term of office, if a vacancy is to be filled for less than a full term or if the offices to be filled in a political subdivision or district are for different terms.

The State Board of Elections or the county clerk, as the case may be, shall issue an amended certification whenever it is discovered that the original certification is in error.

Subject to appeal, the names of candidates whose nomination papers have been held invalid by the appropriate electoral board provided in Section 10-9 of this Code shall not be certified.
(Source: P.A. 86-867.)

(10 ILCS 5/7-56) (from Ch. 46, par. 7-56)

Sec. 7-56. As soon as complete returns are delivered to the proper election authority, the returns shall be canvassed for all primary elections as follows:

1. In the case of the nomination of candidates for city offices, by the mayor, the city attorney and the city clerk.

2. In the case of nomination of candidates for village offices, by the president of the board of trustees, one member of the board of trustees, and the village clerk.

3. In the case of nomination of candidates for township offices, by the town supervisor, the town assessor and the town clerk; in the case of nomination of candidates for incorporated town offices, by the corporate authorities of the incorporated town.

3.5. For multi-township assessment districts, by the chairman, clerk, and assessor of the multi-township assessment district.

4. For road district offices, by the highway commissioner and the road district clerk.

5. The officers who are charged by law with the duty of canvassing returns of general elections made to the county clerk, shall also open and canvass the returns of a primary made to such county clerk. <u>The canvass shall be completed within 3 days of the primary.</u> Upon the completion of the canvass of the returns by the county canvassing board, said canvassing board shall make a tabulated statement of the returns for each political party separately, stating in appropriate columns and under proper headings, the total number of votes cast in said county for each candidate for nomination by said

party, including candidates for President of the United States and for State central committeemen, and for delegates and alternate delegates to National nominating conventions, and for precinct committeemen, township committeemen, and for ward committeemen. Within two (2) days after the completion of said canvass by said canvassing board the county clerk shall mail to the State Board of Elections a certified copy of such tabulated statement of returns. Provided, however, that the number of votes cast for the nomination for offices, the certificates of election for which offices, under this Act or any other laws are issued by the county clerk shall not be included in such certified copy of said tabulated statement of returns, nor shall the returns on the election of precinct, township or ward committeemen be so certified to the State Board of Elections. The said officers shall also determine and set down as to each

precinct the number of ballots voted by the primary electors of each party at the primary.

6. In the case of the nomination of candidates for offices, including President of the United States and the State central committeemen, and delegates and alternate delegates to National nominating conventions, certified tabulated statement of returns for which are filed with the State Board of Elections, said returns shall be canvassed by the board. And, provided, further, that within 5 days after said returns shall be canvassed by the said Board, the Board shall cause to be published in one daily newspaper of general circulation at the seat of the State government in Springfield a certified statement of the returns filed in its office, showing the total vote cast in the State for each candidate of each political party for President of the United States, and showing the total vote for each candidate of each political party for President of the United States, cast in each of the several congressional districts in the State.

7. Where in cities or villages which have a board of election commissioners, the returns of a primary are made to such board of election commissioners, said return shall be canvassed by such board, and, excepting in the case of the nomination for any municipal office, tabulated statements of the returns of such primary shall be made to the county clerk.

8. Within 48 hours of the delivery of complete returns of the consolidated primary to the election authority, the election authority shall deliver an original certificate of results to each local election official, with respect to whose political subdivisions nominations were made at such primary, for each precinct in his jurisdiction in which such nominations were on the ballot. Such original certificate of results need not include any offices or nominations for any other political subdivisions. The local election official shall immediately transmit the certificates to the canvassing board for his political subdivisions, which shall open and canvass the returns, make a tabulated statement of the returns for each political party separately, and as nearly as possible, follow the procedures required for the county canvassing board. Such canvass of votes shall be conducted within 7 days after the close of the consolidated primary.

(Source: P.A. 87-1052.)

(10 ILCS 5/7-60) (from Ch. 46, par. 7-60)

Sec. 7-60. Not less than 35 ~~67~~ days before the date of the general election, the State Board of Elections shall certify to the county clerks the names of each of the candidates who have been nominated as shown by the proclamation of the State Board of Elections as a canvassing board or who have been nominated to fill a vacancy in nomination and direct the election authority to place upon the official ballot for the general election the names of such

candidates in the same manner and in the same order as shown upon the certification, except as otherwise provided in this Section.

Not less than 30 ~~61~~ days before the date of the general election, each county clerk shall certify the names of each of the candidates for county offices who have been nominated as shown by the

proclamation of the county canvassing board or who have been nominated to fill a vacancy in nomination and declare that the names of such candidates for the respective offices shall be placed upon the official ballot for the general election in the same manner and in the same order as shown upon the certification, except as otherwise provided by this Section. Each county clerk shall place a copy of the certification on file in his or her office and at the same time issue to the State Board of Elections a copy of such certification. In addition, each county clerk in whose county there is a board of election commissioners shall, not less than 30 ~~61~~ days before the date of the general election, issue to such board a copy of the certification that has been filed in the county clerk's office, together with a copy of the certification that has been issued to the clerk by the State Board of Elections, with directions to the board of election commissioners to place upon the official ballot for the general election in that election jurisdiction the names of all candidates that are listed on such certifications, in the same manner and in the same order as shown upon such certifications, except as otherwise provided in this Section.

Whenever there are two or more persons nominated by the same political party for multiple offices for any board, the name of the candidate of such party receiving the highest number of votes in the primary election as a candidate for such office, as shown by the official election returns of the primary, shall be certified first under the name of such offices, and the names of the remaining candidates of such party for such offices shall follow in the order of the number of votes received by them respectively at the primary election as shown by the official election results.

No person who is shown by the canvassing board's proclamation to have been nominated at the primary as a write-in candidate shall have his or her name certified unless such person shall have filed with the certifying office or board within 5 ~~10~~ days after the canvassing board's proclamation a statement of candidacy pursuant to Section 7-10 and a statement pursuant to Section 7-10.1.

Each county clerk and board of election commissioners shall determine by a fair and impartial method of random selection the order of placement of established political party candidates for the general election ballot. Such determination shall be made within 15 ~~30~~ days following the canvass and proclamation of the results of the general primary in the office of the county clerk or board of election commissioners and shall be open to the public. Seven days written notice of the time and place of conducting such random selection shall be given, by each such election authority, to the County Chairman of each established political party, and to each organization of citizens within the election jurisdiction which was entitled, under this Article, at the next preceding election, to have pollwatchers present on the day of election. Each election authority shall post in a conspicuous, open and public place, at the entrance of the election authority office, notice of the time and place of such lottery. However, a board of election commissioners may elect to place established political party candidates on the general election ballot in the same order determined by the county clerk of the county in which the city under the jurisdiction of such board is located.

Each certification shall indicate, where applicable, the following:

(1) The political party affiliation of the candidates for the respective offices;

(2) If there is to be more than one candidate elected to an office from the State, political subdivision or district;

(3) If the voter has the right to vote for more than one candidate for an office;

(4) The term of office, if a vacancy is to be filled for less than a full term or if the offices to be filled in a political subdivision are for different terms.

The State Board of Elections or the county clerk, as the case may be, shall issue an amended certification whenever it is discovered that the original certification is in error.

(Source: P.A. 86-867; 86-875; 86-1028.)

(10 ILCS 5/7-61) (from Ch. 46, par. 7-61)

Sec. 7-61. Whenever a special election is necessary the provisions of this Article are applicable to the nomination of candidates to be voted for at such special election.

In cases where a primary election is required the officer or board or commission whose duty it is under the provisions of this Act relating to general elections to call an election, shall fix a date for the primary for the nomination of candidates to be voted for at such special election. Notice of such primary shall be given at least 15 days prior to the maximum time provided for the filing of petitions for such a primary as provided in Section 7-12.

Any vacancy in nomination under the provisions of this Article 7 occurring on or after the primary and prior to certification of candidates by the certifying board or officer, must be filled prior to the date of certification. Any vacancy in nomination occurring after certification but prior to 15 days before the general election shall be filled within 8 days after the event creating the vacancy. The resolution filling the vacancy shall be sent by U. S. mail or personal delivery to the certifying officer or board within 3 days of the action by which the vacancy was filled; provided, if such resolution is sent by mail and the U. S. postmark on the envelope containing such resolution is dated prior to the expiration of such 3 day limit, the resolution shall be deemed filed within such 3 day limit. Failure to so transmit the resolution within the time specified in this Section shall authorize the certifying officer or board to certify the original candidate. Vacancies shall be filled by the officers of a local municipal or township political party as specified in subsection (h) of Section 7-8, other than a statewide political party, that is established only within a municipality or township and the managing committee (or legislative committee in case of a candidate for State Senator or representative committee in the case of a candidate for State Representative in the General Assembly) of the respective political party for the territorial area in which such vacancy occurs.

The resolution to fill a vacancy in nomination shall be duly acknowledged before an officer qualified to take acknowledgements of deeds and shall include, upon its face, the following information:

(a) the name of the original nominee and the office vacated;

(b) the date on which the vacancy occurred;

(c) the name and address of the nominee selected to fill the

vacancy and the date of selection.

The resolution to fill a vacancy in nomination shall be accompanied by a Statement of Candidacy, as prescribed in Section 7-10, completed by the selected nominee and a receipt indicating that such nominee has filed a statement of economic interests as required by the Illinois Governmental Ethics Act.

The provisions of Section 10-8 through 10-10.1 relating to objections to certificates of nomination and nomination papers,

hearings on objections, and judicial review, shall apply to and govern objections to resolutions for filling a vacancy in nomination.

Any vacancy in nomination occurring 15 days or less before the consolidated election or the general election shall not be filled. In this event, the certification of the original candidate shall stand and his name shall appear on the official ballot to be voted at the general election.

A vacancy in nomination occurs when a candidate who has been nominated under the provisions of this Article 7 dies before the election (whether death occurs prior to, on or after the day of the primary), or declines the nomination; provided that nominations may become vacant for other reasons.

If the name of no established political party candidate was printed on the consolidated primary ballot for a particular office and if no person was nominated as a write-in candidate for such office, a vacancy in nomination shall be created which may be filled in accordance with the requirements of this Section. If the name of no established political party candidate was printed on the general primary ballot for a particular office and if no person was nominated as a write-in candidate for such office, a vacancy in nomination shall be created, but no candidate of the party for the office shall be listed on the ballot at the general election unless such vacancy is filled in accordance with the requirements of this Section within 20 ~~60~~ days after the date of the general primary.

A candidate for whom a nomination paper has been filed as a partisan candidate at a primary election, and who is defeated for his or her nomination at such primary election, is ineligible to be listed on the ballot at that general or consolidated election as a candidate of another political party.

A candidate seeking election to an office for which candidates of political parties are nominated by caucus who is a participant in the caucus and who is defeated for his or her nomination at such caucus, is ineligible to be listed on the ballot at that general or consolidated election as a candidate of another political party.

In the proceedings to nominate a candidate to fill a vacancy or to fill a vacancy in the nomination, each precinct, township, ward, county or congressional district, as the case may be, shall through its representative on such central or managing committee, be entitled to one vote for each ballot voted in such precinct, township, ward, county or congressional district, as the case may be, by the primary electors of its party at the primary election immediately preceding the meeting at which such vacancy is to be filled.

For purposes of this Section, the words "certify" and "certification" shall refer to the act of officially declaring the

names of candidates entitled to be printed upon the official ballot at an election and directing election authorities to place the names of such candidates upon the official ballot. "Certifying officers or board" shall refer to the local election official, election authority or the State Board of Elections, as the case may be, with whom nomination papers, including certificates of nomination and resolutions to fill vacancies in nomination, are filed and whose duty it is to "certify" candidates.
(Source: P.A. 86-867; 86-1348; 87-1052.)

(10 ILCS 5/7-63) (from Ch. 46, par. 7-63)

Sec. 7-63. Any candidate whose name appears upon the primary ballot of any political party may contest the election of the candidate or candidates nominated for the office for which he or she was a candidate by his or her political party, upon the face of the returns, by filing with the clerk of the circuit court a petition in writing, setting forth the grounds of contest, which petition shall be verified by the affidavit of the petitioner or other person, and

which petition shall be filed within 5 ~~10~~ days after the completion of the canvass of the returns by the canvassing board making the final canvass of returns. The contestant shall also file with that canvassing board (and if for the nomination for an office, certified tabulated statements of the returns of which are to be filed with the State Board of Elections, also with the county canvassing board), a notice of the pendency of the contest.

If the contest relates to an office involving more than one county, the venue of the contest is (a) in the county in which the alleged grounds of the contest exist or (b) if grounds for the contest are alleged to exist in more than one county, then in any of those counties or in the county in which any defendant resides.

Authority and jurisdiction are hereby vested in the circuit court, to hear and determine primary contests. When a petition to contest a primary is filed in the office of the clerk of the court, the petition shall forthwith be presented to a judge thereof, who shall note thereon the date of presentation, and shall note thereon the day when the petition will be heard, which shall not be more than 5 ~~10~~ days thereafter.

Summons shall forthwith issue to each defendant named in the petition and shall be served for the same manner as is provided for other civil cases. Summons may be issued and served in any county in the State. The case may be heard and determined by the circuit court at any time not less than 5 days after service of process, and shall have preference in the order of hearing to all other cases. The petitioner shall give security for all costs.

In any contest involving the selection of nominees for the office of State representative, each candidate of the party and district involved, who is not a petitioner or a named defendant in the contest, shall be given notice of the contest at the same time summons is issued to the defendants, and any other candidate may, upon application to the court within 5 days after receiving such notice, be made a party to the contest.

Any defendant may, within 5 days after service of process upon him or her, file a counterclaim and shall give security for all costs

relating to such counterclaim.

Any party to such proceeding may have a substitution of judge from the judge to whom such contest is assigned for hearing, where he or she fears or has cause to believe such judge is prejudiced against, or is related to any of the parties either by blood or by marriage. Notice of the application for such substitution of judge must be served upon the opposite party and filed with such judge not later than one day after such contest is assigned to such judge, Sundays and legal holidays excepted. No party shall be entitled to more than one substitution of judge in such proceeding.

If, in the opinion of the court, in which the petition is filed, the grounds for contest alleged are insufficient in law the petition shall be dismissed. If the grounds alleged are sufficient in law, the court shall proceed in a summary manner and may hear evidence, examine the returns, recount the ballots and make such orders and enter such judgment as justice may require. In the case of a contest relating to nomination for the office of Representative in the General Assembly where the contestant received votes equal in number to at least 95% of the number of votes cast for any apparently successful candidate for nomination for that office by the same political party, the court may order a recount for the entire district and may order the cost of such recount to be borne by the respective counties. The court shall ascertain and declare by a judgment to be entered of record, the result of such election in the territorial area for which the contest is made. The judgment of the court shall be appealable as in other civil cases. A certified copy

of the judgment shall forthwith be made by the clerk of the court and transmitted to the board canvassing the returns for such office, and in case of contest, if for nomination for an office, tabulated statements of returns for which are filed with the State Board of Elections, also in the office of the county clerk in the proper county. The proper canvassing board, or boards, as the case may be, shall correct the returns or the tabulated statement of returns in accordance with the judgment.

(Source: P.A. 84-1308.)

(10 ILCS 5/8-4) (from Ch. 46, par. 8-4)

Sec. 8-4. A primary shall be held on the second ~~third~~ Tuesday in September ~~March~~ of each even-numbered year for the nomination of candidates for legislative offices.

(Source: P.A. 82-750.)

(10 ILCS 5/8-5) (from Ch. 46, par. 8-5)

Sec. 8-5. There shall be constituted one legislative committee for each political party in each legislative district and one representative committee for each political party in each representative district. Legislative and representative committees shall be composed as follows:

In legislative or representative districts within or including a portion of any county containing 2,000,000 or more inhabitants, the legislative or representative committee of a political party shall consist of the committeemen of such party representing each township or ward of such county any portion of which township or ward is included within such legislative or representative district and the

chairman of each county central committee of such party of any county containing less than 2,000,000 inhabitants any portion of which county is included within such legislative or representative district.

In the remainder of the State, the legislative or representative committee of a political party shall consist of the chairman of each county central committee of such party, any portion of which county is included within such legislative or representative district; but if a legislative or representative district comprises only one county, or part of a county, its legislative or representative committee shall consist of the chairman of the county central committee and 2 members of the county central committee who reside in the legislative or representative district, as the case may be, elected by the county central committee.

Within 180 days after the primary of the even-numbered year immediately following the decennial redistricting required by Section 3 of Article IV of the Illinois Constitution of 1970, the ward committeemen, township committeemen or chairmen of county central committees within each of the redistricted legislative and representative districts shall meet and proceed to organize by electing from among their own number a chairman and, either from among their own number or otherwise, such other officers as they may deem necessary or expedient. The ward committeemen, township committeemen or chairmen of county central committees shall determine the time and place (which shall be in the limits of such district) of such meeting. Immediately upon completion of organization, the chairman shall forward to the State Board of Elections the names and addresses of the chairman and secretary of the committee. A vacancy shall occur when a member dies, resigns or ceases to reside in the county, township or ward which he represented.

Within 20 ~~180~~ days after the primary of each other even-numbered year, each legislative committee and representative committee shall meet and proceed to organize by electing from among its own number a chairman, and either from its own number or otherwise, such other officers as each committee may deem necessary or expedient.

Immediately upon completion of organization, the chairman shall forward to the State Board of Elections, the names and addresses of the chairman and secretary of the committee. The outgoing chairman of such committee shall notify the members of the time and place (which shall be in the limits of such district) of such meeting. A vacancy shall occur when a member dies, resigns, or ceases to reside in the county, township or ward, which he represented.

If any change is made in the boundaries of any precinct, township or ward, the committeeman previously elected therefrom shall continue to serve, as if no boundary change had occurred, for the purpose of acting as a member of a legislative or representative committee until his successor is elected or appointed.

(Source: P.A. 84-352.)

(10 ILCS 5/10-14) (from Ch. 46, par. 10-14)

Sec. 10-14. Not less than 35 ~~61~~ days before the date of the general election the State Board of Elections shall certify to the county clerk of each county the name of each candidate whose

nomination papers, certificate of nomination or resolution to fill a vacancy in nomination has been filed with the State Board of Elections and direct the county clerk to place upon the official ballot for the general election the names of such candidates in the same manner and in the same order as shown upon the certification. The name of no candidate for an office to be filled by the electors of the entire state shall be placed upon the official ballot unless his name is duly certified to the county clerk upon a certificate signed by the members of the State Board of Elections. The names of group candidates on petitions shall be certified to the several county clerks in the order in which such names appear on such petitions filed with the State Board of Elections.

Not less than 30 ~~55~~ days before the date of the general election, each county clerk shall certify the names of each of the candidates for county offices whose nomination papers, certificates of nomination or resolutions to fill a vacancy in nomination have been filed with such clerk and declare that the names of such candidates for the respective offices shall be placed upon the official ballot for the general election in the same manner and in the same order as shown upon the certification. Each county clerk shall place a copy of the certification on file in his or her office and at the same time issue to the State Board of Elections a copy of such certification. In addition, each county clerk in whose county there is a board of election commissioners shall, not less than 30 ~~55~~ days before the election, certify to the board of election commissioners the name of the person or persons nominated for such office as shown by the certificate of the State Board of Elections, together with the names of all other candidates as shown by the certification of county officers on file in the clerk's office, and in the order so certified. The county clerk or board of election commissioners shall print the names of the nominees on the ballot for each office in the order in which they are certified to or filed with the county clerk; provided, that in printing the name of nominees for any office, if any of such nominees have also been nominated by one or more political parties pursuant to this Act, the location of the name of such candidate on the ballot for nominations made under this Article shall be precisely in the same order in which it appears on the certification of the State Board of Elections to the county clerk.

For the general election, the candidates of new political parties shall be placed on the ballot for said election after the established political party candidates and in the order of new political party petition filings.

Each certification shall indicate, where applicable, the following:

(1) The political party affiliation if any, of the candidates for the respective offices;

(2) If there is to be more than one candidate elected to an office from the State, political subdivision or district;

(3) If the voter has the right to vote for more than one candidate for an office;

(4) The term of office, if a vacancy is to be filled for less than a full term or if the offices to be filled in a political

subdivision are for different terms.

The State Board of Elections or the county clerk, as the case may be, shall issue an amended certification whenever it is discovered that the original certification is in error.

(Source: P.A. 86-867.)

(10 ILCS 5/13-1) (from Ch. 46, par. 13-1)

Sec. 13-1. In counties not under township organization, the county board of commissioners shall at its meeting in May in each even-numbered year appoint in each election precinct 5 capable and discreet electors meeting the qualifications of Section 13-4 to be judges of election. Where neither voting machines nor electronic, mechanical or electric voting systems are used, the county board may, for any precinct with respect to which the board considers such action necessary or desirable in view of the number of voters, and shall for general elections for any precinct containing more than 600 registered voters, appoint in addition to the 5 judges of election a team of 5 tally judges. In such precincts the judges of election shall preside over the election during the hours the polls are open, and the tally judges, with the assistance of the holdover judges designated pursuant to Section 13-6.2, shall count the vote after the closing of the polls. However, the County Board of Commissioners may appoint 3 judges of election to serve in lieu of the 5 judges of election otherwise required by this Section to serve in any presidential primary election, any emergency referendum, or in any odd-year regular election or in any special primary or special election called for the purpose of filling a vacancy in the office of representative in the United States Congress or to nominate candidates for such purpose. The tally judges shall possess the same qualifications and shall be appointed in the same manner and with the same division between political parties as is provided for judges of election.

In addition to such precinct judges, the county board of commissioners shall appoint special panels of 3 judges each, who shall possess the same qualifications and shall be appointed in the same manner and with the same division between political parties as is provided for other judges of election. The number of such panels of judges required shall be determined by regulations of the State Board of Elections which shall base the required numbers of special panels on the number of registered voters in the jurisdiction or the number of absentee ballots voted at recent elections, or any combination of such factors.

Such appointment shall be confirmed by the court as provided in Section 13-3 of this Article. No more than 3 persons of the same political party shall be appointed judges of the same election precinct or election judge panel. The appointment shall be made in the following manner: The county board of commissioners shall select and approve 3 persons as judges of election in each election precinct from a certified list, furnished by the chairman of the County Central Committee of the first leading political party in such precinct; and the county board of commissioners shall also select and approve 2 persons as judges of election in each election precinct from a certified list, furnished by the chairman of the County Central Committee of the second leading political party. However, if

only 3 judges of election serve in each election precinct, no more than 2 persons of the same political party shall be judges of election in the same election precinct; and which political party is entitled to 2 judges of election and which political party is entitled to one judge of election shall be determined in the same manner as set forth in the next two preceding sentences with regard to 5 election judges in each precinct. Such certified list shall be filed with the county clerk not less than 10 days before the annual meeting of the county board of commissioners. Such list shall be arranged according to precincts. The chairman of each county central committee shall, insofar as possible, list persons who reside within the precinct in which they are to serve as judges. However, he may, in his sole discretion, submit the names of persons who reside outside the precinct but within the county embracing the precinct in which they are to serve. He must, however, submit the names of at least 2 residents of the precinct for each precinct in which his party is to have 3 judges and must submit the name of at least one resident of the precinct for each precinct in which his party is to have 2 judges. The county board of commissioners shall acknowledge in writing to each county chairman the names of all persons submitted on such certified list and the total number of persons listed thereon. If no such list is filed or such list is incomplete (that is, no names or an insufficient number of names are furnished for certain election precincts), the county board of commissioners shall make or complete such list from the names contained in the supplemental list provided for in Section 13-1.1. The election judges shall hold their office for 2 years from their appointment, and until their successors are duly appointed in the manner provided in this Act. The county board of commissioners shall fill all vacancies in the office of judge of election at any time in the manner provided in this Act.
(Source: P.A. 87-1052.)

(10 ILCS 5/13-2) (from Ch. 46, par. 13-2)

Sec. 13-2. In counties under the township organization the county board shall at its meeting in May in each even-numbered year except in counties containing a population of 3,000,000 inhabitants or over and except when such judges are appointed by election commissioners, select in each election precinct in the county, 5 capable and discreet electors to be judges of election who shall possess the qualifications required by this Act for such judges. Where neither voting machines nor electronic, mechanical or electric voting systems are used, the county board may, for any precinct with respect to which the board considers such action necessary or desirable in view of the number of voters, and shall for general elections for any precinct containing more than 600 registered voters, appoint in addition to the 5 judges of election a team of 5 tally judges. In such precincts the judges of election shall preside over the election during the hours the polls are open, and the tally judges, with the assistance of the holdover judges designated pursuant to Section 13-6.2, shall count the vote after the closing of the polls. The tally judges shall possess the same qualifications and shall be appointed in the same manner and with the same division between political parties as is provided for judges of election.

However, the county board may appoint 3 judges of election to serve in lieu of the 5 judges of election otherwise required by this Section to serve in <u>any presidential primary election,</u> any emergency referendum, or in any odd-year regular election or in any special

primary or special election called for the purpose of filling a vacancy in the office of representative in the United States Congress or to nominate candidates for such purpose.

In addition to such precinct judges, the county board shall appoint special panels of 3 judges each, who shall possess the same

qualifications and shall be appointed in the same manner and with the same division between political parties as is provided for other judges of election. The number of such panels of judges required shall be determined by regulations of the State Board of Elections, which shall base the required number of special panels on the number of registered voters in the jurisdiction or the number of absentee ballots voted at recent elections or any combination of such factors.

No more than 3 persons of the same political party shall be appointed judges in the same election district or undivided precinct. The election of the judges of election in the various election precincts shall be made in the following manner: The county board shall select and approve 3 of the election judges in each precinct from a certified list furnished by the chairman of the County Central Committee of the first leading political party in such election precinct and shall also select and approve 2 judges of election in each election precinct from a certified list furnished by the chairman of the County Central Committee of the second leading political party in such election precinct. However, if only 3 judges of election serve in each election precinct, no more than 2 persons of the same political party shall be judges of election in the same election precinct; and which political party is entitled to 2 judges of election and which political party is entitled to one judge of election shall be determined in the same manner as set forth in the next two preceding sentences with regard to 5 election judges in each precinct. The respective County Central Committee chairman shall notify the county board by June 1 of each odd-numbered year immediately preceding the annual meeting of the county board whether or not such certified list will be filed by such chairman. Such list shall be arranged according to precincts. The chairman of each county central committee shall, insofar as possible, list persons who reside within the precinct in which they are to serve as judges. However, he may, in his sole discretion, submit the names of persons who reside outside the precinct but within the county embracing the precinct in which they are to serve. He must, however, submit the names of at least 2 residents of the precinct for each precinct in which his party is to have 3 judges and must submit the name of at least one resident of the precinct for each precinct in which his party is to have 2 judges. Such certified list, if filed, shall be filed with the county clerk not less than 20 days before the annual meeting of the county board. The county board shall acknowledge in writing to each county chairman the names of all persons submitted on such certified list and the total number of persons listed thereon. If no such list is filed or the list is incomplete (that is, no names or an insufficient number of names are furnished for certain election precincts), the county board shall make or complete such list from the names contained in the supplemental list provided for in Section 13-1.1. Provided, further, that in any case where a township has been

or shall be redistricted, in whole or in part, subsequent to one general election for Governor, and prior to the next, the judges of election to be selected for all new or altered precincts shall be selected in that one of the methods above detailed, which shall be applicable according to the facts and circumstances of the particular case, but the majority of such judges for each such precinct shall be selected from the first leading political party, and the minority judges from the second leading political party. Provided, further, that in counties having a population of 1,000,000 inhabitants or over the selection of judges of election shall be made in the same manner in all respects as in other counties, except that the provisions relating to tally judges are inapplicable to such counties and except that the county board shall meet during the month of January for the purpose of making such selection and the chairman of each county

central committee shall notify the county board by the preceding October 1 whether or not the certified list will be filed. Such judges of election shall hold their office for 2 years from their appointment and until their successors are duly appointed in the manner provided in this Act. The county board shall fill all vacancies in the office of judges of elections at any time in the manner herein provided.

Such selections under this Section shall be confirmed by the circuit court as provided in Section 13-3 of this Article.
(Source: P.A. 86-1028; 87-1052.)

(10 ILCS 5/14-3.1) (from Ch. 46, par. 14-3.1)

Sec. 14-3.1. The board of election commissioners shall, during the month of May of each even-numbered year, select for each election precinct within the jurisdiction of the board 5 persons to be judges of election who shall possess the qualifications required by this Act for such judges. The selection shall be made by a county board of election commissioners in the following manner: the county board of election commissioners shall select and approve 3 persons as judges of election in each election precinct from a certified list furnished by the chairman of the county central committee of the first leading political party in that precinct; the county board of election commissioners also shall select and approve 2 persons as judges of election in each election precinct from a certified list furnished by the chairman of the county central committee of the second leading political party in that precinct. The selection by a municipal board of election commissioners shall be made in the following manner: for each precinct, 3 judges shall be selected from one of the 2 leading political parties and the other 2 judges shall be selected from the other leading political party; the parties entitled to 3 and 2 judges, respectively, in the several precincts shall be determined as provided in Section 14-4. However, a Board of Election Commissioners may appoint three judges of election to serve in lieu of the 5 judges of election otherwise required by this Section to serve in <u>any presidential primary election,</u> any emergency referendum, or in any odd-year regular election or in any special primary or special election called for the purpose of filling a vacancy in the office of representative in the United States Congress or to nominate candidates for such purpose.

If only 3 judges of election serve in each election precinct, no more than 2 persons of the same political party shall be judges of election in the same election precinct, and which political party is entitled to 2 judges of election and which political party is entitled to one judge of election shall be determined as set forth in this Section for a county board of election commissioners' selection of 5 election judges in each precinct or in Section 14-4 for a municipal board of election commissioners' selection of election judges in each precinct, whichever is appropriate. In addition to such precinct judges, the board of election commissioners shall appoint special panels of 3 judges each, who shall possess the same qualifications and shall be appointed in the same manner and with the same division between political parties as is provided for other judges of election. The number of such panels of judges required shall be determined by regulation of the State Board of Elections, which shall base the required number of special panels on the number of registered voters in the jurisdiction or the number of absentee ballots voted at recent elections or any combination of such factors. A municipal board of election commissioners shall make the selections of persons qualified under Section 14-1 from certified lists furnished by the chairman of the respective county central committees of the 2 leading political parties. Lists furnished by chairmen of county central committees under this Section shall be arranged

according to precincts. The chairman of each county central committee shall, insofar as possible, list persons who reside within the precinct in which they are to serve as judges. However, he may, in his sole discretion, submit the names of persons who reside outside the precinct but within the county embracing the precinct in which they are to serve. He must, however, submit the names of at least 2 residents of the precinct for each precinct in which his party is to have 3 judges and must submit the name of at least one resident of the precinct for each precinct in which his party is to have 2 judges. The board of election commissioners shall no later than March 1 of each even-numbered year notify the chairmen of the respective county central committees of their responsibility to furnish such lists, and each such chairman shall furnish the board of election commissioners with the list for his party on or before May 1 of each even-numbered year. The board of election commissioners shall acknowledge in writing to each county chairman the names of all persons submitted on such certified list and the total number of persons listed thereon. If no such list is furnished or if no names or an insufficient number of names are furnished for certain precincts, the board of election commissioners shall make or complete such list from the names contained in the supplemental list provided for in Section 14-3.2. Judges of election shall hold their office for 2 years from their appointment and until their successors are duly appointed in the manner herein provided. The board of election commissioners shall, subject to the provisions of Section 14-3.2, fill all vacancies in the office of judges of election at any time in the manner herein provided.

Such selections under this Section shall be confirmed by the court as provided in Section 14-5.

(Source: P.A. 89-471, eff. 6-13-96.)

(10 ILCS 5/16-5.01) (from Ch. 46, par. 16-5.01)

Sec. 16-5.01. (a) The election authority shall, at least 25 ~~60~~ days prior to the date of any general election at which federal officers are elected and 25 ~~45~~ days prior to any other regular election, have a sufficient number of ballots printed so that such ballots will be available for mailing 25 ~~60~~ days prior to the date of the election to persons who have filed application for a ballot under the provisions of Article 20 of this Act.

(b) If at any general election at which federal offices are elected the election authority is unable to comply with the provisions of subsection (a), the election authority shall mail to each such person, in lieu of the ballot, a Special Write-in Absentee Voter's Blank Ballot. The Special Write-in Absentee Voter's Blank Ballot shall be used only at general elections at which federal officers are elected and shall be prepared by the election authority in substantially the following form:

Special Write-in Absentee Voter's Blank Ballot

(To vote for a person, write the title of the office and his or her name on the lines provided. Place to the left of and opposite the title of office a square and place a cross (X) in the square.)

	Title of Office	Name of Candidate
( )		
( )		
( )		
( )		
( )		
( )		

The election authority shall send with the Special Write-in Absentee Voter's Blank Ballot a list of all referenda for which the voter is qualified to vote and all candidates for whom nomination papers have been filed and for whom the voter is qualified to vote.

The voter shall be entitled to write in the name of any candidate seeking election and any referenda for which he or she is entitled to vote.

On the back or outside of the ballot, so as to appear when folded, shall be printed the words "Official Ballot", the date of the election and a facsimile of the signature of the election authority who has caused the ballot to be printed.

The provisions of Article 20, insofar as they may be applicable to the Special Write-in Absentee Voter's Blank Ballot, shall be applicable herein.

(Source: P.A. 86-875.)

(10 ILCS 5/19-2) (from Ch. 46, par. 19-2)

Sec. 19-2. Any elector as defined in Section 19-1 expecting to be absent from the county of his residence or any such elector who because of being appointed a judge of election in a precinct other than the precinct in which he resides or who because of physical incapacity or the tenets of his religion in the observance of a religious holiday or who because of election duties for the office of an Election Authority, the State Board of Elections, or a law enforcement agency will be unable to be present at the polls on the

day of such election may by mail, not more than 40, except for a general election, not more than 25 days, nor less than 5 days prior to the date of such election, or by personal delivery not more than 40, except for a general election, not more than 25 days, nor less than one day prior to the date of such election, make application to the county clerk or to the Board of Election Commissioners for an official ballot for the voter's precinct to be voted at such election.
(Source: P.A. 84-808.)

(10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

Sec. 19-4. Mailing or delivery of ballots - Time.~~)~~ Immediately upon the receipt of such application either by mail, not more than 40 days, except for a general election, not more than 25 days, nor less than 5 days prior to such election, or by personal delivery not more than 40 days, except for a general election, not more than 25 days, nor less than one day prior to such election, at the office of such election authority, it shall be the duty of such election authority to examine the records to ascertain whether or not such applicant is lawfully entitled to vote as requested, and if found so to be, to post within one business day thereafter the name, street address, ward and precinct number or township and district number, as the case may be, of such applicant given on a list, the pages of which are to be numbered consecutively to be kept by such election authority for such purpose in a conspicuous, open and public place accessible to the public at the entrance of the office of such election authority, and in such a manner that such list may be viewed without necessity of requesting permission therefor, and within 2 business days thereafter to mail, postage prepaid, or deliver in person in such office an official ballot or ballots if more than one are to be voted at said election. Mail delivery of Temporarily Absent Student ballot applications pursuant to Section 19-12.3 shall be by nonforwardable mail. However, for the consolidated election, absentee ballots for certain precincts may be delivered to applicants not less than 25 days before the election if so much time is required to have prepared and printed the ballots containing the names of persons nominated for offices at the consolidated primary. The election authority shall enclose with each absentee ballot or application written instructions on how voting assistance shall be provided pursuant to Section 17-14 and a document, written and approved by the State Board of Elections, enumerating the circumstances under which a person is authorized to vote by absentee ballot pursuant to this Article; such document shall

also include a statement informing the applicant that if he or she falsifies or is solicited by another to falsify his or her eligibility to cast an absentee ballot, such applicant or other is subject to penalties pursuant to Section 29-10 and Section 29-20 of the Election Code. Each election authority shall maintain a list of the name, street address, ward and precinct, or township and district number, as the case may be, of all applicants who have returned absentee ballots to such authority, and the name of such absent voter shall be added to such list within one business day from receipt of such ballot. If the absentee ballot envelope indicates that the voter was assisted in casting the ballot, the name of the person so

assisting shall be included on the list. The list, the pages of which are to be numbered consecutively, shall be kept by each election authority in a conspicuous, open, and public place accessible to the public at the entrance of the office of the election authority and in a manner that the list may be viewed without necessity of requesting permission for viewing.

Each election authority shall maintain a list for each election of the voters to whom it has issued absentee ballots. The list shall be maintained for each precinct within the jurisdiction of the election authority. Prior to the opening of the polls on election day, the election authority shall deliver to the judges of election in each precinct the list of registered voters in that precinct to whom absentee ballots have been issued by mail.

Each election authority shall maintain a list for each election of voters to whom it has issued temporarily absent student ballots. The list shall be maintained for each election jurisdiction within which such voters temporarily abide. Immediately after the close of the period during which application may be made by mail for absentee ballots, each election authority shall mail to each other election authority within the State a certified list of all such voters temporarily abiding within the jurisdiction of the other election authority.

In the event that the return address of an application for ballot by a physically incapacitated elector is that of a facility licensed or certified under the Nursing Home Care Act, within the jurisdiction of the election authority, and the applicant is a registered voter in the precinct in which such facility is located, the ballots shall be prepared and transmitted to a responsible judge of election no later than 9 a.m. on the Saturday, Sunday or Monday immediately preceding the election as designated by the election authority under Section 19-12.2. Such judge shall deliver in person on the designated day the ballot to the applicant on the premises of the facility from which application was made. The election authority shall by mail notify the applicant in such facility that the ballot will be delivered by a judge of election on the designated day.

All applications for absentee ballots shall be available at the office of the election authority for public inspection upon request from the time of receipt thereof by the election authority until 30 days after the election, except during the time such applications are kept in the office of the election authority pursuant to Section 19-7, and except during the time such applications are in the possession of the judges of election.

(Source: P.A. 89-653, eff. 8-14-96; 90-101, eff. 7-11-97.)

Section 10. The School Code is amended by changing Section 33-1 as follows:

(105 ILCS 5/33-1) (from Ch. 122, par. 33-1)

Sec. 33-1. Board of Education - Election - Terms. In all school districts, including special charter districts having a population of 100,000 and not more than 500,000, which adopt this Article, as hereinafter provided, there shall be maintained a system

of free schools in charge of a board of education, which shall be a body politic and corporate by the name of "Board of Education of the

City of....". The board shall consist of 7 members elected by the voters of the district. Except as provided in Section 33-1b of this Act, the regular election for members of the board shall be held on the first Tuesday of April in odd numbered years and on the second ~~third~~ Tuesday of September ~~March~~ in even numbered years. The law governing the registration of voters for the primary election shall apply to the regular election. At the first regular election 7 persons shall be elected as members of the board. The person who receives the greatest number of votes shall be elected for a term of 5 years. The 2 persons who receive the second and third greatest number of votes shall be elected for a term of 4 years. The person who receives the fourth greatest number of votes shall be elected for a term of 3 years. The 2 persons who receive the fifth and sixth greatest number of votes shall be elected for a term of 2 years. The person who receives the seventh greatest number of votes shall be elected for a term of 1 year. Thereafter, at each regular election for members of the board, the successors of the members whose terms expire in the year of election shall be elected for a term of 5 years. All terms shall commence on July 1 next succeeding the elections. Any vacancy occurring in the membership of the board shall be filled by appointment until the next regular election for members of the board.

In any school district which has adopted this Article, a proposition for the election of board members by school board district rather than at large may be submitted to the voters of the district at the regular school election of any year in the manner provided in Section 9-22. If the proposition is approved by a majority of those voting on the propositions, the board shall divide the school district into 7 school board districts as provided in Section 9-22. At the regular school election in the year following the adoption of such proposition, one member shall be elected from each school board district, and the 7 members so elected shall, by lot, determine one to serve for one year, 2 for 2 years, one for 3 years, 2 for 4 years, and one for 5 years. Thereafter their respective successors shall be elected for terms of 5 years. The terms of all incumbent members expire July 1 of the year following the adoption of such a proposition.

Any school district which has adopted this Article may, by referendum in accordance with Section 33-1a, adopt the method of electing members of the board of education provided in that Section.

Reapportionment of the voting districts provided for in this Article or created pursuant to a court order, shall be completed pursuant to Section 33-1c.

(Source: P.A. 82-1014; 86-1331.)

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

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

On motion of Senator Cronin, **Senate Bill No. 962** having been printed, was taken up and read by title a second time.

Senator Cronin offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 962 by replacing everything after the enacting clause with the following:

"Section 5. The Workers' Compensation Act is amended by changing Section 30 as follows:

(820 ILCS 305/30) (from Ch. 48, par. 138.30)

Sec. 30. The provisions of this Act regarding ~~relating to~~ self-insurance and the rules and regulations promulgated hereunder shall not be construed to be a limitation upon the powers of self-insurance granted to the State and units of local government and school districts by Article VII, Section 1 of the Illinois Constitution or by statute, nor to any governmental entity so designated by the legislature.

(Source: P.A. 81-1482.)

Section 10. The Workers' Occupational Diseases Act is amended by changing Section 18 as follows:

(820 ILCS 310/18) (from Ch. 48, par. 172.53)

Sec. 18. All questions arising under this Act, if not settled by agreement of the interested parties ~~interested therein~~, shall, except as otherwise provided, be determined by the Commission.

(Source: Laws 1951, p. 1095.)".

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

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

On motion of Senator Syverson, **Senate Bill No. 965** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 965 by replacing the title with the following:

"AN ACT concerning nursing."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Mental Health and Developmental Disabilities Administrative Act is amended by adding Section 15.4 as follows:

(20 ILCS 1705/15.4 new)

Sec. 15.4. Authorization for nursing delegation to permit direct care staff to administer medications. This Section applies to (i) all programs for persons with a developmental disability that are funded or licensed by the Department of Human Services and that distribute or administer medications and (ii) all intermediate care facilities for the developmentally disabled with 16 beds or less that are licensed by the Department of Public Health. The Department of Human Services shall develop a training program for direct care staff to administer oral and topical medications under the direction and monitoring of a registered professional nurse. Programs using direct care staff to administer medications are responsible for documenting and maintaining records on the training that is completed. The

absence of this training program constitutes a threat to the public interest, safety, and welfare and necessitates emergency rulemaking by the Departments of Human Services and Public Health under Section 5-45 of the Illinois Administrative Procedure Act.

Section 10. The Nursing and Advanced Practice Nursing Act is amended by changing Section 5-15 as follows:

(225 ILCS 65/5-15)

Sec. 5-15. Policy; application of Act. For the protection of life and the promotion of health, and the prevention of illness and communicable diseases, any person practicing or offering to practice professional and practical nursing in Illinois shall submit evidence

that he or she is qualified to practice, and shall be licensed as provided under this Act. No person shall practice or offer to practice professional or practical nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional or practical nursing unless such person has been licensed under the provisions of this Act.

This Act does not prohibit the following:

(a) The practice of nursing in Federal employment in the discharge of the employee's duties by a person who is employed by the United States government or any bureau, division or agency thereof and is a legally qualified and licensed nurse of another state or territory and not in conflict with Sections 10-5, 10-30, and 10-45 of this Act.

(b) Nursing that is included in their program of study by students enrolled in programs of nursing or in current nurse practice update courses approved by the Department.

(c) The furnishing of nursing assistance in an emergency.

(d) The practice of nursing by a nurse who holds an active license in another state when providing services to patients in Illinois during a bonafide emergency or in immediate preparation for or during interstate transit.

(e) The incidental care of the sick by members of the family, domestic servants or housekeepers, or care of the sick where treatment is by prayer or spiritual means.

(f) Persons from being employed as nursing aides, attendants, orderlies, and other auxiliary workers in private homes, long term care facilities, nurseries, hospitals or other institutions.

(g) The practice of practical nursing by one who has applied in writing to the Department in form and substance satisfactory to the Department, for a license as a licensed practical nurse and who has complied with all the provisions under Section 10-30, except the passing of an examination to be eligible to receive such license, until: the decision of the Department that the applicant has failed to pass the next available examination authorized by the Department or has failed, without an approved excuse, to take the next available examination authorized by the Department or until the withdrawal of the application, but not to exceed 3 months. No applicant for licensure practicing under the provisions of this paragraph shall practice practical nursing except under the direct supervision of a registered professional nurse licensed under this Act or a licensed physician, dentist or podiatrist. In no instance shall any such

applicant practice or be employed in any supervisory capacity.

(h) The practice of practical nursing by one who is a licensed practical nurse under the laws of another U.S. jurisdiction and has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as a licensed practical nurse and who is qualified to receive such license under Section 10-30, until (1) the expiration of 6 months after the filing of such written application, (2) the withdrawal of such application, or (3) the denial of such application by the Department.

(i) The practice of professional nursing by one who has applied in writing to the Department in form and substance satisfactory to the Department for a license as a registered professional nurse and has complied with all the provisions under Section 10-30 except the passing of an examination to be eligible to receive such license, until the decision of the Department that the applicant has failed to pass the next available examination authorized by the Department or has failed, without an approved excuse, to take the next available examination authorized by the Department or until the withdrawal of the application, but not to exceed 3 months. No applicant for licensure practicing under the provisions of this paragraph shall

practice professional nursing except under the direct supervision of a registered professional nurse licensed under this Act. In no instance shall any such applicant practice or be employed in any supervisory capacity.

(j) The practice of professional nursing by one who is a registered professional nurse under the laws of another state, territory of the United States or country and has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as a registered professional nurse and who is qualified to receive such license under Section 10-30, until (1) the expiration of 6 months after the filing of such written application, (2) the withdrawal of such application, or (3) the denial of such application by the Department.

(k) The practice of professional nursing that is included in a program of study by one who is a registered professional nurse under the laws of another state or territory of the United States or foreign country, territory or province and who is enrolled in a graduate nursing education program or a program for the completion of a baccalaureate nursing degree in this State, which includes clinical supervision by faculty as determined by the educational institution offering the program and the health care organization where the practice of nursing occurs. The educational institution will file with the Department each academic term a list of the names and origin of license of all professional nurses practicing nursing as part of their programs under this provision.

(l) Any person licensed in this State under any other Act from engaging in the practice for which she or he is licensed.

(m) Direct care staff trained under Section 15.4 of the Mental Health and Developmental Disabilities Administrative Act.

An applicant for license practicing under the exceptions set forth in subparagraphs (g), (h), (i), and (j) of this Section shall use the title R.N. Lic. Pend. or L.P.N. Lic. Pend. respectively and

no other.
(Source: P.A. 90-61, eff. 12-30-97; 90-248, eff. 1-1-98; 90-655, eff. 7-30-98; 90-742, eff. 8-13-98.)

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

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 965, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Mental Health and Developmental Disabilities Administrative Act is amended by adding Section 15.4 as follows:

(20 ILCS 1705/15.4 new)

Sec. 15.4. Authorization for nursing delegation to permit direct care staff to administer medications. This Section applies to (i) all programs for persons with a developmental disability in settings of 16 persons or fewer that are funded or licensed by the Department of Human Services and that distribute or administer medications and (ii) all intermediate care facilities for the developmentally disabled with 16 beds or less that are licensed by the Department of Public Health. The Department of Human Services shall develop a training program for direct care staff to administer oral and topical medications under the direction and monitoring of a registered professional nurse. This training program shall be developed in consultation with professional associations representing (i) physicians licensed to practice medicine in all its branches and (ii) registered professional nurses. Programs using direct care staff to

administer medications are responsible for documenting and maintaining records on the training that is completed. The absence of this training program constitutes a threat to the public interest, safety, and welfare and necessitates emergency rulemaking by the Departments of Human Services and Public Health under Section 5-45 of the Illinois Administrative Procedure Act.

Section 10. The Nursing and Advanced Practice Nursing Act is amended by changing Section 5-15 as follows:

(225 ILCS 65/5-15)

Sec. 5-15. Policy; application of Act. For the protection of life and the promotion of health, and the prevention of illness and communicable diseases, any person practicing or offering to practice professional and practical nursing in Illinois shall submit evidence that he or she is qualified to practice, and shall be licensed as provided under this Act. No person shall practice or offer to practice professional or practical nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional or practical nursing unless such person has been licensed under the provisions of this Act.

This Act does not prohibit the following:

(a) The practice of nursing in Federal employment in the discharge of the employee's duties by a person who is employed by the United States government or any bureau, division or agency thereof

and is a legally qualified and licensed nurse of another state or territory and not in conflict with Sections 10-5, 10-30, and 10-45 of this Act.

(b) Nursing that is included in their program of study by students enrolled in programs of nursing or in current nurse practice update courses approved by the Department.

(c) The furnishing of nursing assistance in an emergency.

(d) The practice of nursing by a nurse who holds an active license in another state when providing services to patients in Illinois during a bonafide emergency or in immediate preparation for or during interstate transit.

(e) The incidental care of the sick by members of the family, domestic servants or housekeepers, or care of the sick where treatment is by prayer or spiritual means.

(f) Persons from being employed as nursing aides, attendants, orderlies, and other auxiliary workers in private homes, long term care facilities, nurseries, hospitals or other institutions.

(g) The practice of practical nursing by one who has applied in writing to the Department in form and substance satisfactory to the Department, for a license as a licensed practical nurse and who has complied with all the provisions under Section 10-30, except the passing of an examination to be eligible to receive such license, until: the decision of the Department that the applicant has failed to pass the next available examination authorized by the Department or has failed, without an approved excuse, to take the next available examination authorized by the Department or until the withdrawal of the application, but not to exceed 3 months. No applicant for licensure practicing under the provisions of this paragraph shall practice practical nursing except under the direct supervision of a registered professional nurse licensed under this Act or a licensed physician, dentist or podiatrist. In no instance shall any such applicant practice or be employed in any supervisory capacity.

(h) The practice of practical nursing by one who is a licensed practical nurse under the laws of another U.S. jurisdiction and has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as a licensed practical nurse and who is qualified to receive such license under Section 10-30, until (1) the expiration of 6 months after the filing of such

written application, (2) the withdrawal of such application, or (3) the denial of such application by the Department.

(i) The practice of professional nursing by one who has applied in writing to the Department in form and substance satisfactory to the Department for a license as a registered professional nurse and has complied with all the provisions under Section 10-30 except the passing of an examination to be eligible to receive such license, until the decision of the Department that the applicant has failed to pass the next available examination authorized by the Department or has failed, without an approved excuse, to take the next available examination authorized by the Department or until the withdrawal of the application, but not to exceed 3 months. No applicant for licensure practicing under the provisions of this paragraph shall practice professional nursing except under the direct supervision of

a registered professional nurse licensed under this Act. In no instance shall any such applicant practice or be employed in any supervisory capacity.

(j) The practice of professional nursing by one who is a registered professional nurse under the laws of another state, territory of the United States or country and has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as a registered professional nurse and who is qualified to receive such license under Section 10-30, until (1) the expiration of 6 months after the filing of such written application, (2) the withdrawal of such application, or (3) the denial of such application by the Department.

(k) The practice of professional nursing that is included in a program of study by one who is a registered professional nurse under the laws of another state or territory of the United States or foreign country, territory or province and who is enrolled in a graduate nursing education program or a program for the completion of a baccalaureate nursing degree in this State, which includes clinical supervision by faculty as determined by the educational institution offering the program and the health care organization where the practice of nursing occurs. The educational institution will file with the Department each academic term a list of the names and origin of license of all professional nurses practicing nursing as part of their programs under this provision.

(l) Any person licensed in this State under any other Act from engaging in the practice for which she or he is licensed.

(m) Direct care staff trained under Section 15.4 of the Mental Health and Developmental Disabilities Administrative Act.

An applicant for license practicing under the exceptions set forth in subparagraphs (g), (h), (i), and (j) of this Section shall use the title R.N. Lic. Pend. or L.P.N. Lic. Pend. respectively and no other.

(Source: P.A. 90-61, eff. 12-30-97; 90-248, eff. 1-1-98; 90-655, eff. 7-30-98; 90-742, eff. 8-13-98.)

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

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

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

On motion of Senator Radogno, **Senate Bill No. 968** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 968 by replacing everything after the enacting clause with the following:

"Section 5. The Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997 is amended by changing 6-6 as

follows:

(20 ILCS 687/6-6)

(Section scheduled to be repealed on December 16, 2007)

Sec. 6-6. Energy efficiency program.

(a) For the year beginning January 1, 1998, and thereafter as provided in this Section, each electric utility as defined in Section 3-105 of the Public Utilities Act and each alternative retail electric supplier as defined in Section 16-102 of the Public Utilities Act supplying electric power and energy to retail customers located in the State of Illinois shall contribute annually a pro rata share of a total amount of $3,000,000 based upon the number of kilowatt-hours sold by each such entity in the 12 months preceding the year of contribution. On or before May 1 of each year, the Illinois Commerce Commission shall determine and notify the Department of Commerce and Community Affairs of the pro rata share owed by each electric utility and each alternative retail electric supplier based upon information supplied annually to the Illinois Commerce Commission. On or before June 1 of each year, the Department of Commerce and Community Affairs shall send written notification to each electric utility and each alternative retail electric supplier of the amount of pro rata share that they owe. These contributions shall be remitted to the Department of Revenue on or before June 30 of each year the contribution is due on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require. The funds received pursuant to this Section shall be subject to the appropriation of funds by the General Assembly. The Department of Revenue shall place the funds remitted under this Section in a trust fund, that is hereby created in the State Treasury, called the Energy Efficiency Trust Fund. If an electric utility or alternative retail electric supplier does not remit its pro rata share to the Department of Revenue, the Department of Revenue must inform the Illinois Commerce Commission of such failure. The Illinois Commerce Commission may then revoke the certification of that electric utility or alternative retail electric supplier. The Illinois Commerce Commission may not renew the certification of any electric utility or alternative retail electric supplier that is delinquent in paying its pro rata share.

(b) The Department of Commerce and Community Affairs shall disburse the moneys in the Energy Efficiency Trust Fund to residential electric customers to fund projects which the Department of Commerce and Community Affairs has determined will promote energy efficiency in the State of Illinois. The Department of Commerce and Community Affairs shall establish a list of projects eligible for grants from the Energy Efficiency Trust Fund including, but not limited to, supporting energy efficiency efforts for low-income households, replacing energy inefficient windows with more efficient windows, replacing energy inefficient appliances with more efficient appliances, replacing energy inefficient lighting with more efficient lighting, insulating dwellings and buildings, and such other projects which will increase energy efficiency in homes and rental properties.

(c) The Department of Commerce and Community Affairs shall establish criteria and an application process for this grant program.

(d) The Department of Commerce and Community Affairs shall conduct a study of other possible energy efficiency improvements and evaluate methods for promoting energy efficiency and conservation,

especially for the benefit of low-income customers.

(e) The Department of Commerce and Community Affairs shall submit an annual report to the General Assembly evaluating the effectiveness of the projects and programs provided in this Section, and recommending further legislation which will encourage additional development and implementation of energy efficiency projects and programs in Illinois and other actions that help to meet the goals of this Section.

(Source: P.A. 90-561, eff. 12-16-97; 90-624, eff. 7-10-98.)".

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

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

On motion of Senator E. Jones, **Senate Bill No. 981** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dudycz, **Senate Bill No. 989** having been printed, was taken up and read by title a second time.

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

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

On motion of Senator Lauzen, **Senate Bill No. 990** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1025** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **Senate Bill No. 1046** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Parker, **Senate Bill No. 1111** having been printed, was taken up and read by title a second time.

Senator Parker offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1111 as follows:
on page 5, by deleting lines 14 through 32; and
by deleting page 6; and
on page 7, by deleting lines 1 through 19; and
on page 7, line 20, by replacing "Section 20." with "Section 15.".

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

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

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

On motion of Senator Dillard, **Senate Bill No. 1112** having been printed, was taken up and read by title a second time.

Floor Amendments numbered 1 and 2 were held in the Committee on Rules.

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

reading.

On motion of Senator E. Jones, **Senate Bill No. 1122** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bowles, **Senate Bill No. 1131** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1131, by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 5-1062 as follows:

(55 ILCS 5/5-1062) (from Ch. 34, par. 5-1062)

Sec. 5-1062. Stormwater management.

(a) The purpose of this Section is to allow management and mitigation of the effects of urbanization on stormwater drainage in metropolitan counties located in the area served by the Northeastern Illinois Planning Commission, and references to "county" in this Section shall apply only to those counties. This Section shall not apply to any county with a population in excess of 2,000,000 ~~1,500,000~~, except as provided in subsection (c). The purpose of this Section shall be achieved by:

(1) consolidating the existing stormwater management framework into a united, countywide structure;

(2) setting minimum standards for floodplain and stormwater management; and

(3) preparing a countywide plan for the management of stormwater runoff, including the management of natural and man-made drainageways. The countywide plan may incorporate watershed plans.

(b) A stormwater management planning committee shall be established by county board resolution, with its membership consisting of equal numbers of county board and municipal representatives from each county board district, and such other members as may be determined by the county and municipal members. However, if the county has more than 6 county board districts, the county board may by ordinance divide the county into not less than 6 areas of approximately equal population, to be used instead of county board districts for the purpose of determining representation on the stormwater management planning committee.

The county board members shall be appointed by the chairman of the county board. Municipal members from each county board district or other represented area shall be appointed by a majority vote of the mayors of those municipalities which have the greatest percentage of their respective populations residing in such county board district or other represented area. All municipal and county board representatives shall be entitled to a vote; the other members shall be nonvoting members, unless authorized to vote by the unanimous consent of the municipal and county board representatives. A municipality that is located in more than one county may choose, at the time of formation of the stormwater management planning committee and based on watershed boundaries, to participate in the stormwater management planning program of either or both of the counties. Subcommittees of the stormwater management planning committee may be established to serve a portion of the county or a particular drainage basin that has similar stormwater management needs. The stormwater management planning committee shall adopt by-laws, by a majority vote

of the county and municipal members, to govern the functions of the committee and its subcommittees. Officers of the committee shall include a chair and vice chair, one of whom shall be a county representative and one a municipal representative.

The principal duties of the committee shall be to develop a stormwater management plan for presentation to and approval by the county board, and to direct the plan's implementation and revision. The committee may retain engineering, legal and financial advisors and inspection personnel. The committee shall meet at least quarterly and shall hold at least one public meeting during the preparation of the plan and prior to its submittal to the county board.

(c) In the preparation of a stormwater management plan, a county stormwater management planning committee shall coordinate the planning process with each adjoining county to ensure that recommended stormwater projects will have no significant impact on the levels or flows of stormwaters in inter-county watersheds or on the capacity of existing and planned stormwater retention facilities. An adopted stormwater management plan shall identify steps taken by the county to coordinate the development of plan recommendations with adjoining counties.

(d) Before the stormwater management planning committee recommends to the county board a stormwater management plan for the county or a portion thereof, it shall submit the plan to the Office of Water Resources of the Department of Natural Resources and to the Northeastern Illinois Planning Commission for review and recommendations. The Office and the Commission, in reviewing the plan, shall consider such factors as impacts on the levels or flows in rivers and streams and the cumulative effects of stormwater discharges on flood levels. The Office of Water Resources shall determine whether the plan or ordinances enacted to implement the plan complies with the requirements of subsection (f). Within a period not to exceed 60 days, the review comments and recommendations shall be submitted to the stormwater management planning committee for consideration. Any amendments to the plan shall be submitted to

the Office and the Commission for review.

(e) Prior to recommending the plan to the county board, the stormwater management planning committee shall hold at least one public hearing thereon and shall afford interested persons an opportunity to be heard. The hearing shall be held in the county seat. Notice of the hearing shall be published at least once no less than 15 days in advance thereof in a newspaper of general circulation published in the county. The notice shall state the time and place of the hearing and the place where copies of the proposed plan will be accessible for examination by interested parties. If an affected municipality having a stormwater management plan adopted by ordinance wishes to protest the proposed county plan provisions, it shall appear at the hearing and submit in writing specific proposals to the stormwater management planning committee. After consideration of the matters raised at the hearing, the committee may amend or approve the plan and recommend it to the county board for adoption.

The county board may enact the proposed plan by ordinance. If the proposals for modification of the plan made by an affected municipality having a stormwater management plan are not included in the proposed county plan, and the municipality affected by the plan opposes adoption of the county plan by resolution of its corporate authorities, approval of the county plan shall require an affirmative vote of at least two-thirds of the county board members present and voting. If the county board wishes to amend the county plan, it shall submit in writing specific proposals to the stormwater management planning committee. If the proposals are not approved by

the committee, or are opposed by resolution of the corporate authorities of an affected municipality having a municipal stormwater management plan, amendment of the plan shall require an affirmative vote of at least two-thirds of the county board members present and voting.

(f) The county board may prescribe by ordinance reasonable rules and regulations for floodplain management and for governing the location, width, course and release rate of all stormwater runoff channels, streams and basins in the county, in accordance with the adopted stormwater management plan. These rules and regulations shall, at a minimum, meet the standards for floodplain management established by the Office of Water Resources and the requirements of the Federal Emergency Management Agency for participation in the National Flood Insurance Program.

(g) In accordance with, and if recommended in, the adopted stormwater management plan, the county board may adopt a schedule of fees as may be necessary to mitigate the effects of increased stormwater runoff resulting from new development. The fees shall not exceed the cost of satisfying the onsite stormwater retention or detention requirements of the adopted stormwater management plan. The fees shall be used to finance activities undertaken by the county or its included municipalities to mitigate the effects of urban stormwater runoff by providing regional stormwater retention or detention facilities, as identified in the county plan. All such fees collected by the county shall be held in a separate fund, and shall be expended only in the watershed within which they were

collected.

(h) For the purpose of implementing this Section and for the development, design, planning, construction, operation and maintenance of stormwater facilities provided for in the stormwater management plan, a county board that has established a stormwater management planning committee pursuant to this Section may cause an annual tax of not to exceed 0.20% of the value, as equalized or assessed by the Department of Revenue, of all taxable property in the county to be levied upon all the taxable property in the county. The tax shall be in addition to all other taxes authorized by law to be levied and collected in the county and shall be in addition to the maximum tax rate authorized by law for general county purposes. The 0.20% limitation provided in this Section may be increased or decreased by referendum in accordance with the provisions of Sections 18-120, 18-125, and 18-130 of the Property Tax Code.

Any revenues generated as a result of ownership or operation of facilities or land acquired with the tax funds collected pursuant to this subsection (h) shall be held in a separate fund and be used either to abate such property tax or for implementing this Section.

However, unless at least part of the county has been declared after July 1, 1986 by presidential proclamation to be a disaster area as a result of flooding, the tax authorized by this subsection (h) shall not be levied until the question of its adoption, either for a specified period or indefinitely, has been submitted to the electors thereof and approved by a majority of those voting on the question. This question may be submitted at any election held in the county after the adoption of a resolution by the county board providing for the submission of the question to the electors of the county. The county board shall certify the resolution and proposition to the proper election officials, who shall submit the proposition at an election in accordance with the general election law. If a majority of the votes cast on the question is in favor of the levy of the tax, it may thereafter be levied in the county for the specified period or indefinitely, as provided in the proposition. The question shall be put in substantially the following form:

Shall an annual tax be levied for stormwater management purposes (for a period of not more than ..... years) at a rate not exceeding .....% of the equalized assessed value of the taxable property of ..... County?

YES

NO

(i) Upon the creation and implementation of a county stormwater management plan, the county may petition the circuit court to dissolve any or all drainage districts created pursuant to the Illinois Drainage Code or predecessor Acts which are located entirely within the area of the county covered by the plan.

However, any active drainage district implementing a plan that is consistent with and at least as stringent as the county stormwater management plan may petition the stormwater management planning

committee for exception from dissolution. Upon filing of the petition, the committee shall set a date for hearing not less than 2 weeks, nor more than 4 weeks, from the filing thereof, and the committee shall give at least one week's notice of the hearing in one or more newspapers of general circulation within the district, and in addition shall cause a copy of the notice to be personally served upon each of the trustees of the district. At the hearing, the committee shall hear the district's petition and allow the district trustees and any interested parties an opportunity to present oral and written evidence. The committee shall render its decision upon the petition for exception from dissolution based upon the best interests of the residents of the district. In the event that the exception is not allowed, the district may file a petition within 30 days of the decision with the circuit court. In that case, the notice and hearing requirements for the court shall be the same as herein provided for the committee. The court shall likewise render its decision of whether to dissolve the district based upon the best interests of residents of the district.

The dissolution of any drainage district shall not affect the obligation of any bonds issued or contracts entered into by the district nor invalidate the levy, extension or collection of any taxes or special assessments upon the property in the former drainage district. All property and obligations of the former drainage district shall be assumed and managed by the county, and the debts of the former drainage district shall be discharged as soon as practicable.

If a drainage district lies only partly within a county that adopts a county stormwater management plan, the county may petition the circuit court to disconnect from the drainage district that portion of the district that lies within that county. The property of the drainage district within the disconnected area shall be assumed and managed by the county. The county shall also assume a portion of the drainage district's debt at the time of disconnection, based on the portion of the value of the taxable property of the drainage district which is located within the area being disconnected.

The operations of any drainage district that continues to exist in a county that has adopted a stormwater management plan in accordance with this Section shall be in accordance with the adopted plan.

(j) Any county that has adopted a county stormwater management plan under this Section may, after 10 days written notice to the owner or occupant, enter upon any lands or waters within the county for the purpose of inspecting stormwater facilities or causing the

removal of any obstruction to an affected watercourse. The county shall be responsible for any damages occasioned thereby.

(k) Upon petition of the municipality, and based on a finding of the stormwater management planning committee, the county shall not enforce rules and regulations adopted by the county in any municipality located wholly or partly within the county that has a municipal stormwater management ordinance that is consistent with and at least as stringent as the county plan and ordinance, and is being

enforced by the municipal authorities.

(l) A county may issue general obligation bonds for implementing any stormwater plan adopted under this Section in the manner prescribed in Section 5-1012; except that the referendum requirement of Section 5-1012 shall not apply to bonds issued pursuant to this Section on which the principal and interest are to be paid entirely out of funds generated by the taxes and fees authorized by this Section.

(m) The powers authorized by this Section may be implemented by the county board for a portion of the county subject to similar stormwater management needs.

(n) The powers and taxes authorized by this Section are in addition to the powers and taxes authorized by Division 5-15; in exercising its powers under this Section, a county shall not be subject to the restrictions and requirements of that Division.

(o) Pursuant to paragraphs (g) and (i) of Section 6 of Article VII of the Illinois Constitution, this Section specifically denies and limits the exercise of any power which is inconsistent herewith by home rule units in any county with a population of less than 1,500,000 in the area served by the Northeastern Illinois Planning Commission. This Section does not prohibit the concurrent exercise of powers consistent herewith.

(Source: P.A. 88-670, eff. 12-2-94; 89-445, eff. 2-7-96.)".

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

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

On motion of Senator Lauzen, **Senate Bill No. 1148** having been printed, was taken up and read by title a second time.

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

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

On motion of Senator Lauzen, **Senate Bill No. 1182** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **Senate Bill No. 1183** having been printed, was taken up and read by title a second time.

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

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

On motion of Senator Cronin, **Senate Bill No. 1192** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **Senate Bill No. 1199** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Parker, **Senate Bill No. 29** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 29 as follows: on page 2 in line 1 by replacing "2000" with "2001".

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

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

On motion of Senator O'Malley, **Senate Bill No. 139** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 139 on page 13, by replacing lines 2 through 8 with the following:

"Equalized Assessed Valuation of that district. For the 1999-2000 school year, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the district's 1996 Equalized Assessed Valuation and the district's Extension Limitation Ratio. For the 2000-2001 school year and each school year thereafter, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the last calculated Extension Limitation Equalized Assessed Valuation and the district's Extension Limitation Ratio. If the Extension Limitation".

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 139 on page 12, by replacing lines 21 and 22 with the following:

"Operating Tax Rate as defined in subsection (A).".

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 139 as follows:

on page 7, immediately below line 6, by inserting the following:

"(5) The amount of general State aid allocated to a school district for the 1999-2000 school year meeting the requirements set forth in paragraph (4) of subsection (G) shall be increased by an amount equal to the general State aid that would have been received by the district for the 1998-1999 school year by utilizing the Extension Limitation Equalized Assessed Valuation as calculated in paragraph (4) of subsection (G) less the general State aid allotted for the 1998-1999 school year. This amount shall be deemed a one time increase, and shall not affect any future general State aid allocations."; and

on page 13, immediately below line 17, by inserting the following:

"(4) For the purposes of calculating general State aid for the 1999-2000 school year only, if a school district experienced a

triennial reassessment on the equalized assessed valuation used in calculating its general State financial aid apportionment for the 1998-1999 school year, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation that would have been used to calculate the district's 1998-1999 general State aid.

This amount shall equal the product of the equalized assessed valuation used to calculate general State aid for the 1997-1998 school year and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of the school district as calculated under this paragraph (4) is less than the district's equalized assessed valuation utilized in calculating the district's 1998-1999 general State aid allocation, then for purposes of calculating the district's general State aid pursuant to paragraph (5) of subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources.".

There being no further amendments, the foregoing Amendments numbered 1, 2 and 3, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 319** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 319 by replacing the title with the following:

"AN ACT regarding health insurance for children."; and

by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 6z-24 as follows:

(30 ILCS 105/6z-24) (from Ch. 127, par. 142z-24)

Sec. 6z-24. There is created in the State Treasury the Special Education Medicaid Matching Fund. All monies received from the federal government due to educationally-related services authorized under Section 1903 of the Social Security Act, as amended and for the administrative costs related thereto shall be deposited in the Special Education Medicaid Matching Fund. The monies in the Special Education Medicaid Matching Fund shall be held subject to appropriation by the General Assembly to the State Board of Education for distribution to school districts for ~~medicaid~~ eligible special education children claims under Titles XIX and XXI of the Social Security Act.

(Source: P.A. 87-641.)

Section 10. The State Prompt Payment Act is amended by changing Section 1 as follows:

(30 ILCS 540/1) (from Ch. 127, par. 132.401)

Sec. 1. This Act applies to any State official or agency authorized to provide for payment from State funds, by virtue of any appropriation of the General Assembly, for goods or services

furnished to the State.

Except as provided in Section 2.1, for purposes of this Act, "goods or services furnished to the State" include but are not limited to covered health care provided to eligible members and their covered dependents in accordance with the State Employees Group Insurance Act of 1971, including coverage through a physician-owned health maintenance organization under Section 6.1 of that Act~~; however, "goods or services furnished to the State" do not include medical assistance provided to public aid recipients and reimbursed from State funds under Articles V, VI, and XII of the Illinois Public Aid Code~~.

For the purposes of this Act, "appropriate State official or agency" is defined as the Director or Chief Executive or his designee of that State agency or department or facility of such agency or

department. With respect to covered health care provided to eligible members and their dependents in accordance with the State Employees Group Insurance Act of 1971, "appropriate State official or agency" also includes an administrator of a program of health benefits under that Act.

As used in this Act, "eligible member" means a member who is eligible for health benefits under the State Employees Group Insurance Act of 1971, and "member" and "dependent" have the meanings ascribed to those terms in that Act.

(Source: P.A. 88-45; 88-554, eff. 7-26-94; 89-21, eff. 7-1-95.)

Section 15. The Children's Health Insurance Program Act is amended by changing Sections 30, 55, and 60 as follows:

(215 ILCS 106/30)

(Section scheduled to be repealed on June 30, 2001)

Sec. 30. Cost sharing.

(a) Children enrolled in a health benefits program pursuant to subdivision (a)(2) of Section 25 shall be subject to the following cost sharing requirements:

(1) There shall be no co-payment required for well-baby or well-child care, including age-appropriate immunizations as required under federal law.

(2) Health insurance premiums for children in families whose household income is ~~at or~~ above 150% of the federal poverty level shall be payable monthly, subject to rules promulgated by the Department for grace periods and advance payments, and shall be as follows:

(A) $15 per month for one child.

(B) $25 per month for 2 children.

(C) $30 per month for 3 or more children.

(3) Co-payments for children in families whose income is at or below 150% of the federal poverty level, at a minimum and to the extent permitted under federal law, shall be $2 for all medical visits and prescriptions provided under this Act.

(4) Co-payments for children in families whose income is ~~at or~~ above 150% of the federal poverty level, at a minimum and to the extent permitted under federal law shall be as follows:

(A) $5 for medical visits.

(B) $3 for generic prescriptions and $5 for brand name

prescriptions.

(C) $25 for emergency room use for a non-emergency situation as defined by the Department by rule.

(5) The maximum amount of out-of-pocket expenses for co-payments shall be $100 per family per year.

(b) Individuals enrolled in a privately sponsored health insurance plan pursuant to subdivision (a)(1) of Section 25 shall be subject to the cost sharing provisions as stated in the privately sponsored health insurance plan.

(Source: P.A. 90-736, eff. 8-12-98.)

(215 ILCS 106/55)

(Section scheduled to be repealed on June 30, 2001)

Sec. 55. Contracts with non-governmental bodies. All contracts with non-governmental bodies that are determined by the Department to be necessary for the implementation of this Act ~~Section~~ are deemed to be purchase of care as defined in the Illinois Procurement Code.

(Source: P.A. 90-736, eff. 8-12-98.)

(215 ILCS 106/60)

(Section scheduled to be repealed on June 30, 2001)

Sec. 60. Emergency rulemaking. Prior to June 30, 1999, the Department may adopt rules necessary to establish and implement this Act ~~Section~~ through the use of emergency rulemaking in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For

purposes of that Act, the General Assembly finds that the adoption of rules to implement this Act ~~Section~~ is deemed an emergency and necessary for the public interest, safety, and welfare.

(Source: P.A. 90-736, eff. 8-12-98.)

Section 20. The Illinois Public Aid Code is amended by changing Section 12-10.4 as follows:

(305 ILCS 5/12-10.4)

Sec. 12-10.4. Juvenile Rehabilitation Services Medicaid Matching Fund. There is created in the State Treasury the Juvenile Rehabilitation Services Medicaid Matching Fund. Deposits to this Fund shall consist of all moneys received from the federal government for behavioral health services secured by counties under the Medicaid Rehabilitation Option pursuant to Title XIX of the Social Security Act or under the Children's Health Insurance Program pursuant to the Children's Health Insurance Program Act and Title XXI of the Social Security Act for minors who are committed to mental health facilities by the Illinois court system.

Disbursements from the Fund shall be made, subject to appropriation, by the Illinois Department of Public Aid for grants to those counties which secure behavioral health services ordered by the courts and which have an interagency agreement with the Department and submit detailed bills according to standards determined by the Department.

(Source: P.A. 90-587, eff. 7-1-98.)

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

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

third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 320** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 320 by replacing the title with the following:

"AN ACT to amend the Illinois Public Aid Code by changing Section 9A-11."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 9A-11 as follows:

(305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

Sec. 9A-11. Child Care.

(a) The General Assembly recognizes that families with children need child care in order to work. Child care is expensive and families with low incomes, including those who are transitioning from welfare to work, often struggle to pay the costs of day care. The General Assembly understands the importance of helping low income working families become and remain self-sufficient. The General Assembly also believes that it is the responsibility of families to share in the costs of child care. It is also the preference of the General Assembly that all working poor families should be treated equally, regardless of their welfare status.

(b) To the extent resources permit, the Illinois Department shall provide child care services to parents or other relatives as defined by rule who are working or participating in employment or Department approved education or training programs. At a minimum, the Illinois Department shall cover the following categories of

families:

(1) recipients of TANF under Article IV participating in work and training activities as specified in the personal plan for employment and self-sufficiency;

(2) families transitioning from TANF to work;

(3) families at risk of becoming recipients of TANF;

(4) families with special needs as defined by rule; and

(5) working families with very low incomes as defined by rule.

The Department shall specify by rule the conditions of eligibility, the application process, and the types, amounts, and duration of services. Eligibility for child care benefits and the amount of child care provided may vary based on family size, income, and other factors as specified by rule. In determining income eligibility for child care benefits, the Department shall establish, by rule, one income threshold for each family size, in relation to percentage of State median income for a family of that size, that makes families with incomes below the specified threshold eligible for assistance and families with incomes above the specified threshold ineligible for assistance. In determining eligibility for

assistance, the Department shall not give preference to any category of recipients or give preference to individuals based on their receipt of benefits under this Code. It is the intent of the General Assembly that, for fiscal year 1998, to the extent resources permit, the Department shall establish an income eligibility threshold of 50% of the State median income. Notwithstanding the income level at which families become eligible to receive child care assistance, any family that is already receiving child care assistance on the effective date of this amendatory Act of 1997 shall remain eligible for assistance for fiscal year 1998. Nothing in this Section shall be construed as conferring entitlement status to eligible families. The Illinois Department is authorized to lower income eligibility ceilings, raise parent co-payments, create waiting lists, or take such other actions during a fiscal year as are necessary to ensure that child care benefits paid under this Article do not exceed the amounts appropriated for those child care benefits. These changes may be accomplished by emergency rule under Section 5-45 of the Illinois Administrative Procedure Act, except that the limitation on the number of emergency rules that may be adopted in a 24-month period shall not apply. The Illinois Department may contract with other State agencies or child care organizations for the administration of child care services.

(c) Payment shall be made for child care that otherwise meets the requirements of this Section and applicable standards of State and local law and regulation, including any requirements the Illinois Department promulgates by rule in addition to the licensure requirements promulgated by the Department of Children and Family Services and Fire Prevention and Safety requirements promulgated by the Office of the State Fire Marshal and is provided in any of the following:

(1) a child care center which is licensed or exempt from licensure pursuant to Section 2.09 of the Child Care Act of 1969;

(2) a licensed child care home or home exempt from licensing;

(3) a licensed group child care home;

(4) other types of child care, including child care provided by relatives or persons living in the same home as the child, as determined by the Illinois Department by rule.

(d) The Illinois Department shall, by rule, require co-payments for child care services by any parent, including parents whose only income is from assistance under this Code. The co-payment shall be

assessed based on a sliding scale based on family income, family size, and the number of children in care.

(e) The Illinois Department shall conduct a market rate survey based on the cost of care and other relevant factors which shall be completed by July 1, 1998.

(f) The Illinois Department shall, by rule, set rates to be paid for the various types of child care. Child care may be provided through one of the following methods:

(1) arranging the child care through eligible providers by use of purchase of service contracts or vouchers;

(2) arranging with other agencies and community volunteer

groups for non-reimbursed child care;

(3) (blank); or

(4) adopting such other arrangements as the Department determines appropriate.

(g) Families eligible for assistance under this Section shall be given the following options:

(1) receiving a child care certificate issued by the Department or a subcontractor of the Department that may be used by the parents as payment for child care and development services only; or

(2) if space is available, enrolling the child with a child care provider that has a purchase of service contract with the Department or a subcontractor of the Department for the provision of child care and development services. The Department may identify particular priority populations for whom they may request special consideration by a provider with purchase of service contracts, provided that the providers shall be permitted to maintain a balance of clients in terms of household incomes and families and children with special needs, as defined by rule.

(h) The funds appropriated for child care services provided under this Section shall be appropriated separately and distinctly from other funds appropriated for the Temporary Assistance for Needy Families program.

(Source: P.A. 90-17, eff. 7-1-97.)

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

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

On motion of Senator Syverson, **Senate Bill No. 562** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 562 by replacing the title with the following:

"AN ACT to amend the Illinois Public Aid Code by adding Section 9A-11.3."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by adding Section 9A-11.3 as follows:

(305 ILCS 5/9A-11.3 new)

Sec. 9A-11.3. First Year at Home Demonstration Program. Beginning October 1, 1999, the Department of Human Services shall, subject to a specific appropriation for this purpose, operate a First Year at Home Demonstration Program. The Program shall provide funding for one parent of a newborn infant to stay at home to care

for the child during the child's first year rather than place the child in out-of-home care. For a period beginning 6 weeks after the

birth of a child and up to the child's first birthday, the Department shall pay monthly to an eligible family an amount equal to 90% of the licensed day care home provider rate, minus any required co-payment, not to exceed 10% less than the Temporary Assistance for Needy Families monthly cash assistance payment level for a family of the same size in that family's county of residence.

To be eligible for the First year at Home Program the family must be otherwise income eligible for subsidized child care provided by the Department and must not be a recipient of cash assistance under the Temporary Assistance for Needy Families program. The stay at home parent must provide documentation of work participation for 6 out of the 15 months prior to the birth of the child.

To the extent feasible, the Department shall issue a utilization report which shall include, but not be limited to, data on the number of families participating in the program, the income of families participating when they apply for the program, the size of families participating in the program, the number of parents in the household, the county of residence of families participating in the Program, and the effect of the Program on availability of infant day care. The Department shall issue an interim report to the General Assembly by December 31, 2000 and a final report by April 1, 2003. This Demonstration Program shall end on December 31, 2002.

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

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

On motion of Senator Noland, **Senate Bill No. 867** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 867, on page 5, by replacing lines 25 and 26 with the following:

"the imminent use of force."

Senator Noland offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 867 on page 1, by replacing line 2 with the following:

"Sections 14-3, 14-3A, and 14-3B."; and

on page 1, by inserting between lines 4 and 5 the following:

"Section 5. The Criminal Code of 1961 is amended by changing Sections 14-3, 14-3A, and 14-3B as follow:".

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

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

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

On motion of Senator Dillard, **Senate Bill No. 230** having been printed, was taken up and read by title a second time.

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

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 230, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 3, line 33 by replacing "accurately to" with "to accurately".

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

There being no further amendments, the foregoing Amendment No. 2, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator W. Jones, **Senate Bill No. 729** having been printed, was taken up and read by title a second time.

Floor Amendments numbered 1 and 2 were held in the Committee on Judiciary.

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

On motion of Senator Dillard, **Senate Bill No. 759** having been printed, was taken up and read by title a second time.

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

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

On motion of Senator L. Madigan, **Senate Bill No. 1042** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1042, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by adding Section 12-612 as follows:

(625 ILCS 5/12-612 new)

Sec. 12-612. Hidden or false compartment in a motor vehicle.

(a) It is unlawful for any person to knowingly own or operate any motor vehicle containing a hidden or false compartment created for the purpose of concealment of a controlled substance, firearm, person, currency, or other contraband from a law enforcement officer. It is unlawful for any person to knowingly install, create, build, or fabricate in any motor vehicle a hidden or false compartment for the purpose of concealment of a controlled substance, firearm, person, currency, or other contraband from a law enforcement officer. For the purposes of this Section, a "hidden compartment" or "false compartment" means any box, container, space, or enclosure that is

intended for use or designed for use to conceal, hide or otherwise prevent discovery by law enforcement officers of any controlled substance, firearm, person, currency, or other contraband within or attached to a vehicle, including, but not limited to, a compartment, space, or box that is added to, or fabricated, made or created from, existing compartments, spaces or boxes within a vehicle. Any motor vehicle containing a false or hidden compartment, as well as any items within that compartment, shall be subject to seizure by the Department of State Police or by any municipal or other local authority within whose jurisdiction that property is found as provided in Section 36-1 (720 ILCS 5/36-1) and Section 36-2 (720 ILCS

5/36-2) of the Criminal Code of 1961.

(b) A violation of this Section is a Class C misdemeanor. ".

Floor Amendments numbered 2 and 3 were held in the Committee on Transportation.

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

LEGISLATIVE MEASURES FILED

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

Senate Amendment No. 2 to Senate Bill 35
Senate Amendment No. 2 to Senate Bill 40
Senate Amendment No. 1 to Senate Bill 206
Senate Amendment No. 2 to Senate Bill 353
Senate Amendment No. 2 to Senate Bill 402
Senate Amendment No. 2 to Senate Bill 423
Senate Amendment No. 1 to Senate Bill 427
Senate Amendment No. 1 to Senate Bill 457
Senate Amendment No. 2 to Senate Bill 509
Senate Amendment No. 3 to Senate Bill 578
Senate Amendment No. 1 to Senate Bill 579
Senate Amendment No. 1 to Senate Bill 839
Senate Amendment No. 2 to Senate Bill 968
Senate Amendment No. 1 to Senate Bill 1046

READING A BILL OF THE SENATE A THIRD TIME

On motion of Senator O'Malley, **Senate Bill No. 7**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

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

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

adopted were tabled pursuant to Senate Rule No. 5-4(a).

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

SENATE BILL RECALLED

On motion of Senator Rauschenberger, **Senate Bill No. 20** was recalled from the order of third reading to the order of second reading.

Senator Maitland offered the following amendment:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 20, by replacing everything after the enacting clause with the following:

"Section 1. The sum of $93,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois to construct a research facility for the College of Medicine in Chicago, including planning, land acquisition, demolition, construction, remodeling, landscaping, site improvements, equipment, extension or modification of campus utility systems, relocation of programs and such other expenses as may be necessary to complete the facility.

Section 5. Effective date. This Act becomes effective on July 1, 1999.".

Senator Rauschenberger moved the adoption of the foregoing amendment.

The motion prevailed.

And the amendment was adopted and ordered printed.

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

third reading.

READING A BILL OF THE SENATE A THIRD TIME

On motion of Senator Munoz, **Senate Bill No. 109**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

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

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

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

SENATE BILLS RECALLED

On motion of Senator Lauzen, **Senate Bill No. 132** was recalled from the order of third reading to the order of second reading.

Senator Lauzen offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 132, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Automobile Renting Occupation and Use Tax Act is amended by changing Section 2 as follows:

(35 ILCS 155/2) (from Ch. 120, par. 1702)

Sec. 2. Definitions. "Renting" means any transfer of the possession or right to possession of an automobile to a user for a valuable consideration for a period of one year or less.

"Renting" does not include making a charge for the use of an

automobile where the rentor, either himself or through an agent, furnishes a service of operating an automobile so that the rentor remains in possession of the automobile, because this does not constitute a transfer of possession or right to possession of the automobile.

"Renting" does not include the making of a charge by an automobile dealer for the use of an automobile as a demonstrator in connection with the dealer's business of selling, where the charge is merely made to recover the costs of operating the automobile as a demonstrator and is not intended as a rental or leasing charge in the ordinary sense.

"Automobile" means any motor vehicle of the first division, a motor vehicle of the second division which is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division which is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code.

"Department" means the Department of Revenue.

"Person" means any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, limited liability company, or a receiver, executor, trustee, conservator or other representative appointed by order of any court.

"Rentor" means any person, firm, corporation or association engaged in the business of renting or leasing automobiles to users. For this purpose, the objective of making a profit is not necessary to make the renting activity a business.

"Rentee" means any user to whom the possession, or the right to possession, of an automobile is transferred for a valuable consideration for a period of one year or less, whether paid for by the "rentee" or by someone else.

"Gross receipts" from the renting of tangible personal property or "rent" means the total rental price or leasing price. In the case of rental transactions in which the consideration is paid to the rentor on an installment basis, the amounts of such payments shall be

included by the rentor in gross receipts or rent only as and when payments are received by the rentor.

"Gross receipts" does not include receipts received by an automobile dealer from a manufacturer or service contract provider for the use of an automobile by a person while that person's automobile is being repaired by that automobile dealer and the repair is made pursuant to a manufacturer's warranty or a service contract where a manufacturer or service contract provider reimburses that automobile dealer pursuant to a manufacturer's warranty or a service contract and the reimbursement is merely made to recover the costs of operating the automobile as a loaner vehicle.

"Rental price" means the consideration for renting or leasing an automobile valued in money, whether received in money or otherwise, including cash credits, property and services, and shall be determined without any deduction on account of the cost of the

property rented, the cost of materials used, labor or service cost, or any other expense whatsoever, but does not include charges that are added by a rentor on account of the rentor's tax liability under this Act or on account of the rentor's duty to collect, from the rentee, the tax that is imposed by Section 4 of this Act. The phrase "rental price" does not include compensation paid to a rentor by a rentee in consideration of the waiver by the rentor of any right of action or claim against the rentee for loss or damage to the automobile rented and also does not include a separately stated charge for insurance or recovery of refueling costs or other separately stated charges that are not for the use of tangible personal property.
(Source: P.A. 90-14, eff. 7-1-97.)
Section 99. Effective date. This Act takes effect upon becoming law.".

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

On motion of Senator Klemm, **Senate Bill No. 175** was recalled from the order of third reading to the order of second reading.
Senator Klemm moved to reconsider the vote by which Amendment No. 1 was adopted.
The motion prevailed.
Senator Klemm moved that Amendment No. 1 to **Senate Bill No. 175** be ordered to lie on the table.
The motion to table prevailed.
Senator Klemm offered the following amendment and moved its adoption.

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 175 as follows:
on page 5, line 30, by replacing"1.20%" with "1.05%"; and
on page 11, line 24, by replacing "1.20%" with "1.05%".

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator DeLeo, **Senate Bill No. 286**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.
And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays 3; Present 1.

The following voted in the affirmative:

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

The following voted in the negative:

Burzynski
Jones, W.
Lauzen

The following voted present:

Bomke

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

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

On motion of Senator Syverson, **Senate Bill No. 287**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None; Present 1.

The following voted in the affirmative:

Berman	Geo-Karis	Maitland	Shadid
Bomke	Halvorson	Molaro	Shaw
Bowles	Hawkinson	Munoz	Sieben
Burzynski	Hendon	Myers	Silverstein
Clayborne	Jacobs	Noland	Smith
Cronin	Jones, E.	Obama	Sullivan
Cullerton	Jones, W.	O'Daniel	Syverson
DeLeo	Klemm	O'Malley	Trotter
del Valle	Lauzen	Parker	Viverito
Demuzio	Lightford	Peterson	Walsh, L.
Dillard	Link	Petka	Walsh, T.
Donahue	Luechtefeld	Radogno	Watson

Dudycz	Madigan, R.	Rauschenberger	Weaver
Fawell	Mahar	Rea	Welch
			Mr. President

The following voted present:

Madigan, L.

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

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

On motion of Senator R. Madigan, **Senate Bill No. 310**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

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

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

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

SENATE BILLS RECALLED

On motion of Senator Parker, **Senate Bill No. 323** was recalled from the order of third reading to the order of second reading.

Senator Parker offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 323 by replacing the title

with the following:
"AN ACT to amend the Abused and Neglected Child Reporting Act by changing Section 4.02.".

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendment No. 2

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

On motion of Senator Sieben, **Senate Bill No. 353** was recalled from the order of third reading to the order of second reading.
Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 353 as follows:
on page 3, line 18, after "to the", by inserting "legal"; and
on page 3, line 18, after "voters", by inserting the following:
"of the territory proposed to be detached".

The motion prevailed.
And the amendment was adopted and ordered printed.
Floor Amendment No. 2 was filed earlier today and referred to the Committee on Rules.
There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator O'Malley, **Senate Bill No. 359**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.
And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke	Halvorson	Mahar	Rea
Bowles	Hawkinson	Maitland	Shadid
Burzynski	Hendon	Molaro	Shaw
Clayborne	Jacobs	Munoz	Sieben
Cronin	Jones, E.	Myers	Silverstein
Cullerton	Jones, W.	Noland	Smith
DeLeo	Karpiel	Obama	Sullivan
del Valle	Klemm	O'Daniel	Syverson
Demuzio	Lauzen	O'Malley	Trotter
Dillard	Lightford	Parker	Viverito
Donahue	Link	Peterson	Walsh, L.
Dudycz	Luechtefeld	Petka	Walsh, T.

Fawell	Madigan, L.	Radogno	Watson
Geo-Karis	Madigan, R.	Rauschenberger	Weaver
			Welch
			Mr. President

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

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

On motion of Senator T. Walsh, **Senate Bill No. 363**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator O'Malley, **Senate Bill No. 376**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Mahar	Rea
Bomke	Halvorson	Maitland	Shadid
Bowles	Hawkinson	Molaro	Shaw

Burzynski	Hendon	Munoz	Sieben
Clayborne	Jacobs	Myers	Smith
Cronin	Jones, W.	Noland	Sullivan
Cullerton	Karpiel	Obama	Syverson
DeLeo	Klemm	O'Daniel	Trotter
del Valle	Lauzen	O'Malley	Viverito
Demuzio	Lightford	Parker	Walsh, L.
Dillard	Link	Peterson	Walsh, T.
Donahue	Luechtefeld	Petka	Watson
Dudycz	Madigan, L.	Radogno	Weaver
Fawell	Madigan, R.	Rauschenberger	Welch
			Mr. President

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

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

On motion of Senator Rauschenberger, **Senate Bill No. 384**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Rauschenberger, **Senate Bill No. 385**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None; Present 1.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rauschenberger
Bomke	Halvorson	Mahar	Rea
Bowles	Hawkinson	Maitland	Shadid
Burzynski	Hendon	Molaro	Shaw
Clayborne	Jacobs	Munoz	Sieben
Cronin	Jones, E.	Myers	Silverstein
Cullerton	Jones, W.	Noland	Smith
DeLeo	Karpiel	Obama	Sullivan
del Valle	Klemm	O'Daniel	Syverson
Demuzio	Lauzen	O'Malley	Trotter
Dillard	Lightford	Parker	Viverito
Donahue	Link	Peterson	Walsh, L.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
			Welch
			Mr. President

The following voted present:

Walsh, T.

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

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

On motion of Senator Dudycz, **Senate Bill No. 417**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None; Present 1.

The following voted in the affirmative:

Berman	Geo-Karis	Mahar	Rea
Bomke	Halvorson	Maitland	Shadid
Bowles	Hawkinson	Molaro	Shaw
Burzynski	Hendon	Munoz	Sieben
Clayborne	Jacobs	Myers	Silverstein
Cronin	Jones, E.	Noland	Smith
Cullerton	Jones, W.	Obama	Sullivan
DeLeo	Karpiel	O'Daniel	Syverson
del Valle	Klemm	O'Malley	Trotter
Demuzio	Lauzen	Parker	Walsh, L.
Dillard	Link	Peterson	Walsh, T.

Donahue	Luechtefeld	Petka	Watson
Dudycz	Madigan, L.	Radogno	Weaver
Fawell	Madigan, R.	Rauschenberger	Welch
			Mr. President

The following voted present:

Lightford

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

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

SENATE BILL RECALLED

On motion of Senator Syverson, **Senate Bill No. 458** was recalled from the order of third reading to the order of second reading.

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 458 on page 2, in line 12 by inserting "in all its branches" after "medicine"; and

on page 3, by replacing lines 12 through 17 with the following:

"(3) the automated external defibrillator is registered with the EMS system hospital in the vicinity of where the automated external defibrillator will primarily be located which shall oversee utilization of the automated external defibrillator and ensure that training and maintenance requirements are met; and"; and

on page 3, by replacing lines 22 through 24 with the following:

"clinical use of the automated external defibrillator."; and

on page 4, line 4, by changing "prescribing physician" to "physician licensed to practice medicine in all its branches".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Watson, **Senate Bill No. 462**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays 1; Present 1.

The following voted in the affirmative:

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

The following voted in the negative:

Rauschenberger

The following voted present:

Karpiel

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

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

On motion of Senator Watson, **Senate Bill No. 463**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 51; Nays None; Present 8.

The following voted in the affirmative:

Berman	Halvorson	Molaro	Shaw
Bomke	Hawkinson	Munoz	Sieben
Bowles	Hendon	Myers	Silverstein
Clayborne	Jacobs	Noland	Smith
Cronin	Jones, E.	Obama	Sullivan
Cullerton	Jones, W.	O'Daniel	Trotter
DeLeo	Klemm	O'Malley	Viverito
del Valle	Lightford	Parker	Walsh, L.
Demuzio	Link	Peterson	Walsh, T.

Dillard	Madigan, L.	Petka	Watson
Donahue	Madigan, R.	Radogno	Weaver

Dudycz	Mahar	Rea	Mr. President
Geo-Karis	Maitland	Shadid	

The following voted present:

Burzynski	Karpiel	Luechtefeld	Syverson
Fawell	Lauzen	Rauschenberger	Welch

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

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

On motion of Senator Watson, **Senate Bill No. 464**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 51; Nays None; Present 8.

The following voted in the affirmative:

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

The following voted present:

Burzynski	Donahue	Lauzen	Rauschenberger
Cronin	Jacobs	Madigan, R.	Syverson

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

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

On motion of Senator Berman, **Senate Bill No. 465**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

Berman	Halvorson	Maitland	Shaw

Bomke	Hawkinson	Molaro	Sieben
Bowles	Hendon	Munoz	Silverstein

Burzynski	Jacobs	Myers	Smith
Clayborne	Jones, E.	Noland	Sullivan
Cronin	Jones, W.	Obama	Syverson
Cullerton	Karpiel	O'Daniel	Trotter
DeLeo	Klemm	O'Malley	Viverito
del Valle	Lauzen	Parker	Walsh, L.
Demuzio	Lightford	Peterson	Walsh, T.
Dillard	Link	Petka	Watson
Donahue	Luechtefeld	Radogno	Weaver
Dudycz	Madigan, L.	Rauschenberger	Welch
Fawell	Madigan, R.	Rea	Mr. President
Geo-Karis	Mahar	Shadid	

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

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

On motion of Senator Sieben, **Senate Bill No. 469**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays 1.

The following voted in the affirmative:

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

The following voted in the negative:

Welch

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

adopted were tabled pursuant to Senate Rule No. 5-4(a).

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

On motion of Senator Syverson, **Senate Bill No. 487**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Rauschenberger, **Senate Bill No. 496**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 49; Nays 7; Present 1.

The following voted in the affirmative:

Berman	Jacobs	Munoz	Shadid
Bomke	Jones, E.	Myers	Shaw
Burzynski	Jones, W.	Noland	Sieben
Clayborne	Karpiel	Obama	Silverstein
Cullerton	Klemm	O'Daniel	Smith
DeLeo	Lauzen	O'Malley	Sullivan
del Valle	Lightford	Parker	Syverson
Donahue	Luechtefeld	Peterson	Viverito
Dudycz	Madigan, R.	Petka	Walsh, L.
Fawell	Mahar	Radogno	Walsh, T.

Geo-Karis	Maitland	Rauschenberger	Watson
Hendon	Molaro	Rea	Weaver
			Mr. President

The following voted in the negative:

Bowles	Halvorson	Link	Welch
Cronin	Hawkinson	Madigan, L.	

The following voted present:

Demuzio

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

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

On motion of Senator Rauschenberger, **Senate Bill No. 498**, having

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

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Cronin, **Senate Bill No. 503**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

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

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

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

SENATE BILL TABLED

Senator Dillard moved that **Senate Bill No. 517,** on the order of third reading, be ordered to lie on the table.

The motion to table prevailed.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Dillard, **Senate Bill No. 541**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

Berman	Halvorson	Maitland	Shaw
Bomke	Hawkinson	Molaro	Sieben
Bowles	Hendon	Munoz	Silverstein
Burzynski	Jacobs	Myers	Smith
Clayborne	Jones, E.	Noland	Sullivan
Cronin	Jones, W.	Obama	Syverson
Cullerton	Karpiel	O'Daniel	Trotter
DeLeo	Klemm	O'Malley	Viverito

del Valle	Lauzen	Parker	Walsh, L.
Demuzio	Lightford	Peterson	Walsh, T.
Dillard	Link	Petka	Watson
Donahue	Luechtefeld	Radogno	Weaver
Dudycz	Madigan, L.	Rauschenberger	Welch
Fawell	Madigan, R.	Rea	Mr. President
Geo-Karis	Mahar	Shadid	

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

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

On motion of Senator Obama, **Senate Bill No. 561**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

Berman	Halvorson	Maitland	Shaw
Bomke	Hawkinson	Molaro	Sieben
Bowles	Hendon	Munoz	Silverstein
Burzynski	Jacobs	Myers	Smith
Clayborne	Jones, E.	Noland	Sullivan
Cronin	Jones, W.	Obama	Syverson
Cullerton	Karpiel	O'Daniel	Trotter
DeLeo	Klemm	O'Malley	Viverito
del Valle	Lauzen	Parker	Walsh, L.
Demuzio	Lightford	Peterson	Walsh, T.
Dillard	Link	Petka	Watson
Donahue	Luechtefeld	Radogno	Weaver
Dudycz	Madigan, L.	Rauschenberger	Welch
Fawell	Madigan, R.	Rea	Mr. President

Geo-Karis	Mahar	Shadid

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

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

On motion of Senator Radogno, **Senate Bill No. 563**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Dudycz, **Senate Bill No. 575**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None; Present 1.

The following voted in the affirmative:

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

			Welch
			Mr. President

The following voted present:

Klemm

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

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

On motion of Senator Munoz, **Senate Bill No. 644**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rea
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Molaro	Sieben
Clayborne	Jacobs	Munoz	Silverstein
Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Noland	Sullivan
DeLeo	Karpiel	Obama	Syverson
del Valle	Klemm	O'Daniel	Trotter
Demuzio	Lauzen	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Watson
Dudycz	Luechtefeld	Petka	Weaver
Fawell	Madigan, L.	Rauschenberger	Welch
			Mr. President

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

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

At the hour of 11:08 o'clock a.m., Senator Donahue presiding.

SENATE BILL RECALLED

On motion of Senator Watson, **Senate Bill No. 646** was recalled from the order of third reading to the order of second reading.

Senator Watson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 646, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Health Facilities Planning Act is amended by adding Sections 13.5, 13.9, 13.10, 13.15, 13.20, 13.25, 13.30, and 13.35 as follows:

(20 ILCS 3960/13.5 new)

Sec. 13.5. Health care provider cooperative agreements.

The General Assembly finds that the goals of controlling health care costs and improving the quality of and access to health care services will be significantly enhanced by some cooperative arrangements involving providers that might be prohibited by State and federal antitrust laws if undertaken without governmental involvement. Both currently and historically Illinois, other states, and the United States have determined that unrestricted marketplace competition may not produce the optimum mix of cost, access, and quality that can be achieved in health care. The purpose of Sections 13.5 through 13.35 is to create an opportunity for the State to review proposed arrangements and to substitute regulation for competition when an arrangement is likely to result in lower costs, or greater access, or improved quality, than would otherwise occur in the competitive marketplace. The General Assembly intends that approval of relationships be accompanied by appropriate conditions, supervision, and regulation to protect against private abuses of economic power, and that an arrangement or relationship approved by the Attorney General and accompanied by appropriate conditions, supervision, and regulation shall not be subject to State or federal antitrust liability.

The General Assembly finds that the market for health care services is extremely diverse in Illinois. Some parts of Illinois are national destinations for tertiary health care services and receive patients from throughout the United States and the Western Hemisphere. Other regions of Illinois have extraordinary rates of outmigration, with residents traveling hundreds of miles, often out-of-state, for care. Providing health care close to home is medically useful to a patient's recovery, because visits of families and friends can improve a patient's psycho-social capacity to cope with disease. Providing incentives to increase quality care in areas without it is desirable.

(20 ILCS 3960/13.9 new)

Sec. 13.9. Regional application.

(a) The provisions of this law shall apply to any region in Illinois where the following health care conditions exist:

(1) in any area of at least 25 contiguous counties containing at least 20 facilities licensed under the Hospital Licensing Act;

(2) where during the calendar year preceding the effective date of this amendatory Act of the 91st General Assembly, no facility has been approved or received a permit to establish neo-natal intensive care, open-heart surgery, level-one trauma, or organ transplantation;

(3) where at least 50% of residents receiving open-heart surgery procedures at Illinois hospitals must travel at least 75 miles; and

(4) where no Illinois university with a medical school has a primary medical school campus within 100 miles of the most distant point in the region.

(b) For purposes of this law, health care providers shall include any institution or individual licensed by the State under the Medical Practice Act of 1987 or the Hospital Licensing Act.

(20 ILCS 3960/13.10 new)

Sec. 13.10. Health care provider cooperative agreements; goals. Acting by their boards of directors or boards of trustees or as

individuals, 2 or more health care providers, at least one of which must be licensed under the Hospital Licensing Act, may enter into a cooperative agreement concerning the allocation of health care equipment or health care services among themselves for the provision of major medical procedures such as open heart surgery, neo-natal intensive care, level one trauma, or organ transplantation. The

agreement shall not involve price-fixing or predatory pricing and shall be designed to achieve one or more of the following goals:

(1) Reducing health care costs for Illinois consumers.

(2) Improving access to health care services in Illinois.

(3) Improving the quality of patient care in Illinois.

(20 ILCS 3960/13.15 new)

Sec. 13.15. Health care provider cooperative agreements; approval.

(a) No cooperative agreement between health care providers implemented without first obtaining a review by the Health Facilities Planning Board and approval from the Attorney General as provided in this Section shall be eligible for any protection or immunity created by Section 13.30.

(b) Health care providers desiring to implement a cooperative agreement authorized under Section 13.10 and to obtain the antitrust exception provided by Section 13.30 shall apply to the Attorney General for approval of the agreement. Applications for approval shall be in a form prescribed by the Attorney General but shall contain at least the following:

(1) A verified copy of the proposed agreement.

(2) An implementation plan that states how and when the cooperative action identified in the agreement will meet one or more of the goals specified in Section 13.10, and how the benefits will outweigh any negatives.

(3) A statement of any consideration received or to be received under the proposed agreement.

(c) Each application shall be accompanied by a fee determined by the Attorney General, but in an amount sufficient to cover the cost of processing the application. All payments made to the Attorney General pursuant to this Section shall be deposited into the Attorney General Health Care Cooperative Agreement and Antitrust Enforcement Fund, a special fund created in the State treasury. Moneys in the fund shall be used subject to appropriation for the performance of any function pertaining to the exercise of the duties of the Attorney General in carrying out the provisions of this Act.

(d) The Attorney General shall adopt rules for the operation of this Act under the Illinois Administrative Procedure Act. The General Assembly finds that the current health care situation constitutes an emergency for purposes of the Illinois Administrative Procedure Act. Therefore, the Attorney General may implement the provisions of Sections 13.5 through 13.30 by emergency rulemaking under the Illinois Administrative Procedure Act.

(e) The rules shall require applicants to provide clear and convincing evidence in the application demonstrating that quality, cost, or access improvements cannot be accomplished by the applicants without the agreement.

(f) A copy of an application submitted to the Attorney General pursuant to subsection (b) shall simultaneously be submitted to the Health Facilities Planning Board, which shall hold public hearings on the application. The hearings may be combined with hearings relating to the provision by the State Board of a Certificate of Need, if applicable. The State Board shall issue a report, including findings of fact and recommendations, and provide it, together with a record of proceedings, to the Attorney General as expeditiously as possible.

(g) Upon receiving a report and recommendations from the Health Facilities Planning Board, the Attorney General may approve an agreement if he or she finds by clear and convincing evidence that its implementation will lead to the improvements in cost, access, or quality described in the application, that these improvements are likely to outweigh any probable negative results, that predatory

pricing will not occur, and that the agreement is in the public interest. (h) The Attorney General may condition his approval of the agreement upon terms he or she finds necessary to protect consumers and to be in the public interest.

(20 ILCS 3960/13.20 new)

Sec. 13.20. Health care provider cooperative agreements; annual review. The Attorney General shall require from the parties to a cooperative agreement annual progress reports concerning the implementation of the agreement. The reports shall contain any information and be accompanied by any fees that are required by rule.

A copy of each report shall simultaneously be filed with the Health Facilities Planning Board, which shall review it and make recommendations to the Attorney General.

(20 ILCS 3960/13.25 new)

Sec. 13.25. Health care provider cooperative agreements; rescinding approval. If the Attorney General finds that any of the following circumstances exist, he or she may issue a decision rescinding his or her approval of a hospital cooperative agreement:

(1) The parties to the agreement fail to submit annual progress reports;

(2) Materially misleading information was submitted in the application or in any subsequent report filed by the parties with the Health Facilities Planning Board and the Attorney General pursuant to this Act;

(3) The parties have failed to implement the agreement with due diligence;

(4) The agreement has failed to accomplish its purposes as described in the application; or

(5) The Attorney General has subsequently found by substantial evidence that the benefits of the agreement do not substantially outweigh the negative results.

(20 ILCS 3960/13.30 new)

Sec. 13.30. Health care provider cooperative agreements; antitrust exception.

(a) Neither this subsection nor any other provision of this Act is intended to confer, and does not confer, authority to engage in agreements, tacit, implied, or express, which are not submitted to

the Attorney General for approval, if those agreements are in violation of State or federal antitrust laws. Conduct seemingly pursuant to the provisions of this law done without the good faith intention to accomplish an agreement approved by the Attorney General is not entitled to the protections and immunities of this Section 13.30.

(b) It is the intent of Sections 13.5 through this Section to require the State, through the Attorney General and the Health Facilities Planning Board, to provide direction, supervision, and control over cooperative agreements approved under Section 13.15. To achieve the goals specified in Section 13.10, this State direction, supervision, and control will provide immunity from any civil or criminal liability under the Illinois Antitrust Act and state-action immunity under federal antitrust laws to (i) health care providers, their governing board members, and their officers, agents, and employees who take authorized actions to implement a cooperative agreement approved under Section 13.15 and (ii) health care providers' governing board members who participate in discussions or negotiations concerning the allocation of health care equipment or health care services as authorized under Section 13.10.

(20 ILCS 3960/13.35 new)

Sec. 13.35. Health care providers' cooperative agreements; Attorney General action. Nothing in Sections 13.5 through 13.30 shall limit the authority of the Attorney General to initiate an

action to enforce the civil or criminal liability provisions of the Illinois Antitrust Act, or to take any other measures that he or she deems necessary, if the Attorney General determines that a health care provider, the members of its governing board, or its officers, agents, or employees have exceeded the scope of the actions authorized under those Sections, have failed to comply with the terms and conditions of an agreement authorized under Section 13.15, or have failed to comply with the reporting requirements of Section 13.20.

The Attorney General is authorized to use the subpoena and investigative powers available to him or her under the Illinois Antitrust Act and the Consumer Fraud and Deceptive Practices Act to facilitate his or her review of any application or report submitted to him or her pursuant to Sections 13.15 and 13.20, and to investigate possible violations of Sections 13.5 through 13.30 of the Act.

Section 10. The State Finance Act is amended by adding Section 5.490 as follows:

(30 ILCS 105/5.490 new)

Sec. 5.490. The Attorney General Health Care Cooperative Agreement and Antitrust Enforcement Fund.

Section 15. The Illinois Antitrust Act is amended by changing Section 5 as follows:

(740 ILCS 10/5) (from Ch. 38, par. 60-5)

Sec. 5. No provisions of this Act shall be construed to make illegal:

(1) the activities of any labor organization or of individual members thereof which are directed solely to labor objectives which

are legitimate under the laws of either the State of Illinois or the United States;

(2) the activities of any agricultural or horticultural cooperative organization, whether incorporated or unincorporated, or of individual members thereof, which are directed solely to objectives of such cooperative organizations which are legitimate under the laws of either the State of Illinois or the United States;

(3) the activities of any public utility, as defined in Section 3-105 of the Public Utilities Act to the extent that such activities are subject to a clearly articulated and affirmatively expressed State policy to replace competition with regulation, where the conduct to be exempted is actively supervised by the State itself;

(4) The activities of a telecommunications carrier, as defined in Section 13-202 of the Public Utilities Act, to the extent those activities relate to the provision of noncompetitive telecommunications services under the Public Utilities Act and are subject to the jurisdiction of the Illinois Commerce Commission or to the activities of telephone mutual concerns referred to in Section 13-202 of the Public Utilities Act to the extent those activities relate to the provision and maintenance of telephone service to owners and customers;

(5) the activities (including, but not limited to, the making of or participating in joint underwriting or joint reinsurance arrangement) of any insurer, insurance agent, insurance broker, independent insurance adjuster or rating organization to the extent that such activities are subject to regulation by the Director of Insurance of this State under, or are permitted or are authorized by, the Insurance Code or any other law of this State;

(6) the religious and charitable activities of any not-for-profit corporation, trust or organization established exclusively for religious or charitable purposes, or for both purposes;

(7) the activities of any not-for-profit corporation organized

to provide telephone service on a mutual or co-operative basis or electrification on a co-operative basis, to the extent such activities relate to the marketing and distribution of telephone or electrical service to owners and customers;

(8) the activities engaged in by securities dealers who are (i) licensed by the State of Illinois or (ii) members of the National Association of Securities Dealers or (iii) members of any National Securities Exchange registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended, in the course of their business of offering, selling, buying and selling, or otherwise trading in or underwriting securities, as agent, broker, or principal, and activities of any National Securities Exchange so registered, including the establishment of commission rates and schedules of charges;

(9) the activities of any board of trade designated as a "contract market" by the Secretary of Agriculture of the United States pursuant to Section 5 of the Commodity Exchange Act, as amended;

(10) the activities of any motor carrier, rail carrier, or

common carrier by pipeline, as defined in the Common Carrier by Pipeline Law of the Public Utilities Act, to the extent that such activities are permitted or authorized by the Act or are subject to regulation by the Illinois Commerce Commission;

(11) the activities of any state or national bank to the extent that such activities are regulated or supervised by officers of the state or federal government under the banking laws of this State or the United States;

(12) the activities of any state or federal savings and loan association to the extent that such activities are regulated or supervised by officers of the state or federal government under the savings and loan laws of this State or the United States;

(13) the activities of any bona fide not-for-profit association, society or board, of attorneys, practitioners of medicine, architects, engineers, land surveyors or real estate brokers licensed and regulated by an agency of the State of Illinois, in recommending schedules of suggested fees, rates or commissions for use solely as guidelines in determining charges for professional and technical services;

(14) Conduct involving trade or commerce (other than import trade or import commerce) with foreign nations unless:

(a) such conduct has a direct, substantial, and reasonably foreseeable effect:

(i) on trade or commerce which is not trade or commerce with foreign nations, or on import trade or import commerce with foreign nations; or

(ii) on export trade or export commerce with foreign nations of a person engaged in such trade or commerce in the United States; and

(b) such effect gives rise to a claim under the provisions of this Act, other than this subsection (14).

(c) If this Act applies to conduct referred to in this subsection (14) only because of the provisions of paragraph (a)(ii), then this Act shall apply to such conduct only for injury to export business in the United States which affects this State; ~~or~~

(15) the activities of a unit of local government or school district and the activities of the employees, agents and officers of a unit of local government or school district; or

(16) the activities of a health care provider and the activities of its governing board members and its officers, agents, and employees in discussing, negotiating, entering into, or implementing

a cooperative agreement concerning the allocation of health care equipment or health care services resulting in one or more proposals or agreements that are approved by the Attorney General, or if submitted to the Attorney General might reasonably have been approved, as authorized under Sections 13.5 through 13.35 of the Illinois Health Facilities Planning Act.

(Source: P.A. 90-185, eff. 7-23-97; 90-561, eff. 12-16-97.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator L. Walsh, **Senate Bill No. 650**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None; Present 1.

The following voted in the affirmative:

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

The following voted present:

Rauschenberger

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

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

On motion of Senator Radogno, **Senate Bill No. 672**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rauschenberger
Bomke	Halvorson	Mahar	Rea

Bowles	Hawkinson	Maitland	Shadid
Burzynski	Hendon	Molaro	Shaw
Clayborne	Jacobs	Munoz	Sieben
Cronin	Jones, E.	Myers	Silverstein
Cullerton	Jones, W.	Noland	Smith
DeLeo	Karpiel	Obama	Sullivan
del Valle	Klemm	O'Daniel	Syverson
Demuzio	Lauzen	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
			Welch

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

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

On motion of Senator Obama, **Senate Bill No. 680**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Radogno, **Senate Bill No. 753**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Lauzen, **Senate Bill No. 777**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 32; Nays 27.

The following voted in the affirmative:

Bomke	Hawkinson	Maitland	Rauschenberger
Burzynski	Jones, W.	Myers	Sieben
Cronin	Karpiel	Noland	Sullivan
Dillard	Klemm	O'Malley	Syverson
Donahue	Lauzen	Parker	Walsh, T.
Dudycz	Luechtefeld	Peterson	Watson
Fawell	Madigan, R.	Petka	Weaver
Geo-Karis	Mahar	Radogno	Mr. President

The following voted in the negative:

Berman	Halvorson	Molaro	Silverstein
Bowles	Hendon	Munoz	Smith
Clayborne	Jacobs	Obama	Trotter
Cullerton	Jones, E.	O'Daniel	Viverito
DeLeo	Lightford	Rea	Walsh, L.
del Valle	Link	Shadid	Welch
Demuzio	Madigan, L.	Shaw	

This roll call verified.

This bill, having received the vote of a constitutional majority

of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

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

On motion of Senator Dillard, **Senate Bill No. 784**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 45; Nays 10.

The following voted in the affirmative:

Bomke	Geo-Karis	Myers	Shaw
Bowles	Hawkinson	Noland	Sieben
Burzynski	Jones, W.	O'Daniel	Silverstein
Cronin	Karpiel	O'Malley	Smith
DeLeo	Klemm	Parker	Syverson
del Valle	Lauzen	Peterson	Trotter
Demuzio	Luechtefeld	Petka	Viverito
Dillard	Madigan, R.	Radogno	Walsh, L.
Donahue	Mahar	Rauschenberger	Walsh, T.
Dudycz	Maitland	Rea	Watson
Fawell	Munoz	Shadid	Weaver
			Mr. President

The following voted in the negative:

Berman	Cullerton	Hendon	Link
Clayborne	Halvorson	Jacobs	Madigan, L.
			Molaro
			Obama

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

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

On motion of Senator Petka, **Senate Bill No. 795**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None; Present 1.

The following voted in the affirmative:

Berman	Halvorson	Mahar	Rea
Bomke	Hawkinson	Maitland	Shadid
Bowles	Hendon	Molaro	Shaw
Burzynski	Jacobs	Munoz	Sieben

Clayborne	Jones, E.	Myers	Silverstein
Cronin	Jones, W.	Noland	Sullivan
DeLeo	Karpiel	Obama	Syverson
del Valle	Klemm	O'Daniel	Trotter
Demuzio	Lauzen	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
Geo-Karis	Madigan, R.	Rauschenberger	Mr. President

The following voted present:

Cullerton

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

adopted were tabled pursuant to Senate Rule No. 5-4(a).

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

On motion of Senator Mahar, **Senate Bill No. 805**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Dillard, **Senate Bill No. 834**, having been

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

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rauschenberger
Bomke	Halvorson	Mahar	Rea
Bowles	Hawkinson	Maitland	Shadid
Burzynski	Hendon	Molaro	Shaw
Clayborne	Jacobs	Munoz	Sieben
Cronin	Jones, E.	Myers	Silverstein
Cullerton	Jones, W.	Noland	Smith
DeLeo	Karpiel	Obama	Sullivan
del Valle	Klemm	O'Daniel	Syverson
Demuzio	Lauzen	O'Malley	Trotter
Dillard	Lightford	Parker	Viverito
Donahue	Link	Peterson	Walsh, L.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
			Welch
			Mr. President

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

adopted were tabled pursuant to Senate Rule No. 5-4(a).

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

On motion of Senator O'Malley, **Senate Bill No. 845**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

Berman	Halvorson	Maitland	Shaw
Bomke	Hawkinson	Molaro	Sieben
Bowles	Hendon	Munoz	Silverstein
Burzynski	Jacobs	Myers	Smith
Clayborne	Jones, E.	Noland	Sullivan
Cronin	Jones, W.	Obama	Syverson
Cullerton	Karpiel	O'Daniel	Trotter
DeLeo	Klemm	O'Malley	Viverito
del Valle	Lauzen	Parker	Walsh, L.
Demuzio	Lightford	Peterson	Walsh, T.
Dillard	Link	Petka	Watson
Donahue	Luechtefeld	Radogno	Weaver
Dudycz	Madigan, L.	Rauschenberger	Welch
Fawell	Madigan, R.	Rea	Mr. President

Geo-Karis Mahar Shadid

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

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

On motion of Senator Parker, **Senate Bill No. 849**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None; Present 1.

The following voted in the affirmative:

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

The following voted present:

Rauschenberger

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

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

On motion of Senator Maitland, **Senate Bill No. 851**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays 1.

The following voted in the affirmative:

Berman	Geo-Karis	Mahar	Rea

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

The following voted in the negative:

Lauzen

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

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

On motion of Senator R. Madigan, **Senate Bill No. 856**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays 1.

The following voted in the affirmative:

Berman	Geo-Karis	Mahar	Rea
Bomke	Halvorson	Maitland	Shadid
Bowles	Hawkinson	Molaro	Shaw
Burzynski	Hendon	Munoz	Sieben
Clayborne	Jacobs	Myers	Silverstein
Cronin	Jones, E.	Noland	Smith
Cullerton	Jones, W.	Obama	Sullivan
DeLeo	Karpiel	O'Daniel	Syverson
del Valle	Klemm	O'Malley	Trotter
Demuzio	Lightford	Parker	Viverito

Dillard	Link	Peterson	Walsh, L.
Donahue	Luechtefeld	Petka	Walsh, T.
Dudycz	Madigan, L.	Radogno	Watson
Fawell	Madigan, R.	Rauschenberger	Weaver
			Welch
			Mr. President

The following voted in the negative:

Lauzen

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

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

SENATE BILL RECALLED

On motion of Senator Burzynski, **Senate Bill No. 881** was recalled from the order of third reading to the order of second reading.

Senator Burzynski offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 881 by replacing the title with the following:

"AN ACT regarding safe and hygienic beds."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Safe and Hygienic Bed Act.

Section 5. Definitions. As used in this Act:

"Attorney General" means the Attorney General of the State of Illinois.

"Bedding" means any mattress, box spring, foundation, or studio couch made in whole or part from new or secondhand fabric, filling material, or other textile product or material and which can be used for sleeping or reclining purposes.

"Consumer" means a person who purchases or otherwise acquires bedding for sleeping or reclining purposes in that person's home or business such as a medical facility or lodging establishment, and does not include wholesalers, retailers, or other persons who acquire bedding for purposes of resale or other distribution.

"Department" means the Illinois Department of Public Health.

"Manufacturer" means a person who makes any article of bedding in whole or in part using new or secondhand fabric, filling material, or other textile product or material.

"New material" means any fabric, filling material, other textile product or material, or article of bedding that has not been previously used for any purpose, and includes by-products of any textile or manufacturing process that are free from dirt, insects, and other contamination.

"Person" means an individual, sole proprietorship, partnership, limited liability company, corporation, joint venture, association, trust, and any other entity, and the officers, employees, and agents of any of them.

"Renovator", "Rebuilder", and "Repairer" mean a person who repairs, makes over, recovers, restores, sanitizes, germicidally treats, cleans, or renews bedding.

"Sanitizer" means any person who sanitizes or germicidally treats

or cleans (but does not otherwise alter) any fabric, filling material, other textile product or material, or article of bedding for use in manufacturing or renovating bedding.

"Secondhand material" means any fabric, filling material, other textile product or material, or article of bedding that has been previously used for any purpose or that is derived from post-consumer or industrial waste, and that may be used in place of or in addition to new material in manufacturing or renovating bedding.

Section 10. Label required. All bedding which is manufactured, renovated, sanitized, sold, or distributed within the State must bear a clear and conspicuous label that states whether the bedding is made from all new materials or is made in whole or in part from secondhand material. The label shall conform to standards issued by the Department in administrative rules and shall not be altered or removed except by the consumer.

Section 15. Registration required. All manufacturers, renovators, rebuilders, repairers, and sanitizers whose work products may be sold to retailers, wholesalers, or consumers within the State of Illinois shall register with the Department on or before January 1 of each year and shall pay a registration fee established by administrative rule.

Section 20. Use of secondhand material. Every manufacturer, renovator, rebuilder, repairer, or sanitizer of used bedding shall remove the outer fabric, the inner foam, the pad, any other fabric, and any other textile product, material, or component and shall inspect each such item for soiling, malodor, and pest infestation prior to the sale or distribution of the article. If any material or component of used bedding appears to be soiled, malodorous, or infested, that material or component cannot be reused, sold, or distributed for use in any bedding product.

Section 25. Use of new material. Every manufacturer, renovator, rebuilder, repairer, and sanitizer shall inspect all new material for soiling, malodor, and pest infestation prior to use, sale, or distribution of the article. If any new material appears to be soiled, malodorous, or infested, that material cannot be used, sold, or distributed for use in any bedding product.

Section 30. Rules. The Department shall promulgate administrative rules necessary to implement, interpret, and make specific the provisions of this Act, including but not limited to rules concerning labels, registration, sanitation, and fees. Rules concerning labels may incorporate by reference uniform standards, norms, or testing procedures that are issued, promulgated, or accepted by recognized government, public, or industry organizations. Fees established by rule shall be in amounts reasonable and necessary to defray the costs to the Department of administering this Act.

Section 35. Violation. Any person who violates any provision of this Act or the rules promulgated under this Act shall be guilty of a business offense punishable by a fine of $10,000 and shall be guilty of committing an unlawful act or practice pursuant to Section 2 of the Consumer Fraud and Deceptive Business Practices Act. Each day of violation of this Act or rules promulgated under this Act shall constitute a separate offense.

Section 40. Nuisance; injunction. Violation of Section 20 or Section 25 of this Act is declared a public nuisance inimical to the public health and welfare. The Attorney General or the State's Attorney of the county in which the violation occurs may, in addition

to other remedies provided in this Act, bring action for injunction to restrain the violation.

Section 45. Severability. If any provision of this Act or the application of this Act to any person or circumstance is held invalid, the invalidity shall not affect the other provisions or

applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 905. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2Z as follows:

(815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

Sec. 2Z. Violations of other Acts. Any person who knowingly violates the Automotive Repair Act, the Dance Studio Act, the Physical Fitness Services Act, the Hearing Instrument Consumer Protection Act, the Illinois Union Label Act, the Job Referral and Job Listing Services Consumer Protection Act, the Travel Promotion Consumer Protection Act, the Credit Services Organizations Act, the Automatic Telephone Dialers Act, the Pay-Per-Call Services Consumer Protection Act, the Telephone Solicitations Act, the Illinois Funeral or Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, or the Pre-Need Cemetery Sales Act commits an unlawful practice within the meaning of this Act.

(Source: P.A. 89-72, eff. 12-31-95; 89-615, eff. 8-9-96; 90-426, eff. 1-1-98.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator W. Jones, **Senate Bill No. 906**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rea
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Molaro	Sieben
Clayborne	Jacobs	Munoz	Silverstein
Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Noland	Sullivan
DeLeo	Karpiel	Obama	Syverson
del Valle	Klemm	O'Daniel	Trotter

Demuzio	Lauzen	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Petka	Walsh, T.
Dudycz	Luechtefeld	Radogno	Watson
Fawell	Madigan, L.	Rauschenberger	Weaver
			Welch
			Mr. President

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

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

On motion of Senator Geo-Karis, **Senate Bill No. 949**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Rea, **Senate Bill No. 953**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

Berman	Halvorson	Maitland	Shaw

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

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

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

At the hour of 12:10 o'clock p.m., Senator Maitland presiding.

On motion of Senator Klemm, **Senate Bill No. 958**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Radogno, **Senate Bill No. 967**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Mahar, **Senate Bill No. 993**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

Berman	Halvorson	Maitland	Shaw
Bomke	Hawkinson	Molaro	Sieben
Bowles	Hendon	Munoz	Silverstein
Burzynski	Jacobs	Myers	Smith
Clayborne	Jones, E.	Noland	Sullivan
Cronin	Jones, W.	Obama	Syverson
Cullerton	Karpiel	O'Daniel	Trotter
DeLeo	Klemm	O'Malley	Viverito
del Valle	Lauzen	Parker	Walsh, L.
Demuzio	Lightford	Peterson	Walsh, T.
Dillard	Link	Petka	Watson
Donahue	Luechtefeld	Radogno	Weaver
Dudycz	Madigan, L.	Rauschenberger	Welch
Fawell	Madigan, R.	Rea	Mr. President

Geo-Karis Mahar Shadid

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

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

On motion of Senator R. Madigan, **Senate Bill No. 1024**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

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

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

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

SENATE BILL RECALLED

On motion of Senator Burzynski, **Senate Bill No. 1026** was recalled from the order of third reading to the order of second reading.

Senator Burzynski offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1026, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Public Funds Deposit Act is amended by changing Section 1 as follows:

(30 ILCS 225/1) (from Ch. 102, par. 34)

Sec. 1. Deposits. Any treasurer or other custodian of public

funds may deposit such funds in a savings and loan association, savings bank, or State or national bank in this State. When such deposits become collected funds and are not needed for immediate disbursement, they shall be invested within 2 working days at prevailing rates or better. The treasurer or other custodian of public funds may require such bank, savings bank, or savings and loan association to deposit with him or her securities guaranteed by agencies and instrumentalities of the federal government equal in market value to the amount by which the funds deposited exceed the federally insured amount. Such treasurer or other custodian is authorized to enter into an agreement with any such bank, savings bank, or savings and loan association, with any federally insured financial institution or trust company, or with any agency of the U.S. government relating to the deposit of such securities. Any such treasurer or other custodian shall be discharged from responsibility for any funds for which securities are so deposited with him or her, and the funds for which securities are so deposited shall not be subject to any otherwise applicable limitation as to amount.

No bank, savings bank, or savings and loan association shall receive public funds as permitted by this Section, unless it has complied with the requirements established pursuant to Section 6 of the Public Funds Investment Act ~~"An Act relating to certain investments of public funds by public agencies", approved July 23, 1943, as now or hereafter amended~~.

(Source: P.A. 83-541.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

LEGISLATIVE MEASURES FILED

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

Senate Amendment No. 4 to Senate Bill 272
Senate Amendment No. 2 to Senate Bill 349
Senate Amendment No. 1 to Senate Bill 721
Senate Amendment No. 1 to Senate Bill 890
Senate Amendment No. 3 to Senate Bill 1075
Senate Amendment No. 4 to Senate Bill 1075

Senate Amendment No. 2 to Senate Bill 1172

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator T. Walsh, **Senate Bill No. 1033**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None; Present 1.

The following voted in the affirmative:

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

The following voted present:

Molaro

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

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

On motion of Senator Cullerton, **Senate Bill No. 1047**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

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

Fawell	Madigan, R.	Rea	Mr. President
Geo-Karis	Mahar	Shadid	

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

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

SENATE BILL RECALLED

On motion of Senator Donahue, **Senate Bill No. 1061** was recalled from the order of third reading to the order of second reading.

Senator Donahue offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1061 by deleting lines 7 through 31 on page 1 and all of pages 2 through 6.

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Dillard, **Senate Bill No. 1062**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Donahue, **Senate Bill No. 1063**, having been

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

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Sullivan, **Senate Bill No. 1064**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

Berman	Halvorson	Maitland	Shaw
Bomke	Hawkinson	Molaro	Sieben
Bowles	Hendon	Munoz	Silverstein
Burzynski	Jacobs	Myers	Smith
Clayborne	Jones, E.	Noland	Sullivan
Cronin	Jones, W.	Obama	Syverson

Cullerton	Karpiel	O'Daniel	Trotter
DeLeo	Klemm	O'Malley	Viverito
del Valle	Lauzen	Parker	Walsh, L.
Demuzio	Lightford	Peterson	Walsh, T.
Dillard	Link	Petka	Watson
Donahue	Luechtefeld	Radogno	Weaver
Dudycz	Madigan, L.	Rauschenberger	Welch
Fawell	Madigan, R.	Rea	Mr. President
Geo-Karis	Mahar	Shadid	

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

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

On motion of Senator Donahue, **Senate Bill No. 1067**, having been

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

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Peterson, **Senate Bill No. 1082**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Donahue, **Senate Bill No. 1104**, having been

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

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Donahue, **Senate Bill No. 1106**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Donahue, **Senate Bill No. 1110**, having been transcribed and typed and all amendments adopted thereto having been

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

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

Berman	Halvorson	Maitland	Shaw
Bomke	Hawkinson	Molaro	Sieben
Bowles	Hendon	Munoz	Silverstein
Burzynski	Jacobs	Myers	Smith
Clayborne	Jones, E.	Noland	Sullivan
Cronin	Jones, W.	Obama	Syverson
Cullerton	Karpiel	O'Daniel	Trotter
DeLeo	Klemm	O'Malley	Viverito
del Valle	Lauzen	Parker	Walsh, L.
Demuzio	Lightford	Peterson	Walsh, T.
Dillard	Link	Petka	Watson

Donahue	Luechtefeld	Radogno	Weaver
Dudycz	Madigan, L.	Rauschenberger	Welch
Fawell	Madigan, R.	Rea	Mr. President
Geo-Karis	Mahar	Shadid	

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

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

On motion of Senator W. Jones, **Senate Bill No. 1113**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Donahue, **Senate Bill No. 1114**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

Berman	Halvorson	Maitland	Shaw
Bomke	Hawkinson	Molaro	Sieben
Bowles	Hendon	Munoz	Silverstein

Burzynski	Jacobs	Myers	Smith
Clayborne	Jones, E.	Noland	Sullivan
Cronin	Jones, W.	Obama	Syverson
Cullerton	Karpiel	O'Daniel	Trotter
DeLeo	Klemm	O'Malley	Viverito
del Valle	Lauzen	Parker	Walsh, L.
Demuzio	Lightford	Peterson	Walsh, T.
Dillard	Link	Petka	Watson
Donahue	Luechtefeld	Radogno	Weaver
Dudycz	Madigan, L.	Rauschenberger	Welch
Fawell	Madigan, R.	Rea	Mr. President
Geo-Karis	Mahar	Shadid	

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

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

On motion of Senator Sullivan, **Senate Bill No. 1116**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

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

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

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

At the hour of 12:40 o'clock p.m., Senator Watson presiding.

SENATE BILL RECALLED

On motion of Senator Molaro, **Senate Bill No. 1121** was recalled from the order of third reading to the order of second reading.

Senator Molaro offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1121, on page 1, line 5, by inserting "is amended" after "1961"; and
on page 1, line 24, by replacing "a peace officer, and" with "~~a peace officer,~~"; and
on page 1, line 26, by inserting after "minor" the following:
"and, at the merchant's discretion, a peace officer,".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Maitland, **Senate Bill No. 1009**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Maitland, **Senate Bill No. 1015**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

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

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

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

REPORT FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its March 24, 1999 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Commerce and Industry: **Senate Amendments numbered 3 and 4 to Senate Bill 272; Senate Amendment No. 2 to Senate Bill 402.**

Education: **Senate Amendment No. 1 to Senate Bill 1054; Senate Amendment No. 2 to Senate Bill 1075; Senate Amendment No. 1 to Senate Joint Resolution No. 19.**

Environment and Energy: **Senate Amendment No. 2 to Senate Bill 423; Senate Amendment No. 1 to Senate Bill 427; Senate Amendment No. 1 to Senate Bill 1046.**

Executive: **Senate Amendment No. 2 to Senate Bill 349; Senate Amendment No. 2 to Senate Bill 968; Senate Amendment No. 2 to Senate Bill 1172.**

Financial Institutions: **Senate Amendment No. 1 to Senate Bill 890.**

Insurance and Pensions: **Senate Amendment No. 1 to Senate Bill 579; Senate Amendment No. 1 to Senate Bill 721.**

Judiciary: **Senate Amendment No. 3 to Senate Bill 223; Senate Amendment No. 1 to Senate Bill 480; Senate Amendment No. 2 to Senate**

Bill 509; Senate Amendment No. 1 to Senate Bill 839; Senate Amendments numbered 1 and 2 to Senate Bill 1112.

Licensed Activities: **Senate Amendment No. 1 to Senate Bill 457.**

Local Government: **Senate Amendment No. 1 to Senate Bill 206; Senate Amendment No. 2 to Senate Bill 1131.**

Public Health and Welfare: **Senate Amendment No. 2 to Senate Bill 353.**

Revenue: **Senate Amendment No. 2 to Senate Bill 35; Senate Amendment No. 2 to Senate Bill 40.**

Transportation: **Senate Amendment No. 3 to Senate Bill 578.**

Senator Weaver, Chairperson of the Committee on Rules, reported that the Committee recommends that **Senate Amendment No. 1 to Senate**

Bill No. 1075 be re-referred from the Committee on Education to the Committee on Rules.

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

Senate Amendment No. 2 to Senate Bill 311
Senate Amendment No. 1 to Senate Bill 640

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

COMMITTEE MEETING ANNOUNCEMENTS

Senator Burzynski, Chairperson of the Committee on Licensed Activities announced that the Licensed Activities Committee will meet today in Room A-1, Stratton Building, at 2:00 o'clock p.m.

Senator Lauzen, Chairperson of the Committee on Commerce and Industry announced that the Commerce and Industry Committee will meet today in Room 212, Capitol Building, at 2:00 o'clock p.m.

Senator W. Jones, Vice-Chairperson of the Committee on Financial Institutions announced that the Financial Institutions Committee will meet today in Room 400, Capitol Building, at 2:00 o'clock p.m.

Senator Dillard, Chairperson of the Committee on Local Government announced that the Local Government Committee will meet today in Room A-1, Stratton Building, at 2:30 o'clock p.m.

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions announced that the Insurance and Pensions Committee will meet today in Room 212, Capitol Building, at 2:30 o'clock p.m.

Senator Rauschenberger, Chairperson of the Committee on Appropriations announced that the Appropriations Committee will meet today in Room 212, Capitol Building, at 3:30 o'clock p.m. and

Thursday, March 25, 1999, in Room 400, Capitol Building at 7:30 o'clock a.m.

Senator Hawkinson, Chairperson of the Committee on Judiciary announced that the Judiciary Committee will meet today in Room 400, Capitol Building, at 3:30 o'clock p.m.

Senator T. Walsh, Chairperson of the Committee on State Government Operations announced that the State Government Operations Committee will meet today in the Senate Chambers, at 4:30 o'clock p.m.

Senator Fawell, Chairperson of the Committee on Transportation announced that the Transportation Committee will meet today in Room A-1, Stratton Building, at 5:30 o'clock p.m.

Senator Klemm, Chairperson of the Committee on Executive announced that the Executive Committee will meet today in Room 212, Capitol Building, at 4:30 o'clock p.m.

Senator Syverson, Chairperson of the Committee on Public Health and Welfare announced that the Public Health and Welfare Committee

will meet today in Room 400, Capitol Building, at 2:30 o'clock p.m.

Senator Cronin, Chairperson of the Committee on Education announced that the Education Committee will meet today in Room 212, Capitol Building, at 5:30 o'clock p.m.

Senator Peterson, Chairperson of the Committee on Revenue announced that the Revenue Committee will meet today in Room 400, Capitol Building, at 4:30 o'clock p.m.

Senator Donahue, announced that the Environment and Energy Committee will meet today in Room 400, Capitol Building, at 5:30 o'clock p.m.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Klemm, **Senate Bill No. 1129**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays 1; Present 1.

The following voted in the affirmative:

Berman	Geo-Karis	Mahar	Shaw
Bomke	Halvorson	Munoz	Sieben
Bowles	Hawkinson	Myers	Silverstein
Burzynski	Hendon	Noland	Smith
Clayborne	Jones, E.	Obama	Sullivan

Cronin	Jones, W.	O'Daniel	Syverson
Cullerton	Karpiel	O'Malley	Trotter
DeLeo	Klemm	Parker	Viverito
del Valle	Lauzen	Peterson	Walsh, L.
Demuzio	Lightford	Petka	Walsh, T.
Dillard	Link	Radogno	Watson
Donahue	Luechtefeld	Rauschenberger	Weaver
Dudycz	Madigan, L.	Rea	Welch
Fawell	Madigan, R.	Shadid	Mr. President

The following voted in the negative:

Molaro

The following voted present:

Jacobs

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

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

On motion of Senator Rauschenberger, **Senate Bill No. 1141**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 47; Nays 6; Present 5.

The following voted in the affirmative:

Berman	Geo-Karis	Myers	Smith
Bomke	Halvorson	O'Daniel	Sullivan
Bowles	Hendon	O'Malley	Syverson
Clayborne	Jones, E.	Parker	Trotter
Cronin	Karpiel	Peterson	Viverito
Cullerton	Klemm	Petka	Walsh, L.
DeLeo	Link	Radogno	Walsh, T.
del Valle	Madigan, R.	Rauschenberger	Watson
Dillard	Mahar	Rea	Weaver
Donahue	Maitland	Shadid	Welch
Dudycz	Molaro	Shaw	Mr. President
Fawell	Munoz	Silverstein	

The following voted in the negative:

Burzynski
Hawkinson
Jones, W.
Madigan, L.
Noland
Obama

The following voted present:

Demuzio
Jacobs
Lightford
Luechtefeld
Sieben

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

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

On motion of Senator Sullivan, **Senate Bill No. 1144**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 50; Nays 8.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Shadid
Bomke	Halvorson	Mahar	Shaw
Bowles	Hendon	Molaro	Sieben
Clayborne	Jacobs	Munoz	Silverstein
Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Obama	Sullivan
DeLeo	Karpiel	O'Daniel	Syverson
del Valle	Klemm	O'Malley	Trotter
Demuzio	Lightford	Parker	Viverito
Dillard	Link	Peterson	Walsh, L.
Dudycz	Luechtefeld	Petka	Walsh, T.
Fawell	Madigan, L.	Rea	Watson
			Weaver
			Mr. President

The following voted in the negative:

Burzynski	Hawkinson	Noland	Rauschenberger
Donahue	Lauzen	Radogno	Welch

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

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

On motion of Senator Berman, **Senate Bill No. 1171**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in

the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

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

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

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

SENATE BILL RECALLED

On motion of Senator Demuzio, **Senate Bill No. 1184** was recalled from the order of third reading to the order of second reading.

Senator Demuzio offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1184, on page 2, by replacing lines 12 through 14 with the following:

"of the governing body of the unit of local government, 5 commissioners with initial terms of 1, 2, 3, 4, and 5 years, except as follows:"; and

on page 2, by replacing line 29 with the following:

"this amendatory Act of 1993; ~~and~~"; and

on page 3, by replacing line 2 with the following:

"intergovernmental agreement; and

(iv) for any Housing Authority the presiding officer may appoint 7 commissioners, with initial terms of 4 and 5 years for the 2 additional commissioners authorized and appointed under this amendatory Act of the 91st General Assembly."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

third reading.

READING A BILL OF THE SENATE A THIRD TIME

On motion of Senator Cronin, **Senate Bill No. 1207**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

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

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

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

At the hour of 1:19 o'clock p.m., the Chair announced that the Senate stand at recess until 6:30 o'clock p.m.

AFTER RECESS

At the hour of 6:55 o'clock p.m., the Senate resumed consideration of business.

Senator Dudycz, presiding.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1176

A bill for AN ACT to amend the Illinois Educational Labor

Relations Act by changing Section 4.5.

HOUSE BILL NO. 1181

A bill for AN ACT to amend the School Code by changing Section 34-74.

HOUSE BILL NO. 1232

A bill for AN ACT to amend the Illinois Public Aid Code by adding Section 4-1.6b.

HOUSE BILL NO. 1302

A bill for AN ACT to amend the Property Tax Code by changing Sections 7-5 and 7-10.

HOUSE BILL NO. 1874

A bill for AN ACT to amend the Illinois Vehicle Code by changing Section 3-808.1.

HOUSE BILL NO. 2045

A bill for AN ACT to amend the School Code by changing Sections 2-3.11, 2-3.27, and 2-3.28.

HOUSE BILL NO. 2246

A bill for AN ACT to amend the Election Code by changing Section 9-7.5.

HOUSE BILL NO. 2359

A bill for AN ACT to amend the Township Code by changing Section 250-5.

HOUSE BILL NO. 2379

A bill for AN ACT concerning nutritional services for children.

HOUSE BILL NO. 2647

A bill for AN ACT concerning regulated professions, amending named Acts.

HOUSE BILL NO. 2787

A bill for AN ACT to amend the Code of Civil Procedure by changing Section 13-222.

Passed the House, March 24, 1999.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 1176, 1181, 1232, 1302, 1874, 2045, 2246, 2359, 2379, 2647 and 2787** were taken up, ordered printed and placed on first reading.

LEGISLATIVE MEASURES FILED

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

Senate Amendment No. 3 to Senate Bill 175
Senate Amendment No. 2 to Senate Bill 574
Senate Amendment No. 4 to Senate Bill 1042
Senate Amendment No. 2 to Senate Bill 1046
Senate Amendment No. 3 to Senate Bill 1087

REPORTS FROM STANDING COMMITTEES

Senator Lauzen, Chairperson of the Committee on Commerce and Industry to which was referred **Senate floor Amendment No. 3 to Senate Bill No. 79,** reported the same back with the recommendation that it be approved for consideration.

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

Senator Lauzen, Chairperson of the Committee on Commerce and Industry to which was referred **Senate floor Amendment No. 4 to Senate Bill No. 272,** reported the same back with the recommendation that it be approved for consideration.

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

Senator Lauzen, Chairperson of the Committee on Commerce and Industry to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 812,** reported the same back with the recommendation that it be approved for consideration.

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

Senator Lauzen, Chairperson of the Committee on Commerce and Industry to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 1039,** reported the same back with the recommendation that it be approved for consideration.

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

Senator Cronin, Chairperson of the Committee on Education to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 527,** reported the same back with the recommendation that it be adopted.

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

Senator Cronin, Chairperson of the Committee on Education to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 529,** reported the same back with the recommendation that it be adopted.

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

Senator Cronin, Chairperson of the Committee on Education to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 648,** reported the same back with the recommendation that it be adopted.

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

Senator Cronin, Chairperson of the Committee on Education to which was referred **Senate floor Amendment No. 1 to Senate Bill No.**

823, reported the same back with the recommendation that it be adopted.

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

Senator Cronin, Chairperson of the Committee on Education to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 1054,** reported the same back with the recommendation that it be adopted.

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

Senator Cronin, Chairperson of the Committee on Education to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 1075,** reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for

consideration on second reading.

Senator Mahar, Chairperson of the Committee on Environment and Energy to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 149,** reported the same back with the recommendation that it be adopted.

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

Senator Mahar, Chairperson of the Committee on Environment and Energy to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 423,** reported the same back with the recommendation that it be adopted.

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

Senator Mahar, Chairperson of the Committee on Environment and Energy to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 1046,** reported the same back with the recommendation that it be adopted.

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

Senator Klemm, Chairperson of the Committee on Executive to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 32,** reported the same back with the recommendation that it be adopted.

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

Senator Klemm, Chairperson of the Committee on Executive to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 336,** reported the same back with the recommendation that it be adopted.

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

Senator Klemm, Chairperson of the Committee on Executive to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 349,** reported the same back with the recommendation that it be adopted.

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

Senator Klemm, Chairperson of the Committee on Executive to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 968,** reported the same back with the recommendation that it be adopted.

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

Senator Klemm, Chairperson of the Committee on Executive to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 1172,** reported the same back with the recommendation that it be adopted.

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

Senator Klemm, Chairperson of the Committee on Executive to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 1183,** reported the same back with the recommendation that it be adopted.

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

Senator O'Malley, Chairperson of the Committee on Financial Institutions to which was referred **Senate floor Amendment No. 1 to**

Senate Bill No. 890, reported the same back with the recommendation that it be adopted.

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

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 418,** reported the same back with the recommendation that it be adopted.

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

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 721,** reported the same back with the recommendation that it be adopted.

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

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 778,** reported the same back with the recommendation that it be adopted.

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

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 824,** reported the same back with the recommendation that it be adopted.

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

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 3 to Senate Bill No. 26,** reported the same back with the recommendation that it be adopted.

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

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 188,** reported the same back with the recommendation that it be adopted.

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

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 3 eo Senate Bill No. 223,** reported the same back with the recommendation that it be adopted.

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

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 230,** reported the same back with the recommendation that it be adopted.

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

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 480,** reported the same back with the recommendation that it be adopted.

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

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 509,** reported the same back with the recommendation that it be adopted.

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

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 574,** reported the same back with the recommendation that it be adopted.

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

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 728,** reported the same back with the recommendation that it be adopted.

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

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 729,** reported the same back with the recommendation that it be adopted.

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

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 734,** reported the same back with the recommendation that it be adopted.

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

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 3 to Senate Bill No. 756,** reported the same back with the recommendation that it be adopted.

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

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 759,** reported the same back with the recommendation that it be adopted.

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

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 839,** reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for

consideration on second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 3 to Senate Bill No. 867,** reported the same back with the recommendation that it be adopted.

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

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendments numbered 2 and 3 to Senate Bill No. 897,** reported the same back with the recommendation that they be adopted.

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

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 1112,** reported the same back with the recommendation that it be adopted.

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

Senator Burzynski, Chairperson of the Committee on Licensed Activities to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 367,** reported the same back with the recommendation that it be adopted.

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

Senator Burzynski, Chairperson of the Committee on Licensed Activities to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 368,** reported the same back with the recommendation that it be adopted.

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

Senator Burzynski, Chairperson of the Committee on Licensed Activities to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 445,** reported the same back with the recommendation that it be adopted.

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

Senator Burzynski, Chairperson of the Committee on Licensed Activities to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 457,** reported the same back with the recommendation that it be adopted.

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

Senator Dillard, Chairperson of the Committee on Local Government to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 6,** reported the same back with the recommendation that it be adopted.

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

Senator Dillard, Chairperson of the Committee on Local Government, to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 6**, reported that the amendment has been tabled in Committee by the Sponsor.

Senator Dillard, Chairperson of the Committee on Local Government to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 171,** reported the same back with the recommendation that it be adopted.

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

Senator Dillard, Chairperson of the Committee on Local Government to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 206,** reported the same back with the recommendation that it be adopted.

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

Senator Dillard, Chairperson of the Committee on Local Government to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 844,** reported the same back with the recommendation that it be adopted.

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

Senator Dillard, Chairperson of the Committee on Local Government to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 880,** reported the same back with the recommendation that it be adopted.

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

Senator Syverson, Chairperson of the Committee on Public Health and Welfare to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 353,** reported the same back with the recommendation that it be adopted.

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

Senator Peterson, Chairperson of the Committee on Revenue to which was referred **Senate floor Amendment No. 4 to Senate Bill No. 11,** reported the same back with the recommendation that it be approved for consideration.

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

Senator Peterson, Chairperson of the Committee on Revenue to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 35,** reported the same back with the recommendation that it be approved for consideration.

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

Senator Peterson, Chairperson of the Committee on Revenue to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 40,** reported the same back with the recommendation that it be approved for consideration.

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

Senator Peterson, Chairperson of the Committee on Revenue, to

which was referred **Senate floor Amendment No. 1 to Senate Bill No. 468**, reported that the amendment has been tabled in Committee by the Sponsor.

Senator Peterson, Chairperson of the Committee on Revenue to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 468,** reported the same back with the recommendation that it be approved for consideration.

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

Senator Peterson, Chairperson of the Committee on Revenue to which was referred **Senate floor Amendments numbered 1 and 2 to Senate Bill No. 666,** reported the same back with the recommendation that they be approved for consideration.

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

Senator T. Walsh, Chairperson of the Committee on State Government Operations to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 113,** reported the same back with the recommendation that it be adopted.

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

Senator T. Walsh, Chairperson of the Committee on State Government Operations to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 1148,** reported the same back with the recommendation that it be adopted.

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

Senator T. Walsh, Chairperson of the Committee on State Government Operations to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 1158,** reported the same back with the recommendation that it be adopted.

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

Senator Fawell, Chairperson of the Committee on Transportation to which was referred **Senate floor Amendment No. 2 to Senate Bill No. 29,** reported the same back with the recommendation that it be approved for consideration.

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

Senator Fawell, Chairperson of the Committee on Transportation to which was referred **Senate floor Amendment No. 3 to Senate Bill No. 578,** reported the same back with the recommendation that it be approved for consideration.

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

Senator Fawell, Chairperson of the Committee on Transportation to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 989,** reported the same back with the recommendation that it be approved for consideration.

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

Senator Fawell, Chairperson of the Committee on Transportation to which was referred **Senate floor Amendment No. 3 to Senate Bill No. 1042,** reported the same back with the recommendation that it be approved for consideration.

Under the rules, the foregoing amendment is eligible for

consideration on second reading.

Senator Fawell, Chairperson of the Committee on Transportation to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 1151,** reported the same back with the recommendation that it be approved for consideration.

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

REPORT FROM RULES COMMITTEE

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

Senate Amendment No. 3 to Senate Bill 175
Senate Amendment No. 2 to Senate Bill 574
Senate Amendment No. 4 to Senate Bill 1042
Senate Amendment No. 2 to Senate Bill 1046
Senate Amendment No. 3 to Senate Bill 1087

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

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Peterson, **Senate Bill No. 11** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 11 by replacing the title with the following:

"AN ACT concerning development of small businesses in Illinois."; and

by replacing everything after the enacting clause with the following:

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

Capital Company Act.

Section 5. Policy statement. The primary purpose of the Certified Capital Company Act is to provide assistance in the formation of new and expansion of existing businesses that create jobs in the State by providing an incentive for insurance companies to invest in certified capital companies.

Section 10. Definitions. For the purpose of this Act:

"Affiliate of a certified capital company or insurance company" means:

(a) Any person, directly or indirectly owning, controlling, or holding power to vote 10% or more of the outstanding voting securities or other ownership interests of the certified capital company or insurance company, as applicable;

(b) Any person 10% or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, controlled, or held with power to vote by the certified capital company or insurance company, as applicable;

(c) Any person directly or indirectly controlling, controlled by, or under common control with the certified capital company or insurance company, as applicable;

(d) A partnership in which the certified capital company or

insurance company, as applicable, is a general partner; or

(e) Any person who is an officer, director, employee, or agent of the certified capital company or insurance company, as applicable, or an immediate family member of that officer, director, employee, or agent.

"Certification date" means the date on which a certified capital company is so designated by the Department.

"Certified capital" means an investment of cash by a certified investor in a certified capital company that fully funds the purchase price of either its equity interest in the certified capital company or a qualified debt instrument issued by the certified capital company.

"Certified capital company" means a partnership, corporation, trust, or limited liability company, whether organized on a profit or not-for-profit basis, that has as its primary business activity the investment of cash in qualified businesses and that is certified by the Department as meeting the criteria of this Act.

"Certified investor" means any insurance company that (A) contributes certified capital pursuant to an allocation of privilege tax credits under Section 25 of this Act or (B) becomes irrevocably committed to contribute certified capital by preparing and executing a privilege tax credit allocation claim.

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

"Person" means any natural person or entity, including a corporation, general or limited partnership, trust, or limited liability company.

"Privilege tax credit allocation claim" means a claim for allocation of privilege tax credits prepared and executed by a certified investor on a form provided by the Department and filed by a certified capital company with the Department. The form shall

include an affidavit of the certified investor under which the certified investor shall become legally bound and irrevocably committed to make an investment of certified capital in a certified capital company in the amount allocated (even if such amount is less than the amount of the claim), subject only to the receipt of an allocation pursuant to Section 25 of this Act.

"Qualified business" means a new or expanding existing business that meets all of the following conditions as of the time of a certified capital company's first investment in the business:

(a) It is headquartered in this State, and its principal business operations are located in this State;

(b) It is a small business concern as defined in Section 121.201 of the small business size regulations of the U.S. Small Business Administration, 13 CFR 121.201.

A business predominantly engaged in professional services provided by accountants, lawyers, or physicians shall not constitute a qualified business.

"Qualified debt instrument" means a debt instrument issued by a certified capital company, at par value or a premium, with an original maturity date of at least 5 years from date of issuance, a repayment schedule that is no faster than a level principal amortization over 5 years, and contains no equity component or interest, distribution, or payment features that are related to the profitability of the certified capital company or the performance of the certified capital company's investment portfolio (whether the component or features are a part of or attached to the debt instrument or are distributed or sold separately and purchased or obtained by the holder of the debt instrument or any of its affiliates).

"Qualified Distribution" means any distribution or payment to

equity holders of a certified capital company in connection with the following:

(a) Costs and expenses of forming, syndicating, managing, and operating the certified capital company, including reasonable and necessary fees paid for professional services (such as legal and accounting services) related to the formation and operation of the certified capital company and an annual management fee in an amount that does not exceed 2% of the value of the assets of the certified capital company; and

(b) Any projected increase in federal or State taxes, including penalties and interest related to State and federal income taxes, of the equity owners of a certified capital company resulting from the earnings or other tax liability of the certified capital company to the extent that the increase is related to the ownership, management, or operation of a certified capital company.

"Qualified Investment" means the investment of cash by a certified capital company in a qualified business for the purchase of any debt, equity, or hybrid security, of any nature and description whatsoever, including a debt instrument or security that has the characteristics of debt but that provides for conversion into equity or equity participation instruments such as options or warrants.

"State privilege tax liability" means any liability incurred by an insurance company under the provisions of Section 409 of the Illinois Insurance Code.

Section 15. Certification.

(a) The Department shall establish by rule or regulation the procedures for making an application to become a certified capital company. The applicant shall pay a non-refundable application fee of $7,500 at the time of filing the application with the Department.

(b) A certified capital company's equity capitalization at the time of seeking certification must be $500,000 or more and must be in the form of unencumbered cash, marketable securities, or other liquid assets. The applicant shall submit with its initial application an audited balance sheet with an unqualified opinion from a firm of independent certified public accountants as of a date no more than 35 days prior to the date of the application.

(c) The Department shall review the organizational documents of each applicant for certification and the business history of the applicant and shall determine that the applicant's cash, marketable securities, and other liquid assets are at least $500,000.

(d) The Department shall verify that at least 2 principals of the certified capital company or at least 2 persons employed to manage the funds of the certified capital company have not less than 2 years of experience in the venture capital industry.

(e) Any offering material involving the sale of securities of the certified capital company shall include the following statement: "By authorizing the formation of a certified capital company, the State does not necessarily endorse the quality of management or the potential for earnings of such company and is not liable for damages or losses to a certified investor in the company. Use of the word 'certified' in an offering does not constitute a recommendation or endorsement of the investment by the Securities Department of the Office of the Secretary of State. In the event applicable provisions of this Act are violated, the State may require forfeiture of unused privilege tax credits and repayment of used privilege tax credits."

(f) Within 30 days of application, the Department shall issue the certification or shall refuse the certification and communicate in detail to the applicant the grounds for the refusal, including suggestions for the removal of those grounds. The Department shall review and approve or reject applications in the order submitted, and

in the event more than one application is received by the Department on any date, all such applications shall be reviewed and approved simultaneously, except in the case of incomplete applications or applications for which additional information is requested by the Department and is not supplied by the applicant within the allowable time limits established by the Department.

(g) No insurance company or any affiliate of an insurance company shall, directly or indirectly, manage a certified capital company, own 10% or more of the outstanding voting securities of a certified capital company, or control the direction of investments for a certified capital company. This provision shall not preclude an certified investor, insurance company, or any other party from exercising its legal rights and remedies (which may include interim

management of a certified capital company) in the event that a certified capital company is in default of its statutory obligations or its contractual obligations to such certified investor, insurance company, or other party.

Section 20. Privilege tax credit.

(a) Any certified investor who makes an investment of certified capital pursuant to an allocation of privilege tax credits under Section 25 of this Act shall, in the year of investment, earn a vested credit against State privilege tax liability levied pursuant to Section 409 of the Illinois Insurance Code equal to 100% of the certified investor's investment of certified capital. A certified investor shall be entitled to take up to 10% of the vested privilege tax credit in any taxable year of the certified investor.

(b) The credit to be applied against State privilege tax liability in any one year may not exceed the State privilege tax liability of the certified investor for that taxable year. All unused credits against State privilege tax liability may be carried forward until the privilege tax credits are utilized or privilege tax filings for the calendar year 2020; provided that in no one taxable year may the certified investor together with its affilliates utilize privilege tax credits which in the aggregate equal more than 10% of the certified investor's total vested privilege tax credit.

(c) A certified investor claiming a credit against State privilege tax liability earned through an investment in a certified capital company shall not be required to pay any additional retaliatory tax levied pursuant to Section 444 of the Illinois Insurance Code as a result of claiming that credit.

(d) A certified investor or any holder of a transferred credit claiming a credit against State privilege tax liability shall provide to the Department of Insurance information, including, but not limited to, the amount of certified capital investment and the certified capital company where investment was made, as may be required by the Department of Insurance by regulation adopted pursuant to the authority set forth in Section 55 of this Act and Section 401 of the Illinois Insurance Code.

Section 25. Aggregate limitations on credits.

(a) The aggregate amount of certified capital for which privilege tax credits shall be allowed for all certified investors under this Act shall not exceed the amount that would entitle all certified investors in certified capital companies to take aggregate credits of $30,000,000 per year. No certified capital company (together with its affiliates) may file privilege tax credit allocation claims in excess of the maximum amount of certified capital for which privilege tax credits may be allowed as provided in this subsection.

(b) Certified capital for which privilege tax credits are allowed will be allocated to certified investors in certified capital companies in the order that privilege tax credit allocation claims

are filed with the Department by such certified capital companies on behalf of their certified investors. All filings made on the same day shall be treated as having been made contemporaneously.

(c) In the event that 2 or more certified capital companies file

privilege tax credit allocation claims with the Department on behalf of their respective certified investors on the same day, and the amount of such privilege tax credit allocation claims exceeds in the aggregate the remaining amount of available tax credits under the provisions of this Section after giving effect to all privilege tax credit allocation claims filed (and not forfeited) prior to the claims, capital for which privilege tax credits are allowed shall be allocated among the certified investors of the submitting certified capital companies on a pro rata basis with respect to the amounts claimed. The pro rata allocation for any one certified investor shall be the product of a fraction, the numerator of which is the amount of the privilege tax credit allocation claim filed on behalf of such certified investor and the denominator of which is the total of all privilege tax credit allocation claims filed on behalf of all certified investors on the same day, multiplied by the remaining amount of available tax credits under the provisions of this Section after giving effect to all privilege tax credit allocation claims filed (and not forfeited) prior to the claims.

(d) Within 5 business days after the Department receives a privilege tax credit allocation claim filed by a certified capital company on behalf of one or more of its certified investors, the Department shall notify the certified capital company of the amount of tax credits allocated to each of the certified investors in the certified capital company.

(e) In the event a certified capital company does not receive an investment of certified capital equaling the amount of privilege tax credits allocated to a certified investor for which it filed a privilege tax credit allocation claim within 5 business days of its receipt of notice of allocation, that portion of the privilege tax credits allocated to the certified investor in the certified capital company will be forfeited, and the Department will reallocate that certified capital among the other certified investors in all certified capital companies on a pro rata basis with respect to the privilege tax credit allocation claims filed on behalf of such certified investors by all certified capital companies.

(f) The maximum amount of certified capital for which privileges tax credits shall be allowed to any one certified investor (and its affiliates) in one or more certified capital companies in any year shall not exceed 10% of the aggregate limitation as provided in subsection (a).

Section 30. Requirements for continuance of certification.

(a) To continue to be certified, a certified capital company must make qualified investments according to the following schedule:

(1) Within the period ending 3 years after its certification date, a certified capital company must have made qualified investments cumulatively equal to 30% of its certified capital.

(2) Within the period ending 5 years after its certification date, a certified capital company must have made qualified investments cumulatively equal to 50% of its certified capital.

(b) The aggregate cumulative amount of all qualified investments made by the certified capital company from its certification date will be considered in the calculation of the percentage requirements under this Act. Any proceeds received from a qualified investment may be invested in another qualified investment and shall count toward any requirement in this Act with respect to investments of

certified capital.

(c) Any business that is classified as a qualified business at the time of the first investment in the business by a certified capital company shall remain classified as a qualified business and may receive follow-on investments from any certified capital company or any of its affiliates, and such follow-on investments shall be qualified investments even though such business may not meet the definition of a qualified business at the time of such follow-on investments; provided that at the time of the follow-on investment the business is headquartered and has its principal business operations located in the State.

(d) No qualified investment may be made at a cost to a certified capital company greater than 15% of the total certified capital of the certified capital company at the time of investment.

(e) At its option, a certified capital company, prior to making a proposed investment in a specific business, may request from the Department a written opinion that the business in which it proposes to invest should be considered a qualified business. Upon receiving such a request, the Department shall determine whether or not the business meets the definition of a qualified business and notify the certified capital company of its determination and an explanation thereof.

(f) All certified capital not currently invested in qualified investments by the certified capital company must be invested in cash deposited with a federally-insured financial institution, certificates of deposit in a federally-insured financial institution, investment securities that are obligations of the United States, its agencies or instrumentalities, or obligations that are guaranteed fully as to principal and interest by the United States, investment-grade instruments (rated in the top 4 rating categories by a nationally recognized rating organization), obligations of this State, any municipality in this State, or any political subdivision of this State; or any other investments approved in advance and in writing by the Department.

(g) Each certified capital company shall report the following to the Department:

(1) As soon as practicable after the receipt of certified capital, each certified capital company shall report the following to the Department: (A) the name of each certified investor from which the certified capital was received, including such certified investor's insurance privilege tax identification number, (B) the amount of each certified investor's investment of certified capital and privilege tax credits, and (C) the date on which the certified capital was received.

(2) On an annual basis, on or before January 31st, (A) the amount of the certified capital company's certified capital at the end of the immediately preceding year, (B) whether or not the certified capital company has invested more than 15% of its total certified capital in any one business, and (C) all qualified investments that the certified capital company made during the previous calendar year.

(3) Each certified capital company shall provide to the

Department annual audited financial statements, which shall include the opinion of an independent certified public accountant, within 90 days of the close of the fiscal year. The audit shall address the methods of operation and conduct of the business of the certified capital company to determine if the certified capital company is complying with the statutes and program rules and that the funds received by the certified capital company have been invested as required within the time limits provided by subsection (a) of Section 30.

(4) On or before January 31 of each year, each certified capital company shall pay an annual, non-refundable certification fee of $5,000 to the Department; provided, that no such fee shall be required within 6 months of the initial certification date of a certified capital company.

Section 35. Distributions. A certified capital company may make qualified distributions at any time. In order to make a distribution to its equity holders, other than a qualified distribution, a certified capital company must have made qualified investments in an amount cumulatively equal to 100% of its certified capital. A certified capital company may, however, make repayments of principal and interest on its indebtedness without any restriction whatsoever, including repayments of indebtedness of the certified capital company on which certified investors earned privilege tax credits.

Section 40. Decertification.

(a) The Department shall conduct an annual review of each certified capital company to determine if the certified capital company is abiding by the requirements of certification, to advise the certified capital company as to the eligibility status of its qualified investments, and to ensure that no investment has been made in violation of this Act. The cost of the annual review shall be paid by each certified capital company according to a reasonable fee schedule adopted by the Department.

(b) Any material violation of Section 30 shall be grounds for decertification of the certified capital company. If the Department determines that a certified capital company is not in compliance with the requirements of Section 30, it shall, by written notice, inform the officers of the certified capital company that the certified capital company may be subject to decertification in 120 days from the date of mailing of the notice, unless the deficiencies are corrected and the certified capital company is again in compliance with all requirements for certification.

(c) At the end of the 120-day grace period, if the certified capital company is still not in compliance with Section 30, the Department may send a notice of decertification to the certified capital company and to all other appropriate State agencies.

(d) Decertification of a certified capital company may cause the recapture of privilege tax credits previously claimed and the forfeiture of future privilege tax credits to be claimed by certified investors with respect to such certified capital company, as follows:

(1) Decertification of a certified capital company within 3 years of its certification date shall cause the recapture of all privilege tax credits previously claimed and the forfeiture of

all future privilege tax credits to be claimed by certified investors with respect to such certified capital company.

(2) When a certified capital company meets all requirements for continued certification under paragraph (1) of subsection (a) of Section 30 and subsequently fails to meet the requirements for continued certification under the provisions of paragraph (2) of subsection (a) of Section 30, those privilege tax credits that have been or will be taken by certified investors within 3 years from the certification date of the certified capital company will not be subject to recapture or forfeiture; however, all privilege tax credits that have been or will be taken by certified investors after the third anniversary of the certification date of the certified capital company shall be subject to recapture or forfeiture.

(3) Once a certified capital company has met all requirements for continued certification under paragraphs (1) and (2) of subsection (a) of Section 30, and is subsequently decertified, those privilege tax credits that have been or will

be taken by certified investors within 5 years from the certification date of the certified capital company will not be subject to recapture or forfeiture. Those privilege tax credits to be taken subsequent to the fifth year of certification shall be subject to forfeiture only if the certified capital company is decertified within 5 years from its certification date.

(4) Once a certified capital company has invested an amount cumulatively equal to 100% of its certified capital in qualified investments, all privilege tax credits claimed or to be claimed by its certified investors shall no longer be subject to recapture or forfeiture.

(e) The Department shall send written notice to the address of each certified investor whose privilege tax credit has been subject to recapture or forfeiture, using the address last shown on the last privilege tax filing.

(f) The Department shall have the authority to waive any recapture or forfeiture of credits if, after considering all facts and circumstances, it determines that such waiver will have the effect of furthering State economic development.

Section 45. Transferability. The privilege tax credit established by this Act may be transferred or sold. The Department shall adopt rules to facilitate the transfer or sale of the privilege tax credits. Any transfer or sale shall not affect the time schedule for taking the privilege tax credit as provided in this Act or the limitation of using 10% of the certified investor's investment as credit in any year as provided in Section 20 of this Act. Any privilege tax credits recaptured under Section 40 shall be the liability of the taxpayer that actually claimed the privilege tax credits.

Section 50. Impact of tax credits claimed by a certified investor on insurance rates. A certified investor shall not be required to reduce the provision for privilege tax included in ratemaking for any insurance contract written in Illinois on account of a reduction in its Illinois privilege tax derived from the tax

credit granted under this Act.

Section 55. Rules.

(a) The Department shall adopt rules necessary to carry out the provisions of this Act within 60 days after the effective date of this Act. The rules shall provide that the Department shall begin accepting applications for certification as a certified capital company not later than 90 days after the effective date of this Act. The rules shall further provide that any certified capital company may file privilege tax credit allocation claims on behalf of its certified investors at any time on or after its certification date and that privilege tax credits shall be earned by and vested in certified investors at the time of such investment of certified capital, although the privilege tax credits may not be claimed or utilized until 2000.

(b) The Department of Insurance shall adopt rules to carry out the collection of State privilege tax as it is associated with the credit provided in Section 20 of this Act. Such authority is limited to the collection of information necessary to maintain the proper use of vested credits generated pursuant to this Act.

Section 60. Reporting. Within 90 days of the fifth anniversary of the effective date of this Act, the Department shall prepare and present a report to the General Assembly of this State that sets forth the following:

(a) the total dollar amount each certified capital company received from all certified investors, the identity of certified investors, and the total amount of privilege tax credits used by each certified investor through the date of the report;

(b) the total dollar amount invested by each certified capital company and that portion invested in qualified businesses, the identity and location of those businesses, the amount invested in each qualified business, and the total number of total permanent, full-time jobs created or retained by each qualified business; and

(c) such other information with respect to the economic benefits to the State that have resulted from investments by certified capital companies as the Department deems appropriate and informative.

Section 105. The Illinois Insurance Code is amended by changing Section 409 as follows:

(215 ILCS 5/409) (from Ch. 73, par. 1021)

Sec. 409. Annual privilege tax payable by companies.

(1) As of January 1, 1999 for all health maintenance organization premiums written; as of July 1, 1998 for all premiums written as accident and health business, voluntary health service plan business, dental service plan business, or limited health service organization business; and as of January 1, 1998 for all other types of insurance premiums written, every company doing any form of insurance business in this State, including, but not limited to, every risk retention group, and excluding all fraternal benefit societies, all farm mutual companies, all religious charitable risk pooling trusts, and excluding all statutory residual market and special purpose entities in which companies are statutorily required to participate, whether incorporated or otherwise, shall pay, for the privilege of doing business in this State, to the Director for the

State treasury a State tax equal to 0.5% of the net taxable premium written, together with any amounts due under Section 444 of this Code, except that the tax to be paid on any premium derived from any accident and health insurance or on any insurance business written by any company operating as a health maintenance organization, voluntary health service plan, dental service plan, or limited health service organization shall be equal to 0.4% of such net taxable premium written, together with any amounts due under Section 444. Upon the failure of any company to pay any such tax due, the Director may, by order, revoke or suspend the company's certificate of authority after giving 20 days written notice to the company, or commence proceedings for the suspension of business in this State under the procedures set forth by Section 401.1 of this Code. The gross taxable premium written shall be the gross amount of premiums received on direct business during the calendar year on contracts covering risks in this State, except premiums on annuities, premiums on which State premium taxes are prohibited by federal law, premiums paid by the State for health care coverage for Medicaid eligible insureds as described in Section 5-2 of the Illinois Public Aid Code, premiums paid for health care services included as an element of tuition charges at any university or college owned and operated by the State of Illinois, premiums on group insurance contracts under the State Employees Group Insurance Act of 1971, and except premiums for deferred compensation plans for employees of the State, units of local government, or school districts. The net taxable premium shall be the gross taxable premium written reduced only by the following:

(a) the amount of premiums returned thereon which shall be limited to premiums returned during the same preceding calendar year and shall not include the return of cash surrender values or death benefits on life policies including annuities;

(b) dividends on such direct business that have been paid in cash, applied in reduction of premiums or left to accumulate to the credit of policyholders or annuitants. In the case of life insurance, no deduction shall be made for the payment of deferred dividends paid in cash to policyholders on maturing policies; dividends left to accumulate to the credit of

policyholders or annuitants shall be included as gross taxable premium written when such dividend accumulations are applied to purchase paid-up insurance or to shorten the endowment or premium paying period.

(2) The annual privilege tax payment due from a company under subsection (4) of this Section may be reduced by: (a) the excess amount, if any, by which the aggregate income taxes paid by the company, on a cash basis, for the preceding calendar year under subsections (a) through (d) of Section 201 of the Illinois Income Tax Act exceed 1.5% of the company's net taxable premium written for that prior calendar year, as determined under subsection (1) of this Section; and (b) the amount of any fire department taxes paid by the company during the preceding calendar year under Section 11-10-1 of the Illinois Municipal Code. Any deductible amount or offset allowed under items (a) and (b) of this subsection for any calendar year will not be allowed as a deduction or offset against the company's

privilege tax liability for any other taxing period or calendar year. In addition, there shall be deducted from the tax payment due the tax credit provided for in Section 20 of the Certified Capital Company Act.

(3) If a company survives or was formed by a merger, consolidation, reorganization, or reincorporation, the premiums received and amounts returned or paid by all companies party to the merger, consolidation, reorganization, or reincorporation shall, for purposes of determining the amount of the tax imposed by this Section, be regarded as received, returned, or paid by the surviving or new company.

(4)(a) All companies subject to the provisions of this Section shall make an annual return for the preceding calendar year on or before March 15 setting forth such information on such forms as the Director may reasonably require. Payments of quarterly installments of the taxpayer's total estimated tax for the current calendar year shall be due on or before April 15, June 15, September 15, and December 15 of such year, except that all companies transacting insurance in this State whose annual tax for the immediately preceding calendar year was less than $5,000 shall make only an annual return. Failure of a company to make the annual payment, or to make the quarterly payments, if required, of at least 25% of either (i) the total tax paid during the previous calendar year or (ii) 80% of the actual tax for the current calendar year shall subject it to the penalty provisions set forth in Section 412 of this Code.

(b) Notwithstanding the foregoing provisions, no annual return shall be required or made on March 15, 1998, under this subsection. For the calendar year 1998:

(i) each health maintenance organization shall have no estimated tax installments;

(ii) all companies subject to the tax as of July 1, 1998 as set forth in subsection (1) shall have estimated tax installments due on September 15 and December 15 of 1998 which installments shall each amount to no less than one-half of 80% of the actual tax on its net taxable premium written during the period July 1, 1998, through December 31, 1998; and

(iii) all other companies shall have estimated tax installments due on June 15, September 15, and December 15 of 1998 which installments shall each amount to no less than one-third of 80% of the actual tax on its net taxable premium written during the calendar year 1998.

In the year 1999 and thereafter all companies shall make annual and quarterly installments of their estimated tax as provided by paragraph (a) of this subsection.

(5) In addition to the authority specifically granted under Article XXV of this Code, the Director shall have such authority to adopt rules and establish forms as may be reasonably necessary for purposes of determining the allocation of Illinois corporate income taxes paid under subsections (a) through (d) of Section 201 of the Illinois Income Tax Act amongst members of a business group that files an Illinois corporate income tax return on a unitary basis, for

purposes of regulating the amendment of tax returns, for purposes of defining terms, and for purposes of enforcing the provisions of Article XXV of this Code. The Director shall also have authority to defer, waive, or abate the tax imposed by this Section if in his opinion the company's solvency and ability to meet its insured obligations would be immediately threatened by payment of the tax due.

(Source: P.A. 90-583, eff. 5-29-98.)

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 11, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, on page 7, in line 16, by replacing

"2020" with "2010, whichever is sooner".

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 11, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 18, by replacing "owning," with "beneficially owning, whether through rights, options, convertible interests, or otherwise,"; and

on page 1, line 19, by replacing "10%" with "25%"; and

on page 2, line 3, by replacing "10%" with "25%"; and

on page 2, by replacing line 5 with "directly or indirectly beneficially owned, whether through rights, options, convertible interests, or otherwise, controlled, or held with"; and

on page 2, line 22, before "its", by inserting "or both"; and

on page 4, line 1, before "and", by inserting "an annualized internal rate of return (calculated using the purchase price of the qualified debt instrument, all payments of principal and interest, and all future tax credits projected to be received) not to exceed 3.5% over the then current yield of the most recently issued 10-year U.S. Treasury security at the time of issuance of the qualified debt instrument,"; and

on page 4, line 2, after "component", by inserting "(unless the equity component is severable from and not considered a part of the qualified debt instrument)"; and

on page 4, by replacing lines 5 through 9 with "capital company's investment portfolio."; and

on page 4, line 11, by replacing "to equity holders of" with "from"; and

on page 4, line 13, by replacing "Costs" with "Reasonable costs"; and

on page 4, line 18, by replacing "company" with "company, provided that no distribution or payment is directly or indirectly made to a certified investor,"; and

on page 6, by replacing lines 21 through 23 with the following:

"(g) No insurance company, group of insurance companies, affiliate of an insurance company, group of affiliates of an insurance company, or combination of insurance companies, affiliates, or groups shall, directly or indirectly, manage a certified capital company, beneficially own 10% or more, whether through rights, options, convertible interests, or otherwise, of the"; and

on page 6, line 26, after "an", by inserting "insurance company or

affiliate of an insurance company from possessing voting rights with respect to certain extraordinary issues, or"; and
on page 12, line 28, by replacing "to its equity holders," with "or payment,".

Senator Peterson offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend Senate Bill 11, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Certified Capital Company Act.

Section 5. Policy statement. The primary purpose of the Certified Capital Company Act is to provide assistance in the formation of new and expansion of existing businesses that create jobs in the State by providing an incentive for insurance companies to invest in certified capital companies.

Section 10. Definitions. For the purpose of this Act:

"Affiliate of a certified capital company or insurance company" means:

(a) Any person, directly or indirectly beneficially owning, whether through rights, options, convertible interests, or otherwise, controlling, or holding power to vote 25% or more of the outstanding voting securities or other ownership interests of the certified capital company or insurance company, as applicable;

(b) Any person 25% or more of whose outstanding voting securities or other ownership interest are directly or indirectly beneficially owned, whether through rights, options, convertible interests, or otherwise, controlled, or held with power to vote by the certified capital company or insurance company, as applicable;

(c) Any person directly or indirectly controlling, controlled by, or under common control with the certified capital company or insurance company, as applicable;

(d) A partnership in which the certified capital company or insurance company, as applicable, is a general partner; or

(e) Any person who is an officer, director, employee, or agent of the certified capital company or insurance company, as applicable, or an immediate family member of that officer, director, employee, or agent.

"Certification date" means the date on which a certified capital company is so designated by the Department.

"Certified capital" means an investment of cash by a certified investor in a certified capital company that fully funds the purchase price of either or both its equity interest in the certified capital company or a qualified debt instrument issued by the certified capital company.

"Certified capital company" means a partnership, corporation, trust, or limited liability company, whether organized on a profit or not-for-profit basis, that has as its primary business activity the investment of cash in qualified businesses and that is certified by the Department as meeting the criteria of this Act.

"Certified investor" means any insurance company that (A)

contributes certified capital pursuant to an allocation of privilege tax credits under Section 25 of this Act or (B) becomes irrevocably committed to contribute certified capital by preparing and executing a privilege tax credit allocation claim.

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

"Person" means any natural person or entity, including a corporation, general or limited partnership, trust, or limited liability company.

"Privilege tax credit allocation claim" means a claim for allocation of privilege tax credits prepared and executed by a certified investor on a form provided by the Department and filed by a certified capital company with the Department. The form shall include an affidavit of the certified investor under which the certified investor shall become legally bound and irrevocably committed to make an investment of certified capital in a certified capital company in the amount allocated (even if such amount is less than the amount of the claim), subject only to the receipt of an allocation pursuant to Section 25 of this Act.

"Qualified business" means a new or expanding existing business that meets all of the following conditions as of the time of a certified capital company's first investment in the business:

(a) It is headquartered in this State, and its principal business operations are located in this State;

(b) It is a small business concern as defined in Section 121.201 of the small business size regulations of the U.S. Small Business Administration, 13 CFR 121.201.

A business predominantly engaged in professional services provided by accountants, lawyers, or physicians shall not constitute a qualified business.

"Qualified debt instrument" means a debt instrument issued by a certified capital company, at par value or a premium, with an original maturity date of at least 5 years from date of issuance, a repayment schedule that is no faster than a level principal amortization over 5 years, an annualized internal rate of return (calculated using the purchase price of the qualified debt instrument, all payments of principal and interest, and all future tax credits projected to be received) not to exceed 3.5% over the then current yield of the most recently issued 10-year U.S. Treasury security at the time of issuance of the qualified debt instrument, and contains no equity component (unless the equity component is severable from and not considered a part of the qualified debt instrument) or interest, distribution, or payment features that are related to the profitability of the certified capital company or the performance of the certified capital company's investment portfolio.

"Qualified Distribution" means any distribution or payment from a certified capital company in connection with the following:

(a) Reasonable costs and expenses of forming, syndicating, managing, and operating the certified capital company, including reasonable and necessary fees paid for professional services (such as legal and accounting services) related to the formation and operation of the certified capital company, provided that no

distribution or payment is directly or indirectly made to a certified inventor, and an annual management fee in an amount that does not exceed 2% of the value of the assets of the certified capital company; and

(b) Any projected increase in federal or State taxes, including penalties and interest related to State and federal income taxes, of the equity owners of a certified capital company resulting from the earnings or other tax liability of the certified capital company to the extent that the increase is related to the ownership, management, or operation of a certified capital company.

"Qualified Investment" means the investment of cash by a certified capital company in a qualified business for the purchase of any debt, equity, or hybrid security, of any nature and description whatsoever, including a debt instrument or security that has the

characteristics of debt but that provides for conversion into equity or equity participation instruments such as options or warrants.

"State privilege tax liability" means any liability incurred by an insurance company under the provisions of Section 409 of the Illinois Insurance Code.

Section 15. Certification.

(a) The Department shall establish by rule or regulation the procedures for making an application to become a certified capital company. The applicant shall pay a non-refundable application fee of $7,500 at the time of filing the application with the Department.

(b) A certified capital company's equity capitalization at the time of seeking certification must be $500,000 or more and must be in the form of unencumbered cash, marketable securities, or other liquid assets. The applicant shall submit with its initial application an audited balance sheet with an unqualified opinion from a firm of independent certified public accountants as of a date no more than 35 days prior to the date of the application.

(c) The Department shall review the organizational documents of each applicant for certification and the business history of the applicant and shall determine that the applicant's cash, marketable securities, and other liquid assets are at least $500,000.

(d) The Department shall verify that at least 2 principals of the certified capital company or at least 2 persons employed to manage the funds of the certified capital company have not less than 2 years of experience in the venture capital industry.

(e) Any offering material involving the sale of securities of the certified capital company shall include the following statement: "By authorizing the formation of a certified capital company, the State does not necessarily endorse the quality of management or the potential for earnings of such company and is not liable for damages or losses to a certified investor in the company. Use of the word 'certified' in an offering does not constitute a recommendation or endorsement of the investment by the Securities Department of the Office of the Secretary of State. In the event applicable provisions of this Act are violated, the State may require forfeiture of unused privilege tax credits and repayment of used privilege tax credits."

(f) Within 30 days of application, the Department shall issue

the certification or shall refuse the certification and communicate in detail to the applicant the grounds for the refusal, including suggestions for the removal of those grounds. The Department shall review and approve or reject applications in the order submitted, and in the event more than one application is received by the Department on any date, all such applications shall be reviewed and approved simultaneously, except in the case of incomplete applications or applications for which additional information is requested by the Department and is not supplied by the applicant within the allowable time limits established by the Department.

(g) No insurance company, group of insurance companies, affiliate of an insurance company, group of affiliates of an insurance company, or combination of insurance companies, affiliates, or groups shall, directly or indirectly, manage a certified capital company, beneficially own 10% or more, whether through rights, options, convertible interests, or otherwise, of the outstanding voting securities of a certified capital company, or control the direction of investments for a certified capital company. This provision shall not preclude an insurance company or affiliate of an insurance company from possessing voting rights with respect to certain extraordinary issues, or certified investor, insurance company, or any other party from exercising its legal rights and remedies (which may include interim management of a certified capital company) in the event that a certified capital company is in default of its statutory

obligations or its contractual obligations to such certified investor, insurance company, or other party.

Section 20. Privilege tax credit.

(a) Any certified investor who makes an investment of certified capital pursuant to an allocation of privilege tax credits under Section 25 of this Act shall, in the year of investment, earn a vested credit against State privilege tax liability levied pursuant to Section 409 of the Illinois Insurance Code equal to 100% of the certified investor's investment of certified capital. A certified investor shall be entitled to take up to 10% of the vested privilege tax credit in any taxable year of the certified investor.

(b) The credit to be applied against State privilege tax liability in any one year may not exceed the State privilege tax liability of the certified investor for that taxable year. All unused credits against State privilege tax liability may be carried forward until the privilege tax credits are utilized or privilege tax filings for the calendar year 2015, whichever is sooner; provided that in no one taxable year may the certified investor together with its affilliates utilize privilege tax credits which in the aggregate equal more than 10% of the certified investor's total vested privilege tax credit.

(c) A certified investor claiming a credit against State privilege tax liability earned through an investment in a certified capital company shall not be required to pay any additional retaliatory tax levied pursuant to Section 444 of the Illinois Insurance Code as a result of claiming that credit.

(d) A certified investor or any holder of a transferred credit claiming a credit against State privilege tax liability shall provide

to the Department of Insurance information, including, but not limited to, the amount of certified capital investment and the certified capital company where investment was made, as may be required by the Department of Insurance by regulation adopted pursuant to the authority set forth in Section 55 of this Act and Section 401 of the Illinois Insurance Code.

Section 25. Aggregate limitations on credits.

(a) The aggregate amount of certified capital for which privilege tax credits shall be allowed for all certified investors under this Act shall not exceed the amount that would entitle all certified investors in certified capital companies to take aggregate credits of $30,000,000 per year. No certified capital company (together with its affiliates) may file privilege tax credit allocation claims in excess of the maximum amount of certified capital for which privilege tax credits may be allowed as provided in this subsection.

(b) Certified capital for which privilege tax credits are allowed will be allocated to certified investors in certified capital companies in the order that privilege tax credit allocation claims are filed with the Department by such certified capital companies on behalf of their certified investors. All filings made on the same day shall be treated as having been made contemporaneously.

(c) In the event that 2 or more certified capital companies file privilege tax credit allocation claims with the Department on behalf of their respective certified investors on the same day, and the amount of such privilege tax credit allocation claims exceeds in the aggregate the remaining amount of available tax credits under the provisions of this Section after giving effect to all privilege tax credit allocation claims filed (and not forfeited) prior to the claims, capital for which privilege tax credits are allowed shall be allocated among the certified investors of the submitting certified capital companies on a pro rata basis with respect to the amounts claimed. The pro rata allocation for any one certified investor

shall be the product of a fraction, the numerator of which is the amount of the privilege tax credit allocation claim filed on behalf of such certified investor and the denominator of which is the total of all privilege tax credit allocation claims filed on behalf of all certified investors on the same day, multiplied by the remaining amount of available tax credits under the provisions of this Section after giving effect to all privilege tax credit allocation claims filed (and not forfeited) prior to the claims.

(d) Within 5 business days after the Department receives a privilege tax credit allocation claim filed by a certified capital company on behalf of one or more of its certified investors, the Department shall notify the certified capital company of the amount of tax credits allocated to each of the certified investors in the certified capital company.

(e) In the event a certified capital company does not receive an investment of certified capital equaling the amount of privilege tax credits allocated to a certified investor for which it filed a privilege tax credit allocation claim within 5 business days of its receipt of notice of allocation, that portion of the privilege tax

credits allocated to the certified investor in the certified capital company will be forfeited, and the Department will reallocate that certified capital among the other certified investors in all certified capital companies on a pro rata basis with respect to the privilege tax credit allocation claims filed on behalf of such certified investors by all certified capital companies.

(f) The maximum amount of certified capital for which privileges tax credits shall be allowed to any one certified investor (and its affiliates) in one or more certified capital companies in any year shall not exceed 10% of the aggregate limitation as provided in subsection (a).

Section 30. Requirements for continuance of certification.

(a) To continue to be certified, a certified capital company must make qualified investments according to the following schedule:

(1) Within the period ending 3 years after its certification date, a certified capital company must have made qualified investments cumulatively equal to 30% of its certified capital.

(2) Within the period ending 5 years after its certification date, a certified capital company must have made qualified investments cumulatively equal to 50% of its certified capital.

(b) The aggregate cumulative amount of all qualified investments made by the certified capital company from its certification date will be considered in the calculation of the percentage requirements under this Act. Any proceeds received from a qualified investment may be invested in another qualified investment and shall count toward any requirement in this Act with respect to investments of certified capital.

(c) Any business that is classified as a qualified business at the time of the first investment in the business by a certified capital company shall remain classified as a qualified business and may receive follow-on investments from any certified capital company or any of its affiliates, and such follow-on investments shall be qualified investments even though such business may not meet the definition of a qualified business at the time of such follow-on investments; provided that at the time of the follow-on investment the business is headquartered and has its principal business operations located in the State.

(d) No qualified investment may be made at a cost to a certified capital company greater than 15% of the total certified capital of the certified capital company at the time of investment.

(e) At its option, a certified capital company, prior to making a proposed investment in a specific business, may request from the Department a written opinion that the business in which it proposes to invest should be considered a qualified business. Upon receiving such a request, the Department shall determine whether or not the business meets the definition of a qualified business and notify the certified capital company of its determination and an explanation thereof.

(f) All certified capital not currently invested in qualified investments by the certified capital company must be invested in cash

deposited with a federally-insured financial institution, certificates of deposit in a federally-insured financial institution, investment securities that are obligations of the United States, its agencies or instrumentalities, or obligations that are guaranteed fully as to principal and interest by the United States, investment-grade instruments (rated in the top 4 rating categories by a nationally recognized rating organization), obligations of this State, any municipality in this State, or any political subdivision of this State; or any other investments approved in advance and in writing by the Department.

(g) Each certified capital company shall report the following to the Department:

(1) As soon as practicable after the receipt of certified capital, each certified capital company shall report the following to the Department: (A) the name of each certified investor from which the certified capital was received, including such certified investor's insurance privilege tax identification number, (B) the amount of each certified investor's investment of certified capital and privilege tax credits, and (C) the date on which the certified capital was received.

(2) On an annual basis, on or before January 31st, (A) the amount of the certified capital company's certified capital at the end of the immediately preceding year, (B) whether or not the certified capital company has invested more than 15% of its total certified capital in any one business, and (C) all qualified investments that the certified capital company made during the previous calendar year.

(3) Each certified capital company shall provide to the Department annual audited financial statements, which shall include the opinion of an independent certified public accountant, within 90 days of the close of the fiscal year. The audit shall address the methods of operation and conduct of the business of the certified capital company to determine if the certified capital company is complying with the statutes and program rules and that the funds received by the certified capital company have been invested as required within the time limits provided by subsection (a) of Section 30.

(4) On or before January 31 of each year, each certified capital company shall pay an annual, non-refundable certification fee of $5,000 to the Department; provided, that no such fee shall be required within 6 months of the initial certification date of a certified capital company.

Section 35. Distributions. A certified capital company may make qualified distributions at any time. In order to make a distribution or payment, other than a qualified distribution, a certified capital company must have made qualified investments in an amount cumulatively equal to 100% of its certified capital. A certified capital company may, however, make repayments of principal and interest on its indebtedness without any restriction whatsoever, including repayments of indebtedness of the certified capital company on which certified investors earned privilege tax credits. Cumulative

distributions to equity holders of the certified capital company,

other than qualified distributions, in excess of the certified capital company's original certified capital and any additional capital contributed to the certified capital company shall be subject to audit by a nationally recognized certified public accounting firm acceptable to the Department at the expense of the certified capital company. The audit shall determine whether aggregate cumulative distributions to all investors and equity holders (including all payments of principal and interest on qualified debt instruments), other than qualified distributions, when combined with all tax credits utilized by the certified investors of the certified capital company pursuant to this Act, have resulted in an annual internal rate of return of 15% computed on the sum of total original certified capital of the certified capital company and any additional capital contributed to the certified capital company. Thirty percent of any distributions made to the equity holders of the certified capital company, other than qualified distributions, in excess of the amount required to produce a 15% annual internal rate of return, as determined by the audit, shall be annually payable by December 1 of each calendar year by the certified capital company to the State Treasurer for deposit in the State Pension Fund in the State Treasury.

Section 40. Decertification.

(a) The Department shall conduct an annual review of each certified capital company to determine if the certified capital company is abiding by the requirements of certification, to advise the certified capital company as to the eligibility status of its qualified investments, and to ensure that no investment has been made in violation of this Act. The cost of the annual review shall be paid by each certified capital company according to a reasonable fee schedule adopted by the Department.

(b) Any material violation of Section 30 shall be grounds for decertification of the certified capital company. If the Department determines that a certified capital company is not in compliance with the requirements of Section 30, it shall, by written notice, inform the officers of the certified capital company that the certified capital company may be subject to decertification in 120 days from the date of mailing of the notice, unless the deficiencies are corrected and the certified capital company is again in compliance with all requirements for certification.

(c) At the end of the 120-day grace period, if the certified capital company is still not in compliance with Section 30, the Department may send a notice of decertification to the certified capital company and to all other appropriate State agencies.

(d) Decertification of a certified capital company may cause the recapture of privilege tax credits previously claimed and the forfeiture of future privilege tax credits to be claimed by certified investors with respect to such certified capital company, as follows:

(1) Decertification of a certified capital company within 3 years of its certification date shall cause the recapture of all privilege tax credits previously claimed and the forfeiture of all future privilege tax credits to be claimed by certified investors with respect to such certified capital company.

(2) When a certified capital company meets all requirements for continued certification under paragraph (1) of subsection (a) of Section 30 and subsequently fails to meet the requirements for continued certification under the provisions of paragraph (2) of subsection (a) of Section 30, those privilege tax credits that

have been or will be taken by certified investors within 3 years from the certification date of the certified capital company will not be subject to recapture or forfeiture; however, all privilege

tax credits that have been or will be taken by certified investors after the third anniversary of the certification date of the certified capital company shall be subject to recapture or forfeiture.

(3) Once a certified capital company has met all requirements for continued certification under paragraphs (1) and (2) of subsection (a) of Section 30, and is subsequently decertified, those privilege tax credits that have been or will be taken by certified investors within 5 years from the certification date of the certified capital company will not be subject to recapture or forfeiture. Those privilege tax credits to be taken subsequent to the fifth year of certification shall be subject to forfeiture only if the certified capital company is decertified within 5 years from its certification date.

(4) Once a certified capital company has invested an amount cumulatively equal to 100% of its certified capital in qualified investments, all privilege tax credits claimed or to be claimed by its certified investors shall no longer be subject to recapture or forfeiture.

(e) The Department shall send written notice to the address of each certified investor whose privilege tax credit has been subject to recapture or forfeiture, using the address last shown on the last privilege tax filing.

(f) The Department shall have the authority to waive any recapture or forfeiture of credits if, after considering all facts and circumstances, it determines that such waiver will have the effect of furthering State economic development.

Section 45. Transferability. The privilege tax credit established by this Act may be transferred or sold. The Department shall adopt rules to facilitate the transfer or sale of the privilege tax credits. Any transfer or sale shall not affect the time schedule for taking the privilege tax credit as provided in this Act or the limitation of using 10% of the certified investor's investment as credit in any year as provided in Section 20 of this Act. Any privilege tax credits recaptured under Section 40 shall be the liability of the taxpayer that actually claimed the privilege tax credits.

Section 50. Impact of tax credits claimed by a certified investor on insurance rates. A certified investor shall not be required to reduce the provision for privilege tax included in ratemaking for any insurance contract written in Illinois on account of a reduction in its Illinois privilege tax derived from the tax credit granted under this Act.

Section 55. Rules.

(a) The Department shall adopt rules necessary to carry out the provisions of this Act within 60 days after the effective date of this Act. The rules shall provide that the Department shall begin accepting applications for certification as a certified capital company not later than 90 days after the effective date of this Act.

The rules shall further provide that any certified capital company may file privilege tax credit allocation claims on behalf of its certified investors at any time on or after its certification date and that privilege tax credits shall be earned by and vested in certified investors at the time of such investment of certified capital, although the privilege tax credits may not be claimed or utilized until 2000.

(b) The Department of Insurance shall adopt rules to carry out the collection of State privilege tax as it is associated with the credit provided in Section 20 of this Act. Such authority is limited to the collection of information necessary to maintain the proper use of vested credits generated pursuant to this Act.

Section 60. Reporting. Within 90 days of the fifth anniversary of the effective date of this Act, the Department shall prepare and present a report to the General Assembly of this State that sets forth the following:

(a) the total dollar amount each certified capital company received from all certified investors, the identity of certified investors, and the total amount of privilege tax credits used by each certified investor through the date of the report;

(b) the total dollar amount invested by each certified capital company and that portion invested in qualified businesses, the identity and location of those businesses, the amount invested in each qualified business, and the total number of total permanent, full-time jobs created or retained by each qualified business; and

(c) such other information with respect to the economic benefits to the State that have resulted from investments by certified capital companies as the Department deems appropriate and informative.

Section 105. The Illinois Insurance Code is amended by changing Section 409 as follows:

(215 ILCS 5/409) (from Ch. 73, par. 1021)

Sec. 409. Annual privilege tax payable by companies.

(1) As of January 1, 1999 for all health maintenance organization premiums written; as of July 1, 1998 for all premiums written as accident and health business, voluntary health service plan business, dental service plan business, or limited health service organization business; and as of January 1, 1998 for all other types of insurance premiums written, every company doing any form of insurance business in this State, including, but not limited to, every risk retention group, and excluding all fraternal benefit societies, all farm mutual companies, all religious charitable risk pooling trusts, and excluding all statutory residual market and special purpose entities in which companies are statutorily required to participate, whether incorporated or otherwise, shall pay, for the privilege of doing business in this State, to the Director for the State treasury a State tax equal to 0.5% of the net taxable premium written, together with any amounts due under Section 444 of this Code, except that the tax to be paid on any premium derived from any accident and health insurance or on any insurance business written by any company operating as a health maintenance organization, voluntary health service plan, dental service plan, or limited health service organization shall be equal to 0.4% of such net taxable premium

written, together with any amounts due under Section 444. Upon the failure of any company to pay any such tax due, the Director may, by order, revoke or suspend the company's certificate of authority after giving 20 days written notice to the company, or commence proceedings for the suspension of business in this State under the procedures set forth by Section 401.1 of this Code. The gross taxable premium written shall be the gross amount of premiums received on direct business during the calendar year on contracts covering risks in this State, except premiums on annuities, premiums on which State premium taxes are prohibited by federal law, premiums paid by the State for health care coverage for Medicaid eligible insureds as described in Section 5-2 of the Illinois Public Aid Code, premiums paid for health care services included as an element of tuition charges at any university or college owned and operated by the State of Illinois, premiums on group insurance contracts under the State Employees Group Insurance Act of 1971, and except premiums for deferred compensation plans for employees of the State, units of local government, or school districts. The net taxable premium shall be the gross taxable premium written reduced only by the following:

(a) the amount of premiums returned thereon which shall be limited to premiums returned during the same preceding calendar

year and shall not include the return of cash surrender values or death benefits on life policies including annuities;

(b) dividends on such direct business that have been paid in cash, applied in reduction of premiums or left to accumulate to the credit of policyholders or annuitants. In the case of life insurance, no deduction shall be made for the payment of deferred dividends paid in cash to policyholders on maturing policies; dividends left to accumulate to the credit of policyholders or annuitants shall be included as gross taxable premium written when such dividend accumulations are applied to purchase paid-up insurance or to shorten the endowment or premium paying period.

(2) The annual privilege tax payment due from a company under subsection (4) of this Section may be reduced by: (a) the excess amount, if any, by which the aggregate income taxes paid by the company, on a cash basis, for the preceding calendar year under subsections (a) through (d) of Section 201 of the Illinois Income Tax Act exceed 1.5% of the company's net taxable premium written for that prior calendar year, as determined under subsection (1) of this Section; and (b) the amount of any fire department taxes paid by the company during the preceding calendar year under Section 11-10-1 of the Illinois Municipal Code. Any deductible amount or offset allowed under items (a) and (b) of this subsection for any calendar year will not be allowed as a deduction or offset against the company's privilege tax liability for any other taxing period or calendar year. In addition, there shall be deducted from the tax payment due the tax credit provided for in Section 20 of the Certified Capital Company Act.

(3) If a company survives or was formed by a merger, consolidation, reorganization, or reincorporation, the premiums received and amounts returned or paid by all companies party to the

merger, consolidation, reorganization, or reincorporation shall, for purposes of determining the amount of the tax imposed by this Section, be regarded as received, returned, or paid by the surviving or new company.

(4)(a) All companies subject to the provisions of this Section shall make an annual return for the preceding calendar year on or before March 15 setting forth such information on such forms as the Director may reasonably require. Payments of quarterly installments of the taxpayer's total estimated tax for the current calendar year shall be due on or before April 15, June 15, September 15, and December 15 of such year, except that all companies transacting insurance in this State whose annual tax for the immediately preceding calendar year was less than $5,000 shall make only an annual return. Failure of a company to make the annual payment, or to make the quarterly payments, if required, of at least 25% of either (i) the total tax paid during the previous calendar year or (ii) 80% of the actual tax for the current calendar year shall subject it to the penalty provisions set forth in Section 412 of this Code.

(b) Notwithstanding the foregoing provisions, no annual return shall be required or made on March 15, 1998, under this subsection. For the calendar year 1998:

(i) each health maintenance organization shall have no estimated tax installments;

(ii) all companies subject to the tax as of July 1, 1998 as set forth in subsection (1) shall have estimated tax installments due on September 15 and December 15 of 1998 which installments shall each amount to no less than one-half of 80% of the actual tax on its net taxable premium written during the period July 1, 1998, through December 31, 1998; and

(iii) all other companies shall have estimated tax installments due on June 15, September 15, and December 15 of 1998 which installments shall each amount to no less than one-third of 80% of the actual tax on its net taxable premium written during the calendar year 1998.

In the year 1999 and thereafter all companies shall make annual and quarterly installments of their estimated tax as provided by paragraph (a) of this subsection.

(5) In addition to the authority specifically granted under Article XXV of this Code, the Director shall have such authority to adopt rules and establish forms as may be reasonably necessary for purposes of determining the allocation of Illinois corporate income taxes paid under subsections (a) through (d) of Section 201 of the Illinois Income Tax Act amongst members of a business group that files an Illinois corporate income tax return on a unitary basis, for purposes of regulating the amendment of tax returns, for purposes of defining terms, and for purposes of enforcing the provisions of Article XXV of this Code. The Director shall also have authority to defer, waive, or abate the tax imposed by this Section if in his opinion the company's solvency and ability to meet its insured obligations would be immediately threatened by payment of the tax due.

(Source: P.A. 90-583, eff. 5-29-98.)

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

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

There being no further amendments, the foregoing Amendments numbered 1, 2, 3 and 4, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Petka, **Senate Bill No. 26** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 26 by replacing the title with the following:

"AN ACT regarding property, which may be referred to as the Property Owners Protection Amendments of 1999."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Downstate Forest Preserve District Act is amended by changing Section 6 as follows:

(70 ILCS 805/6) (from Ch. 96 1/2, par. 6309)

Sec. 6. Any such District shall have power to acquire lands and grounds for the aforesaid purposes by lease, or in fee simple by gift, grant, legacy, purchase or condemnation, or to acquire easements in land, and to construct, lay out, improve and maintain wells, power plants, comfort stations, shelter houses, paths, driveways, public roads, roadways and other improvements and facilities in and through such forest preserves as they shall deem necessary or desirable for the use of such forest preserves by the public and may acquire, develop, improve and maintain waterways in conjunction with the district. No district ~~with a population less than 600,000~~ shall have the power to purchase, condemn, lease or acquire an easement in property within a municipality without the concurrence of the governing body of the municipality, except where such district is acquiring land for a linear park or trail not to exceed 100 yards in width or is acquiring land contiguous to that

District ~~an existing park or forest preserve~~, and no municipality shall annex any land for the purpose of defeating a District acquisition once the District has given notice of intent to acquire a specified parcel of land. No district ~~with a population of less than 500,000~~ shall (i) have the power to condemn property for a linear park or trail within a municipality without the concurrence of the governing body of the municipality or (ii) have the power to condemn property for a linear park or trail in an unincorporated area without the concurrence of the governing body of the township within which the property is located or (iii) once having commenced a proceeding to acquire land by condemnation, dismiss or abandon that proceeding without the consent of the property owners. No district shall establish a trail surface within 50 feet of an occupied dwelling

which was in existence prior to the approval of the acquisition by the district without obtaining permission of the owners of the premises or the concurrence of the governing body of the municipality or township within which the property is located. All acquisitions of land by a district ~~with a population less than 600,000~~ within 1 1/2 miles of a municipality shall be preceded by a conference with the mayor or president of the municipality or his designated agent. If a forest preserve district is in negotiations for acquisition of land with owners of land adjacent to a municipality, the annexation of that land shall be deferred for 6 months. The district shall have no power to acquire an interest in real estate situated outside the district by the exercise of the right of eminent domain, by purchase or by lease, but shall have the power to acquire any such property, or an easement in any such property, which is contiguous to the district by gift, legacy, or grant, subject to approval of the county board of the county, and of any forest preserve district or conservation district, within which the property is located. The district shall have the same control of and power over land, an interest in which it has so acquired, as over forest preserves within the district. If any of the powers to acquire lands and hold or improve the same given to Forest Preserve Districts, by Sections 5 and 6 of this Act should be held invalid, such invalidity shall not invalidate the remainder of this Act or any of the other powers herein given and conferred upon the Forest Preserve Districts. Such Forest Preserve Districts shall also have power to lease not to exceed 40 acres of the lands and grounds acquired by it, for a term of not more than 99 years to veterans' organizations as grounds for convalescing sick and disabled veterans, and as a place upon which to construct rehabilitation quarters, or to a county as grounds for a county nursing home or convalescent home. Any such Forest Preserve District shall also have power to grant licenses, easements and rights-of-way for the construction, operation and maintenance upon, under or across any property of such District of facilities for water, sewage, telephone, telegraph, electric, gas or other public service, subject to such terms and conditions as may be determined by such District.

Any such District may purchase, but not condemn, a parcel of land and sell a portion thereof for not less than fair market value pursuant to resolution of the Board. Such resolution shall be passed by the affirmative vote of at least 2/3 of all members of the board within 30 days after acquisition by the district of such parcel.

Whenever the board of any forest preserve district determines that the public interest will be subserved by vacating any street, roadway, or driveway, or part thereof, located within a forest preserve, it may vacate that street, roadway, or driveway, or part thereof, by an ordinance passed by the affirmative vote of at least 3/4 of all the members of the board. This vote shall be taken by ayes and nays and entered in the records of the board.

The determination of the board that the nature and extent of the public use or public interest to be subserved is such as to warrant the vacation of any street, roadway, or driveway, or part thereof, is conclusive, and the passage of such an ordinance is sufficient

evidence of that determination, whether so recited in the ordinance or not. The relief to the public from further burden and responsibility of maintaining any street, roadway or driveway, or part thereof, constitutes a public use or public interest authorizing the vacation.

Nothing contained in this Section shall be construed to authorize the board of any forest preserve district to vacate any street, roadway, or driveway, or part thereof, that is part of any State or county highway.

When property is damaged by the vacation or closing of any street, roadway, or driveway, or part thereof, damage shall be ascertained and paid as provided by law.

Except in cases where the deed, or other instrument dedicating a street, roadway, or driveway, or part thereof, has expressly provided for a specific devolution of the title thereto upon the abandonment or vacation thereof, and except where such street, roadway or driveway, or part thereof, is held by the district by lease, or where the district holds an easement in the land included within the street, roadway or driveway, whenever any street, roadway, or driveway, or part thereof is vacated under or by virtue of any ordinance of any forest preserve district, the title to the land in fee simple included within the street, roadway, or driveway, or part thereof, so vacated vests in the forest preserve district.

The board of any forest preserve district is authorized to sell at fair market price, gravel, sand, earth and any other material obtained from the lands and waters owned by the district.

For the purposes of this Section, "acquiring land" includes acquiring a fee simple, lease or easement in land.
(Source: P.A. 86-267; 86-1387; 87-847.)

Section 10. The Code of Civil Procedure is amended by changing Sections 7-101, 7-109, 7-110, 7-121, and 7-123, and by adding Sections 7-101.1, 7-101.2, 7-111.1, 7-111.2, 7-119.1, 7-130, 7-131, and 7-132 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.

No parcel of land containing an owner-occupied residence shall be taken if the purpose for the taking is related to recreation.

If the State, a political subdivision of the State, or a municipality is the plaintiff in a proceeding under this Article and the court authorizes the plaintiff to exercise eminent domain, as part of the just compensation for the defendant the court shall assess the costs, expenses, and reasonable attorney fees of the defendant against the plaintiff, upon application by the defendant, as the court determines after a hearing.

(Source: P.A. 87-1205.)

(735 ILCS 5/7-101.1 new)

Sec. 7-101.1. Notice; time limits.

(a) Before making any public announcement regarding a taking, a condemning authority shall notify the landowner of the subject property of its intentions to acquire the property and its actions in furtherance of those intentions.

(b) A condemning authority shall file a complaint for condemnation within a reasonable time after notifying the landowner of its intention to acquire the subject property.

(735 ILCS 5/7-101.2 new)

Sec. 7-101.2. Property shall not be taken to benefit private party. A condemning authority shall not take property for the purpose of benefiting a private party, regardless of whether the private party contributes to the cost of the taking.

(735 ILCS 5/7-109) (from Ch. 110, par. 7-109)

Sec. 7-109. Refund of excess of deposit. If the amount withdrawn from deposit by any interested party under the provision of Section 7-106 of this Act exceeds the amount finally adjudged to be just compensation (or damages, costs, expenses, and attorney fees) due to such party, the court shall order such party to refund such excess to the clerk of the court, and if refund is not made within a reasonable time fixed by the court, shall enter judgment for such excess in favor of the plaintiff and against such party.

If a landowner who did not contest the amount of preliminary compensation deposited by the plaintiff withdraws that preliminary compensation under Section 7-106 and the final amount of just compensation is determined to be less than the preliminary compensation withdrawn causing the landowner to owe a refund, the landowner shall not be required to pay interest on the refund amount owed.

(Source: P.A. 82-280.)

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

Sec. 7-110. Dismissal - Abandonment. At any time after the complaint for condemnation has been filed ~~After the plaintiff has taken possession of the property pursuant to the order of taking~~, the plaintiff shall have no right to dismiss the complaint, or to abandon the proceeding, as to all or any part of the property so taken, except upon the consent of all parties to the proceeding whose interests would be affected by such dismissal or abandonment.

(Source: P.A. 83-707.)

(735 ILCS 5/7-111.1 new)

Sec. 7-111.1. Attorney's contingent fees. When an attorney represents a landowner on a contingent fee contract on a complaint for condemnation under this Article and the plaintiff elects not to purchase the property after a verdict is rendered on the complaint in favor of the plaintiff, the fee due the landowner's attorney shall be the contingent fee, unless the court determines that the fee agreement violates the Illinois Rules of Professional Conduct.

(735 ILCS 5/7-111.2 new)

Sec. 7-111.2. Late payment by condemning authority after agreed judgment. When an agreed judgment is entered by the court regarding a complaint for condemnation filed under this Article and the condemning authority fails to deposit the final compensation within the time provided in the order, the condemning authority shall be liable for the costs, expenses, and reasonable attorney fees incurred by the landowner in obtaining deposit of the agreed judgment amount.

(735 ILCS 5/7-119.1 new)

Sec. 7-119.1. Illustrated proposal required for taking. The court shall not enter an order of taking under this Article unless the plaintiff has provided an illustrated proposal of the plaintiff's planned use for the land being taken.

(735 ILCS 5/7-121) (from Ch. 110, par. 7-121)

Sec. 7-121. Value.

(a) Except as to property designated as possessing a special use, the fair cash market value of property in a proceeding in eminent domain shall be the amount of money which a purchaser, willing but not obligated to buy the property, would pay to an owner willing but not obliged to sell in a voluntary sale, which amount of money shall be determined and ascertained as of the date of filing the complaint to condemn. In the condemnation of property for a public improvement there shall be excluded from such amount of money any appreciation in value proximately caused by such improvement, and any depreciation in value proximately caused by such improvement. However, such appreciation or depreciation shall not be excluded where property is condemned for a separate project conceived independently of and subsequent to the original project.

(b) Sales of comparable property completed after the complaint for condemnation of the subject property has been filed under this Article are admissible as evidence in the condemnation proceeding on the same terms as sales of comparable property completed before the complaint for condemnation is filed.

(c) In addition to sales of comparable property, offers to purchase the subject property or adjacent properties, including bona fide options to purchase, are admissible as evidence in a condemnation proceeding.

(d) Land previously dedicated for highway purposes, but not under the highway itself, shall be valued as any other land impressed with an easement and shall not have merely nominal value.

(Source: P.A. 82-280.)

(735 ILCS 5/7-123) (from Ch. 110, par. 7-123)

Sec. 7-123. Judgments. (a) If the plaintiff is not in possession pursuant to an order entered under the provisions of

Section 7-105 of this Act the court, upon such report, or upon the court's ascertainment and finding of the just compensation where there was no jury, shall proceed to adjudge and make such order as to right and justice shall pertain, ordering that the plaintiff shall enter upon such property and the use of the same upon payment of full compensation as ascertained, within a reasonable time to be fixed by the court, and such order, with evidence of such payment, shall constitute complete justification of the taking of such property. Thereupon, the court in the same eminent domain proceeding in which such orders have been made, shall have exclusive authority to hear and determine all rights in and to such just compensation and shall make findings as to the rights of the parties therein, which shall be paid by the county treasurer out of the respective awards deposited with him or her as provided in Section 7-126 of this Act, except where the parties claimant are engaged in litigation in a court having acquired jurisdiction of the parties with respect to their rights in the property condemned prior to the time of the filing of the complaint to condemn. Appeals may be taken from any findings by

the court as to the rights of the parties in and to such compensation paid to the county treasurer as in other civil cases. If in such case the plaintiff dismisses the complaint before the entry of the order by the court first mentioned in this subsection (a) or fails to make payment of full compensation within the time named in such order, or if the final judgment is that the plaintiff cannot acquire the property by condemnation, the court shall, upon the application of the defendants or any of them, enter such order in such action for the payment by the plaintiff of all costs, expenses and reasonable attorney fees of such defendant or defendants paid or incurred by such defendant or defendants in defense of the complaint, as upon the hearing of such application shall be right and just, and also for the payment of the taxable costs. The order for payment of costs, expenses, and reasonable attorney fees shall include those costs, expenses, and reasonable attorney fees incurred in any proceeding to recover the costs, expenses, and fees.

(b) In case the plaintiff is in possession pursuant to an order entered under the provisions of Section 7-105 of this Act and if Section 7-111 of this Act is inapplicable, then the court, upon the jury's report, or upon the court's determination of just compensation if there was no jury, shall enter an order setting forth the amount of just compensation so finally ascertained and ordering and directing the payment of any amount thereof that may remain due to any of the interested parties, directing the return of any excess in the deposit remaining with the clerk of the court, and directing the refund of any excess amount withdrawn from the deposit by any of the interested parties, as the case may be.

(Source: P.A. 83-707.)

(735 ILCS 5/7-130 new)

Sec. 7-130. Amendments to Article apply to pending cases. Unless otherwise provided in the amendment, an amendment to this Article VII shall apply to all petitions for condemnation pending on the effective date of the amendment.

(735 ILCS 5/7-131 new)

Sec. 7-131. No collusion between condemning authorities and other governmental entities. A condemning authority shall not act in concert with any other governmental entity to rezone or obtain variances regarding a property the condemning authority seeks to condemn to minimize the fair market value of the property sought to be taken.

(735 ILCS 5/7-132 new)

Sec. 7-132. Condemning authority's ability to resell property to private party limited. A condemning authority which has acquired property either by verdict under this Article or voluntarily from a property owner after notifying the owner of its intention to exercise its power of eminent domain shall not resell that property to a private party unless the property owner holding title before the order which transferred title is allowed first opportunity to repurchase the property on the same terms as the condemning authority acquired the property.

Section 99. Effective date. This Act takes effect January 1, 2000.".

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 26, AS AMENDED, by replacing the title with the following:

"AN ACT regarding property, which may be referred to as the Property Owners Protection Amendments of 1999."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Downstate Forest Preserve District Act is amended by changing Section 6 as follows:

(70 ILCS 805/6) (from Ch. 96 1/2, par. 6309)

Sec. 6. Any such District shall have power to acquire lands and grounds for the aforesaid purposes by lease, or in fee simple by gift, grant, legacy, purchase or condemnation, or to acquire easements in land, and to construct, lay out, improve and maintain wells, power plants, comfort stations, shelter houses, paths, driveways, public roads, roadways and other improvements and facilities in and through such forest preserves as they shall deem necessary or desirable for the use of such forest preserves by the public and may acquire, develop, improve and maintain waterways in conjunction with the district. No district ~~with a population less than 600,000~~ shall have the power to purchase, condemn, lease or acquire an easement in property within a municipality without the concurrence of the governing body of the municipality, except where such district is acquiring land for a linear park or trail not to exceed 100 yards in width or is acquiring land contiguous to that District ~~an existing park or forest preserve~~, and no municipality shall annex any land for the purpose of defeating a District acquisition once the District has given notice of intent to acquire a specified parcel of land. No district ~~with a population of less than 500,000~~ shall (i) have the power to condemn property for a linear park or trail within a municipality without the concurrence of the governing body of the municipality or (ii) have the power to condemn property for a linear park or trail in an unincorporated area without the concurrence of the governing body of the township within which

the property is located or (iii) once having commenced a proceeding to acquire land by condemnation, dismiss or abandon that proceeding without the consent of the property owners. No district shall establish a trail surface within 50 feet of an occupied dwelling which was in existence prior to the approval of the acquisition by the district without obtaining permission of the owners of the premises or the concurrence of the governing body of the municipality or township within which the property is located. All acquisitions of land by a district ~~with a population less than 600,000~~ within 1 1/2 miles of a municipality shall be preceded by a conference with the mayor or president of the municipality or his designated agent. If a forest preserve district is in negotiations for acquisition of land with owners of land adjacent to a municipality, the annexation of that land shall be deferred for 6 months. The district shall have no power to acquire an interest in real estate situated outside the district by the exercise of the right of eminent domain, by purchase or by lease, but shall have the power to acquire any such property, or an easement in any such property, which is contiguous to the district by gift, legacy, or grant, subject to approval of the county board of the county, and of any forest preserve district or conservation district, within which the property is located. The district shall have the same control of and power over land, an interest in which it has so acquired, as over forest preserves within the district. If any of the powers to acquire lands and hold or improve the same given to Forest Preserve Districts, by Sections 5 and 6 of this Act should be held invalid, such invalidity shall not invalidate the remainder of this Act or any of the other powers herein given and conferred upon the Forest Preserve Districts. Such Forest Preserve Districts shall also have power to lease not to exceed 40 acres of the lands and grounds acquired by it, for a term of not more than 99 years to veterans' organizations as grounds for convalescing sick and disabled veterans, and as a place upon which to construct rehabilitation quarters, or to a county as grounds for a county nursing home or convalescent home. Any such Forest Preserve District shall also have power to grant licenses, easements and rights-of-way for the construction, operation and maintenance upon,

under or across any property of such District of facilities for water, sewage, telephone, telegraph, electric, gas or other public service, subject to such terms and conditions as may be determined by such District.

Any such District may purchase, but not condemn, a parcel of land and sell a portion thereof for not less than fair market value pursuant to resolution of the Board. Such resolution shall be passed by the affirmative vote of at least 2/3 of all members of the board within 30 days after acquisition by the district of such parcel.

Whenever the board of any forest preserve district determines that the public interest will be subserved by vacating any street, roadway, or driveway, or part thereof, located within a forest preserve, it may vacate that street, roadway, or driveway, or part thereof, by an ordinance passed by the affirmative vote of at least 3/4 of all the members of the board. This vote shall be taken by ayes and nays and entered in the records of the board.

The determination of the board that the nature and extent of the public use or public interest to be subserved is such as to warrant the vacation of any street, roadway, or driveway, or part thereof, is conclusive, and the passage of such an ordinance is sufficient evidence of that determination, whether so recited in the ordinance or not. The relief to the public from further burden and responsibility of maintaining any street, roadway or driveway, or part thereof, constitutes a public use or public interest authorizing the vacation.

Nothing contained in this Section shall be construed to authorize the board of any forest preserve district to vacate any street, roadway, or driveway, or part thereof, that is part of any State or county highway.

When property is damaged by the vacation or closing of any street, roadway, or driveway, or part thereof, damage shall be ascertained and paid as provided by law.

Except in cases where the deed, or other instrument dedicating a street, roadway, or driveway, or part thereof, has expressly provided for a specific devolution of the title thereto upon the abandonment or vacation thereof, and except where such street, roadway or driveway, or part thereof, is held by the district by lease, or where the district holds an easement in the land included within the street, roadway or driveway, whenever any street, roadway, or driveway, or part thereof is vacated under or by virtue of any ordinance of any forest preserve district, the title to the land in fee simple included within the street, roadway, or driveway, or part thereof, so vacated vests in the forest preserve district.

The board of any forest preserve district is authorized to sell at fair market price, gravel, sand, earth and any other material obtained from the lands and waters owned by the district.

For the purposes of this Section, "acquiring land" includes acquiring a fee simple, lease or easement in land.

(Source: P.A. 86-267; 86-1387; 87-847.)

Section 10. The Code of Civil Procedure is amended by changing Sections 7-101, 7-109, 7-110, and 7-121, and by adding Sections 7-101.1, 7-111.1, 7-119.1, 7-130, and 7-131 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.

An owner-occupied residence and and the curtilage shall not be taken if the purpose for the taking is related to recreation.

If the State, a political subdivision of the State, or a municipality is the plaintiff in a proceeding under this Article and the court authorizes the plaintiff to exercise eminent domain, as part of the just compensation for the defendant the court shall assess the costs, expenses, and reasonable attorney fees of the defendant against the plaintiff, upon application by the defendant, as the court determines after a hearing.

(Source: P.A. 87-1205.)

(735 ILCS 5/7-101.1 new)

Sec. 7-101.1. Notice; time limits.

(a) Before making any public announcement regarding a taking, a condemning authority shall notify the landowner of the subject property of its intentions to acquire the property and its actions in furtherance of those intentions.

(b) Except as otherwise provided by law, a condemning authority shall file a complaint for condemnation within a reasonable time after notifying the landowner of its intention to acquire the subject property.

(735 ILCS 5/7-109) (from Ch. 110, par. 7-109)

Sec. 7-109. Refund of excess of deposit. If the amount withdrawn from deposit by any interested party under the provision of Section 7-106 of this Act exceeds the amount finally adjudged to be just compensation (or damages, costs, expenses, and attorney fees) due to such party, the court shall order such party to refund such excess to the clerk of the court, and if refund is not made within a reasonable time fixed by the court, shall enter judgment for such excess in favor of the plaintiff and against such party.

If a landowner who did not contest the amount of preliminary compensation deposited by the plaintiff withdraws that preliminary compensation under Section 7-106 and the final amount of just compensation is determined to be less than the preliminary compensation withdrawn causing the landowner to owe a refund, the landowner shall not be required to pay interest on the refund amount owed.

(Source: P.A. 82-280.)

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

Sec. 7-110. Dismissal - Abandonment. At any time after the complaint for condemnation has been filed ~~After the plaintiff has taken possession of the property pursuant to the order of taking~~, the plaintiff shall have no right to dismiss the complaint, or to abandon the proceeding, as to all or any part of the property so taken, except upon the consent of all parties to the proceeding whose

interests would be affected by such dismissal or abandonment.
(Source: P.A. 83-707.)

(735 ILCS 5/7-111.1 new)

Sec. 7-111.1. Late payment by condemning authority after agreed judgment. When an agreed judgment is entered by the court regarding a complaint for condemnation filed under this Article and the condemning authority fails to deposit the final compensation within the time provided in the order, the condemning authority shall be liable for the costs, expenses, and reasonable attorney fees incurred by the landowner in obtaining deposit of the agreed judgment amount.

(735 ILCS 5/7-119.1 new)

Sec. 7-119.1. Illustrated proposal required for taking. The court shall not enter an order of taking under this Article unless the plaintiff has provided an illustrated proposal of the plaintiff's planned use for the land being taken.

(735 ILCS 5/7-121) (from Ch. 110, par. 7-121)

Sec. 7-121. Value.

(a) Except as to property designated as possessing a special use, the fair cash market value of property in a proceeding in eminent domain shall be the amount of money which a purchaser, willing but not obligated to buy the property, would pay to an owner willing but not obliged to sell in a voluntary sale, which amount of money shall be determined and ascertained as of the date of filing the complaint to condemn. In the condemnation of property for a public improvement there shall be excluded from such amount of money any appreciation in value proximately caused by such improvement, and any depreciation in value proximately caused by such improvement. However, such appreciation or depreciation shall not be excluded where property is condemned for a separate project conceived independently of and subsequent to the original project.

(b) Sales of comparable property that were initiated prior to filing the complaint and were completed after the complaint for condemnation of the subject property has been filed under this Article are admissible as evidence in the condemnation proceeding on the same terms as sales of comparable property completed before the complaint for condemnation is filed.

(c) In addition to sales of comparable property, bona fide offers to purchase the subject property or adjacent properties, including options to purchase, are admissible as evidence in a condemnation proceeding.

(d) Land previously dedicated for highway purposes, but not under the highway itself, shall be valued as any other land impressed with an easement and shall not have merely nominal value.

(Source: P.A. 82-280.)

(735 ILCS 5/7-130 new)

Sec. 7-130. No collusion between condemning authorities and other governmental entities. A condemning authority shall not act in concert with any other governmental entity to rezone or obtain variances regarding a property the condemning authority seeks to condemn to minimize the fair market value of the property sought to be taken.

(735 ILCS 5/7-131 new)

Sec. 7-131. Condemning authority's ability to resell property to private party limited. A condemning authority which has acquired property either by verdict under this Article or voluntarily from a

property owner after notifying the owner of its intention to exercise its power of eminent domain shall not resell that property to a private party unless the property owner holding title before the order which transferred title is allowed first opportunity to repurchase the property on the same terms as the condemning authority acquired the property.

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

Senator Petka offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 26, AS AMENDED, by replacing the title with the following:

"AN ACT regarding property, which may be referred to as the Property Owners Protection Amendments of 1999."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Downstate Forest Preserve District Act is amended by changing Section 6 as follows:

(70 ILCS 805/6) (from Ch. 96 1/2, par. 6309)

Sec. 6. Any such District shall have power to acquire lands and grounds for the aforesaid purposes by lease, or in fee simple by gift, grant, legacy, purchase or condemnation, or to acquire easements in land, and to construct, lay out, improve and maintain wells, power plants, comfort stations, shelter houses, paths, driveways, public roads, roadways and other improvements and facilities in and through such forest preserves as they shall deem necessary or desirable for the use of such forest preserves by the public and may acquire, develop, improve and maintain waterways in conjunction with the district. No district ~~with a population less than 600,000~~ shall have the power to purchase, condemn, lease or acquire an easement in property within a municipality without the concurrence of the governing body of the municipality, except where such district is acquiring land for a linear park or trail not to exceed 100 yards in width or is acquiring land contiguous to that District ~~an existing park or forest preserve~~, and no municipality shall annex any land for the purpose of defeating a District acquisition once the District has given notice of intent to acquire a specified parcel of land. No district ~~with a population of less than 500,000~~ shall (i) have the power to condemn property for a linear park or trail within a municipality without the concurrence of the governing body of the municipality or (ii) have the power to condemn property for a linear park or trail in an unincorporated area without the concurrence of the governing body of the township within which the property is located or (iii) once having commenced a proceeding to acquire land by condemnation, dismiss or abandon that proceeding without the consent of the property owners. No district shall establish a trail surface within 50 feet of an occupied dwelling which was in existence prior to the approval of the acquisition by the district without obtaining permission of the owners of the premises or the concurrence of the governing body of the municipality

or township within which the property is located. All acquisitions of land by a district ~~with a population less than 600,000~~ within 1 1/2 miles of a municipality shall be preceded by a conference with the mayor or president of the municipality or his designated agent. If a forest preserve district is in negotiations for acquisition of land with owners of land adjacent to a municipality, the annexation of that land shall be deferred for 6 months. The district shall have no power to acquire an interest in real estate situated outside the district by the exercise of the right of eminent domain, by purchase or by lease, but shall have the power to acquire any such property, or an easement in any such property, which is contiguous to the district by gift, legacy, or grant, subject to approval of the county board of the county, and of any forest preserve district or conservation district, within which the property is located. The district shall have the same control of and power over land, an

interest in which it has so acquired, as over forest preserves within the district. If any of the powers to acquire lands and hold or improve the same given to Forest Preserve Districts, by Sections 5 and 6 of this Act should be held invalid, such invalidity shall not invalidate the remainder of this Act or any of the other powers herein given and conferred upon the Forest Preserve Districts. Such Forest Preserve Districts shall also have power to lease not to exceed 40 acres of the lands and grounds acquired by it, for a term of not more than 99 years to veterans' organizations as grounds for convalescing sick and disabled veterans, and as a place upon which to construct rehabilitation quarters, or to a county as grounds for a county nursing home or convalescent home. Any such Forest Preserve District shall also have power to grant licenses, easements and rights-of-way for the construction, operation and maintenance upon, under or across any property of such District of facilities for water, sewage, telephone, telegraph, electric, gas or other public service, subject to such terms and conditions as may be determined by such District.

Any such District may purchase, but not condemn, a parcel of land and sell a portion thereof for not less than fair market value pursuant to resolution of the Board. Such resolution shall be passed by the affirmative vote of at least 2/3 of all members of the board within 30 days after acquisition by the district of such parcel.

Whenever the board of any forest preserve district determines that the public interest will be subserved by vacating any street, roadway, or driveway, or part thereof, located within a forest preserve, it may vacate that street, roadway, or driveway, or part thereof, by an ordinance passed by the affirmative vote of at least 3/4 of all the members of the board. This vote shall be taken by ayes and nays and entered in the records of the board.

The determination of the board that the nature and extent of the public use or public interest to be subserved is such as to warrant the vacation of any street, roadway, or driveway, or part thereof, is conclusive, and the passage of such an ordinance is sufficient evidence of that determination, whether so recited in the ordinance or not. The relief to the public from further burden and responsibility of maintaining any street, roadway or driveway, or

part thereof, constitutes a public use or public interest authorizing the vacation.

Nothing contained in this Section shall be construed to authorize the board of any forest preserve district to vacate any street, roadway, or driveway, or part thereof, that is part of any State or county highway.

When property is damaged by the vacation or closing of any street, roadway, or driveway, or part thereof, damage shall be ascertained and paid as provided by law.

Except in cases where the deed, or other instrument dedicating a street, roadway, or driveway, or part thereof, has expressly provided for a specific devolution of the title thereto upon the abandonment or vacation thereof, and except where such street, roadway or driveway, or part thereof, is held by the district by lease, or where the district holds an easement in the land included within the street, roadway or driveway, whenever any street, roadway, or driveway, or part thereof is vacated under or by virtue of any ordinance of any forest preserve district, the title to the land in fee simple included within the street, roadway, or driveway, or part thereof, so vacated vests in the forest preserve district.

The board of any forest preserve district is authorized to sell at fair market price, gravel, sand, earth and any other material obtained from the lands and waters owned by the district.

For the purposes of this Section, "acquiring land" includes

acquiring a fee simple, lease or easement in land.
(Source: P.A. 86-267; 86-1387; 87-847.)

Section 10. The Code of Civil Procedure is amended by changing Sections 7-101, 7-109, 7-110, and 7-121, and by adding Sections 7-101.1, 7-111.1, 7-119.1, 7-130, and 7-131 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.

An owner-occupied residence, which qualifies as homestead property under Section 15-175 of the Property Tax Code, shall not be taken for recreational purposes unless the condemning authority establishes by clear and convincing evidence that such taking is for the public purpose of removing blighted areas for redevelopment and is indispensable to the implementation of a long range comprehensive plan. Such restriction shall not apply to takings of property by a public utility authorized by a grant of authority issued pursuant to Article VIII of the Public Utilities Act.

If the State, a political subdivision of the State, or a municipality is the plaintiff in a proceeding under this Article and the court authorizes the plaintiff to exercise eminent domain, as part of the just compensation for the defendant the court may assess the costs, expenses, and reasonable attorney fees of the defendant against the plaintiff, upon application by the defendant, as the court determines after a hearing.

(Source: P.A. 87-1205.)

(735 ILCS 5/7-101.1 new)

Sec. 7-101.1. Notice; time limits.

(a) As soon as practicable after making any public announcement regarding a taking, a condemning authority shall notify the landowner of the subject property of its intentions to acquire the property and its actions in furtherance of those intentions. Such restriction shall not apply to takings of property by a public utility authorized by a grant of authority issued pursuant to Article VIII of the Public Utilities Act.

(b) Except as otherwise provided by law, a condemning authority shall file a complaint for condemnation within a reasonable time after notifying the landowner of its intention to acquire the subject property.

(735 ILCS 5/7-109) (from Ch. 110, par. 7-109)

Sec. 7-109. Refund of excess of deposit. If the amount withdrawn from deposit by any interested party under the provision of Section 7-106 of this Act exceeds the amount finally adjudged to be just compensation (or damages, costs, expenses, and attorney fees) due to such party, the court shall order such party to refund such excess to the clerk of the court, and if refund is not made within a reasonable time fixed by the court, shall enter judgment for such excess in favor of the plaintiff and against such party.

If a landowner who did not contest the amount of preliminary compensation deposited by the plaintiff withdraws that preliminary compensation under Section 7-106 and the final amount of just compensation is determined to be less than the preliminary compensation withdrawn causing the landowner to owe a refund, the landowner shall not be required to pay interest on the refund amount owed.

(Source: P.A. 82-280.)

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

Sec. 7-110. Dismissal - Abandonment. At any time after the

complaint for condemnation has been filed ~~After the plaintiff has taken possession of the property pursuant to the order of taking~~, the plaintiff shall have no right to dismiss the complaint, or to abandon the proceeding, as to all or any part of the property so taken, except upon the consent of all parties to the proceeding whose interests would be affected by such dismissal or abandonment. Such restriction shall not apply to takings of property by a public utility authorized by a grant of authority issued pursuant to Article VIII of the Public Utilities Act. Such a public utility, after taking possession of the property pursuant to an order of taking, shall have no right to dismiss the complaint, or to abandon the proceeding, as to all or any part of the property, so taken, except upon the consent of all parties to the proceeding whose interests would be affected by such dismissal or abandonment.

(Source: P.A. 83-707.)

(735 ILCS 5/7-111.1 new)

Sec. 7-111.1. Late payment by condemning authority after agreed judgment. When an agreed judgment is entered by the court regarding a complaint for condemnation filed under this Article and the condemning authority fails to deposit the final compensation within the time provided in the order, the condemning authority shall be liable for the costs, expenses, and reasonable attorney fees incurred by the landowner in obtaining deposit of the agreed judgment amount.

(735 ILCS 5/7-119.1 new)

Sec. 7-119.1. Illustrated proposal required for taking. The court shall not enter an order of taking under this Article unless the plaintiff has provided an illustrated proposal of the plaintiff's planned use for the land being taken. "Illustrated proposal" means an outline or plan which describes the property proposed to be taken and illustrates the public purpose for such taking. This provision shall not apply to takings of property by a public utility authorized by a grant of authority issued pursuant to Article VIII of the Public Utilities Act.

(735 ILCS 5/7-121) (from Ch. 110, par. 7-121)

Sec. 7-121. Value.

(a) Except as to property designated as possessing a special use, the fair cash market value of property in a proceeding in eminent domain shall be the amount of money which a purchaser, willing but not obligated to buy the property, would pay to an owner willing but not obliged to sell in a voluntary sale, which amount of money shall be determined and ascertained as of the date of filing the complaint to condemn. In the condemnation of property for a

public improvement there shall be excluded from such amount of money any appreciation in value proximately caused by such improvement, and any depreciation in value proximately caused by such improvement. However, such appreciation or depreciation shall not be excluded where property is condemned for a separate project conceived independently of and subsequent to the original project.

(b) Sales of comparable property that were initiated prior to filing the complaint and were completed after the complaint for condemnation of the subject property has been filed under this Article are admissible as evidence in the condemnation proceeding on

the same terms as sales of comparable property completed before the complaint for condemnation is filed.

(c) In addition to sales of comparable property, bona fide offers to purchase the subject property or adjacent properties, including options to purchase, are admissible as evidence in a condemnation proceeding.

(Source: P.A. 82-280.)

(735 ILCS 5/7-130 new)

Sec. 7-130. Land use regulations adversely affecting value. The court may dismiss a complaint for condemnation if it finds that the condemning authority has acted in concert with one or more other governmental entities for the exercise of land use regulatory powers for the purpose of holding down the market value of property that the condemning authority seeks to obtain.

(735 ILCS 5/7-131 new)

Sec. 7-131. Condemning authority's ability to resell property to private party limited. A condemning authority, which has acquired property either by verdict under this Article or voluntarily from a property owner after notifying the owner of its intention to exercise its power of eminent domain, shall not resell that property to a private party unless the property owner holding title before the order which transferred title is allowed first opportunity to repurchase the property on the same terms as the condemning authority acquired the property except where the property is acquired as part of a comprehensive long range plan for the redevelopment of a blighted area and notice of such purpose is given to the property owner prior to the condemning authority acquiring the property. This Section shall not apply to property taken by a public utility authorized by a grant of authority issued pursuant to Article VIII of the Public Utilities Act.

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

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

There being no further amendments, the foregoing Amendments numbered 1, 2 and 3, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

SENATE BILL TABLED

Senator Parker moved that **Senate Bill No. 101,** on the order of second reading, be ordered to lie on the table.

The motion to table prevailed.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Rauschenberger, **Senate Bill No. 204** having been printed, was taken up, read by title a second time and ordered

to a third reading.

On motion of Senator Maitland, **Senate Bill No. 336** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 336 by replacing the title with the following:

"AN ACT to amend the Bingo License and Tax Act by changing Section 2."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Bingo License and Tax Act is amended by changing Section 2 as follows:

(230 ILCS 25/2) (from Ch. 120, par. 1102)

Sec. 2. The conducting of bingo is subject to the following restrictions:

(1) The entire net proceeds from bingo play must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

(2) No person except a bona fide member of the sponsoring organization or a bona fide member of an auxiliary organization, substantially all of whose members are spouses of members of the sponsoring organization may participate in the management or operation of the game.

(3) No person may receive any remuneration or profit for participating in the management or operation of the game, except that if an organization licensed under this Act is associated with a school or other educational institution, that school or institution may reduce tuition or fees for a designated pupil based on participation in the management or operation of the game by any member of the organization. The extent to which tuition and fees are reduced shall relate proportionately to the amount of time volunteered by the member, as determined by the school or other educational institution.

(4) The total retail value of all prizes or merchandise awarded for a single game of bingo may not exceed $1,000. The aggregate retail value of all prizes or merchandise awarded in any single day of bingo may not exceed $6,000, except that the Department may authorize a licensee to award prizes and merchandise in a single day that has an aggregate retail value that exceeds $6,000 but does not exceed $10,000 on up to 2 days per year. ~~$2,250, except that in adjoining counties having 200,000 to 275,000 inhabitants each, and in counties which are adjacent to either of such adjoining counties and are adjacent to a total of not more than 2 counties in this State, and in any municipality having 2,500 or more inhabitants and within one mile of such adjoining and adjacent counties having less than 25,000 inhabitants, 2 additional bingo games may be conducted after the $2,250 limit has been reached. The prize awarded for any one game, including any game conducted after reaching the $2,250 limit as authorized in this paragraph (4), may not exceed $500 cash or its equivalent.~~

(5) The number of games may not exceed 25 in any one day including regular and special games, except that this restriction on the number of games shall not apply to bingo conducted at the Illinois State Fair or any county fair held in Illinois.

(6) The price paid for a single card under the license may not

exceed $1 and such card is valid for all regular games on that day of bingo. A maximum of 5 special games may be held on each bingo day, except that this restriction on the number of special games shall not

apply to bingo conducted at the Illinois State Fair or any county fair held in Illinois. The price for a single special game card may not exceed 50 cents.

(7) The number of bingo days conducted by a licensee under this Act is limited to one per week, except as follows:

(i) Bingo may be conducted in accordance with the terms of a special operator's permit or limited license issued under subdivision (3) of Section 1.

(ii) Bingo may be conducted at the Illinois State Fair or any county fair held in Illinois under subdivision (3) of Section 1.

(iii) A licensee which cancels a day of bingo because of inclement weather or because the day is a holiday or the eve of a holiday may, after giving notice to the Department, conduct bingo on an additional date which falls on a day of the week other than the day authorized under the license. As used in this subdivision (iii), "holiday" means any of the holidays listed in Section 17 of the Promissory Note and Bank Holiday Act.

(8) A licensee may rent a premises on which to conduct bingo only from an organization which is licensed as a provider of premises or exempt from license requirements under this Act. If the organization providing the premises is a metropolitan exposition, auditorium, and office building authority created by State law, a licensee may enter into a rental agreement with the organization authorizing the licensee and the organization to share the gross proceeds of bingo games; however, the organization shall not receive more than 50% of the gross proceeds.

(9) No person under the age of 18 years may play or participate in the conducting of bingo. Any person under the age of 18 years may be within the area where bingo is being played only when accompanied by his parent or guardian.

(10) The promoter of bingo games must have a proprietary interest in the game promoted.

(11) Raffles or other forms of gambling prohibited by law shall not be conducted on the premises where bingo is being conducted, except that pull tabs and jar games conducted under the Illinois Pull Tabs and Jar Games Act may be conducted on the premises where bingo is being conducted. Prizes awarded in pull tabs and jar games shall not be included in the bingo prize limitation.

(12) An organization holding a special operator's permit or a limited license may, as one of the occasions allowed by such permit or license, conduct bingo for a maximum of 2 consecutive days, during each day of which the number of games may exceed 25, and regular game cards need not be valid for all regular games. If only noncash prizes are awarded during such occasions, the prize limits stated in paragraph (4) of this Section shall not apply, provided that the retail value of noncash prizes for any single game shall not exceed $150.

(Source: P.A. 87-220; 87-1175; 88-53.)".

Senator Maitland offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 336, AS AMENDED, by replacing the title with the following:

"AN ACT to amend the Bingo License and Tax Act by changing Section 2."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Bingo License and Tax Act is amended by changing Section 2 as follows:

(230 ILCS 25/2) (from Ch. 120, par. 1102)

Sec. 2. The conducting of bingo is subject to the following restrictions:

(1) The entire net proceeds from bingo play must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

(2) No person except a bona fide member of the sponsoring organization or a bona fide member of an auxiliary organization, substantially all of whose members are spouses of members of the sponsoring organization may participate in the management or operation of the game.

(3) No person may receive any remuneration or profit for participating in the management or operation of the game, except that if an organization licensed under this Act is associated with a school or other educational institution, that school or institution may reduce tuition or fees for a designated pupil based on participation in the management or operation of the game by any member of the organization. The extent to which tuition and fees are reduced shall relate proportionately to the amount of time volunteered by the member, as determined by the school or other educational institution.

(4) Except as provided in item (4.1), the aggregate retail value of all prizes or merchandise awarded in any single day of bingo may not exceed $2,250, except that in adjoining counties having 200,000 to 275,000 inhabitants each, and in counties which are adjacent to either of such adjoining counties and are adjacent to a total of not more than 2 counties in this State, and in any municipality having 2,500 or more inhabitants and within one mile of such adjoining and adjacent counties having less than 25,000 inhabitants, 2 additional bingo games may be conducted after the $2,250 limit has been reached. The prize awarded for any one game, including any game conducted after reaching the $2,250 limit as authorized in this paragraph (4), may not exceed $500 cash or its equivalent.

(4.1) Notwithstanding the provisions of item (4), the Department may issue a special prize license to a licensee if the county in which the licensee conducts bingo approves the special prize license. A special prize licensee shall authorize a license to award prizes or merchandise in a single day of bingo that has an aggregate retail value that exceeds the limits imposed under item (4) but does not exceed $10,000. A special prize license authorized under this item

(4.1) shall authorize the licensee to award prizes or merchandise at the higher limit authorized in this item (4.1) on 2 days per year and shall not permit the licensee to conduct gambling on days other than as authorized in this Act.

(5) The number of games may not exceed 25 in any one day including regular and special games, except that this restriction on the number of games shall not apply to bingo conducted at the Illinois State Fair or any county fair held in Illinois.

(6) The price paid for a single card under the license may not exceed $1 and such card is valid for all regular games on that day of bingo. A maximum of 5 special games may be held on each bingo day, except that this restriction on the number of special games shall not apply to bingo conducted at the Illinois State Fair or any county fair held in Illinois. The price for a single special game card may not exceed 50 cents.

(7) The number of bingo days conducted by a licensee under this Act is limited to one per week, except as follows:

(i) Bingo may be conducted in accordance with the terms of a special operator's permit or limited license issued under subdivision (3) of Section 1.

(ii) Bingo may be conducted at the Illinois State Fair or any county fair held in Illinois under subdivision (3) of Section 1.

(iii) A licensee which cancels a day of bingo because of inclement weather or because the day is a holiday or the eve of a holiday may, after giving notice to the Department, conduct bingo on an additional date which falls on a day of the week other than the day authorized under the license. As used in this subdivision (iii), "holiday" means any of the holidays listed in Section 17 of the Promissory Note and Bank Holiday Act.

(8) A licensee may rent a premises on which to conduct bingo only from an organization which is licensed as a provider of premises or exempt from license requirements under this Act. If the organization providing the premises is a metropolitan exposition, auditorium, and office building authority created by State law, a licensee may enter into a rental agreement with the organization authorizing the licensee and the organization to share the gross proceeds of bingo games; however, the organization shall not receive more than 50% of the gross proceeds.

(9) No person under the age of 18 years may play or participate in the conducting of bingo. Any person under the age of 18 years may be within the area where bingo is being played only when accompanied by his parent or guardian.

(10) The promoter of bingo games must have a proprietary interest in the game promoted.

(11) Raffles or other forms of gambling prohibited by law shall not be conducted on the premises where bingo is being conducted, except that pull tabs and jar games conducted under the Illinois Pull Tabs and Jar Games Act may be conducted on the premises where bingo is being conducted. Prizes awarded in pull tabs and jar games shall not be included in the bingo prize limitation.

(12) An organization holding a special operator's permit or a

limited license may, as one of the occasions allowed by such permit or license, conduct bingo for a maximum of 2 consecutive days, during each day of which the number of games may exceed 25, and regular game cards need not be valid for all regular games. If only noncash prizes are awarded during such occasions, the prize limits stated in paragraph (4) of this Section shall not apply, provided that the retail value of noncash prizes for any single game shall not exceed $150.
(Source: P.A. 87-220; 87-1175; 88-53.)".

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

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

On motion of Senator Peterson, **Senate Bill No. 338** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 338 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5.490 as follows:

(30 ILCS 105/5.490 new)

Sec. 5.490. The Insurance Premium Tax Refund Fund.

Section 10. The Illinois Insurance Code is amended by changing Section 412 as follows:

(215 ILCS 5/412) (from Ch. 73, par. 1024)

Sec. 412. Refunds; penalties; collection.

(1) Whenever it appears to the satisfaction of the Director that because of some mistake of fact, error in calculation, or erroneous interpretation of a statute of this or any other state, any authorized company has paid to him, pursuant to any provision of law, taxes, fees, or other charges, including interest, in excess of the amount legally chargeable against it, during the 6 year period immediately preceding the discovery of such overpayment, he shall have power to refund to such company the amount of the excess or excesses by applying the amount or amounts thereof toward the payment of taxes, fees, or other charges already due and shall refund the balance to the company~~, or which may thereafter become due from that company until such excess or excesses have been fully refunded, or, at his discretion, to make a cash refund~~.

Amounts determined by the taxpayer or the Department to be an overpayment of a tax may, at the taxpayer's election, be credited against the estimated tax for any taxable year.

For overpayments of taxes paid on or after January 1, 1999, interest shall be allowed and paid by the Department to taxpayers at the rate prescribed under subsection (4) for deficiencies in tax payments. No interest shall be paid upon an overpayment of tax if

the overpayment is refunded or a credit is approved within 90 days after the last date prescribed for filing the original return, within 90 days after the receipt of the return, or within 90 days after the date of overpayment, whichever date is latest. Interest on amounts refunded or credited pursuant to the filing of an amended return or claim for refund shall be determined from the due date of the original return or the date of overpayment, whichever is later, to the date of payment by the Department.

A claim for refund shall be filed with the Department in writing and shall state the specific grounds upon which it is founded before the expiration of the applicable limitation period specified in this subsection or before the expiration of 6 months after a jeopardy or deficiency determination becomes final, whichever period expires later. If the tax return reflects an overpayment or credits in excess of the tax, the declaration of that fact on the return constitutes a claim for refund. If the Department agrees the claim is valid, the amount of overpayment, penalties, and interest shall be first applied to any known liability, and the excess, if any, shall be refunded to the taxpayer or, at the taxpayer's request, credited against any current or subsequent tax liability. Refunded amounts shall be paid only if and to the extent that (i) the amounts exceed $100 and (ii) the amounts cannot be fully offset against the taxpayer's next prepayment of tax. Refunds shall be paid from the Insurance Premium Tax Refund Fund, a special Fund hereby created in the State treasury.

(2) When any insurance company or any surplus line producer fails to file any tax return required under Sections 408.1, 409, 444, 444.1 and 445 of this Code or Section 12 of the Fire Investigation Act on the date prescribed, including any extensions, there shall be added as a penalty $200 or 5% of the amount of such tax, whichever is greater, for each month or part of a month of failure to file, the entire penalty not to exceed $1,000 or 25% of the tax due, whichever is greater.

(3) (a) When any insurance company or any surplus line producer fails to pay the full amount due under the provisions of this Section, Sections 408.1, 409, 444, 444.1 or 445 of this Code, or Section 12 of the Fire Investigation Act, there shall be added to the amount due as a penalty an amount equal to 5% of the deficiency.

(b) If such failure to pay is determined by the Director to be

wilful, after a hearing under Sections 402 and 403, there shall be added to the tax as a penalty an amount equal to the greater of 25% of the deficiency or 5% of the amount due and unpaid for each month or part of a month that the deficiency remains unpaid commencing with the date that the amount becomes due. Such amount shall be in lieu of any determined under paragraph (a).

(4) Any insurance company or any surplus line producer which fails to pay the full amount due under this Section or Sections 408.1, 409, 444, 444.1 or 445 of this Code, or Section 12 of the Fire Investigation Act is liable, in addition to the tax and any penalties, for interest on such deficiency at the rate of 12% per annum, or at such higher adjusted rates as are or may be established under subsection (b) of Section 6621 of the Internal Revenue Code,

from the date that payment of any such tax was due, determined without regard to any extensions, to the date of payment of such amount.

(5) The Director, through the Attorney General, may institute an action in the name of the People of the State of Illinois, in any court of competent jurisdiction, for the recovery of the amount of such taxes, fees, and penalties due, and prosecute the same to final judgment, and take such steps as are necessary to collect the same.

(6) In the event that the certificate of authority of a foreign or alien company is revoked for any cause or the company withdraws from this State prior to the renewal date of the certificate of authority as provided in Section 114, the company may recover the amount of any such tax paid in advance. Except as provided in this subsection, no revocation or withdrawal excuses payment of or constitutes grounds for the recovery of any taxes or penalties imposed by this Code.

(7) When an insurance company or domestic affiliated group fails to pay the full amount of any fee of $100 or more due under Section 408 of this Code, there shall be added to the amount due as a penalty the greater of $50 or an amount equal to 5% of the deficiency for each month or part of a month that the deficiency remains unpaid.
(Source: P.A. 87-108.)".

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

On motion of Senator Geo-Karis, **Senate Bill No. 349** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 349 by replacing the title with the following:

"AN ACT regarding telemarketing."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the telemarketing Registration and Fraud Prevention Act.".

Senator Geo-Karis offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 349, AS AMENDED, by replacing the title with the following:

"AN ACT regarding telemarketing."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Telemarketing Registration and Fraud Prevention Act.

Section 5. Definitions. As used in this Act, unless the context otherwise requires:

"Emergency telephone number" means any telephone number that accesses or calls a fire department, law enforcement agency, ambulance, hospital, medical center, poison control center, rape crisis center, suicide prevention center, rescue service, or the 911 emergency access number provided by law enforcement agencies and police departments.

"Investment opportunity" means anything tangible or intangible, that is offered for sale, sold, or traded based wholly or in part on representations, either express or implied, about past, present, or future income, profit, or appreciation.

"Person" includes any individual, group of individuals, firm, association, corporation, partnership, joint venture, sole proprietorship, or any other business entity.

"Prize" means anything offered or purportedly offered and given or purportedly given to a person by chance.

"Prize promotion" means a sweepstakes or other game of chance or an oral or written, express or implied representation that a person has won, has been selected to receive, or is eligible to receive a prize or purported prize.

"Seller" means any person who, in connection with a telemarketing transaction, provides, offers to provide, or arranges for others to provide goods or services to the customer in exchange for consideration.

"Solicitation" means a written or oral notification or advertisement that meets any one of the following terms:

(1) The notification or advertisement is transmitted by or on behalf of the seller and by any printed, audio, video, cinematic, telephone, or electronic means.

(2) In the case of a notification or advertisement other than by telephone, either of the following conditions is met:

(A) The notification or advertisement is followed by a telephone call from a telemarketer; or

(B) The notification or advertisement invites a response by telephone, and through that response, a telemarketer attempts to make a sale of goods or services.

"Telemarketer" means any person who, in connection with telemarketing, initiates telephone calls to or receives telephone calls from a person in this State. "Telemarketer" also means any person located within this State who, in connection with telemarketing, initiates or receives telephone calls. "Telemarketer" includes but is not limited to, any person who is an owner, operator, officer, director, or partner to the management activities of a business.

"Telemarketing" means a plan, program, or campaign which is conducted to induce the purchase of goods or services by use of one or more telephones and which involves more than one telephone call. "Telemarketing" may also include the notification of a prize award. "Telemarketing" does not include political fundraising.

Section 10. Exemptions. For purposes of registration and bonding under Sections 15 and 20, "telemarketer" does not include any of the following:

(1) Any securities, commodities, or investment brokers, dealers, or investment advisers or associates of securities, commodities, or investment brokers, dealers, or investment advisers subject to license or registration by the Securities and Exchange Commission, the National Association of Securities Dealers, or any other self regulatory organization as defined by 15 U.S.C. 78l, or by an agency

of this State or any other state, who are soliciting within the scope of their license or registration.

(2) A person engaged in solicitation for a religious, charitable, political, educational, or other noncommercial purpose; a person soliciting for a domestic or foreign nonprofit corporation that is registered with the Illinois Secretary of State; or the Illinois Attorney General's Office under the Charitable Trust Act.

(3) A business making a sale to another business.

(4) A person that solicits sales by periodically publishing and delivering a catalog of the person's merchandise to prospective purchasers, if the catalog:

(A) Contains a written description or illustration of each item offered for sale; and

(B) Includes the business or home address of the person soliciting the sale.

(5) A person who solicits contracts for maintenance or repair of goods previously purchased from that person or from the person on whose behalf the solicitation is made.

(6) A person soliciting a transaction regulated by the Commodity Futures Trading Commission if the person is registered or temporarily licensed with the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.), and the person's registration or license is not expired, suspended, or revoked.

(7) A supervised financial organization or parent, subsidiary, or affiliate of a supervised financial organization, or a licensee under the Consumer Installment Loan Act.

(8) A person licensed as an insurance producer under Article XXXI of the Illinois Insurance Code.

(9) An insurance company licensed under the Illinois Insurance Code.

(10) A person soliciting the sale of services provided by a satellite or cable television system authorized by the federal government or this State to provide services in this State.

(11) A telecommunications carrier or its subsidiary or agent, or other business, regulated by the Illinois Commerce Commission under Article XIII of the Public Utilities Act, including but not limited to a telecommunications carrier as defined at Section 13-202 of the Public Utilities Act; a federally licensed cellular telephone service partner or its agents; or a radio telecommunication service provider.

(12) A person soliciting business from consumers that have an existing business relationship with or have previously purchased from the business enterprise for which the person is soliciting.

(13) A person operating a retail business establishment under the same name as that used in the solicitation:

(A) Whose goods or services are displayed and offered for sale at the business establishment; and

(B) A majority of whose business involves the consumer obtaining the goods or services at the business establishment.

(14) A person soliciting for the sale of a magazine or newspaper of general circulation.

(15) An issuer or a subsidiary of an issuer that is authorized to offer securities for sale in this State.

(16) A seller who offers:

(A) A book, video, record, multimedia club offer, contractual plan, or arrangement along with which the seller provides the consumer with a form the consumer may use to instruct the seller not to ship the offered merchandise;

(B) A book, video, record, multimedia club offer, contractual plan, or arrangement that is regulated by Part 425 of the Federal Trade Commission regulation concerning the use of negative option plans by sellers in commerce (16 CFR 425); or

(C) Books, records, videos, multimedia products, or other goods for sale that are not covered by subdivisions (A) or (B) of this item (16), including continuity plans, subscription arrangements, standing order arrangements, single sales, supplements, or series arrangements under which the seller periodically ships merchandise to a consumer who has consented in advance to receive the merchandise on a periodic basis.

(17) A real estate salesperson or broker licensed by this State.

(18) Any person that has provided telemarketing sales services under the same business name as, and derives at least 50% of gross telemarketing sales revenues from contracts with, persons exempted under this Section from registration requirements.

(19) A person soliciting the sale of food or food products if the solicitation is not intended to and does not result in a sale in excess of $100 to a single address.

(20) A public utility or its subsidiary, affiliate, or agent, or other business regulated by the Illinois Commerce Commission under the Public Utilities Act.

Section 15. Registration of telemarketers.

(a) No person shall act as a seller or telemarketer without first having registered with the Attorney General. The initial application for registration shall be made at least 60 days prior to offering consumer goods or services and an application for renewal shall be made on an annual basis thereafter.

(b) The Attorney General's Office shall charge reasonable application and renewal fees for administration of the registration requirements pursuant to this Section. All fees collected under this Section shall be deposited in the State Treasury in the special fund known as the Telemarketing Fraud Enforcement Fund and shall be used only for the purposes described in Section 75. The certificate of registration or registration renewal shall expire one year after the date on which it is issued. The application and renewal fees and process shall be established through the promulgation of a rule pursuant to the Illinois Administrative Procedure Act.

(c) The application for a certificate of registration or renewal shall include, but not be limited to, the following information:

(1) The true name, date of birth, driver's license number, social security number or tax identification number, business address, and home address of the applicant (post office boxes or commercial mail receiving agencies are not permitted), including each name under which the applicant intends to engage in telephone solicitations.

(2) Each business or occupation engaged in by the applicant during the 2 years immediately preceding the date of the application, and the location of each such business or occupation.

(3) Whether, in a court of competent jurisdiction in this State, any other state, or the United States, any principal or manager has been convicted of, has pleaded guilty to, has entered a plea of no contest for, or is being prosecuted by indictment or information for racketeering, any violation of state or federal securities law, or a theft offense.

(4) Whether, in any jurisdiction, there has been entered against the applicant an injunction, a temporary restraining order, or a final judgment or order, including an agreed judgment or order, an assurance of voluntary compliance, or any similar instrument, in any civil or administrative action involving fraud, theft, racketeering, embezzlement, fraudulent conversion, misappropriation of property, or any consumer protection law or telemarketing law, or if there is any pending litigation against

the applicant involving these matters.

(5) Whether, in any jurisdiction, the applicant has been arrested for, has been convicted of, has pleaded guilty to, has entered a plea of no contest to, or is being prosecuted by indictment or information for a felony and, if so, the nature of the felony.

(6) Whether in a court of competent jurisdiction of this State, any other state, or the United States, the applicant has been convicted of, has pleaded guilty to, has entered a plea of no contest for, or is being prosecuted by indictment or information for engaging in a pattern of corrupt activity, racketeering, a violation of federal or state securities law, or a theft offense as defined in Section 16-1 of the Criminal Code of 1961 or in similar law of any other state or the United States.

(7) Whether the applicant, at any time during the previous 7 years, has filed for bankruptcy, been adjudged bankrupt, or been reorganized because of insolvency.

(8) The true name, current home address, date of birth, social security number, and all others by which known or previously known, of each of the following:

(A) Each principal officer, director, owner, or partner of the applicant, and each other person participating in or responsible for the management of the applicant's business.

(B) Each office manager or other person principally responsible for each location from which the applicant will do business.

(9) The name and address of every institution where banking or any other monetary transactions are done by the seller.

(10) A copy of all scripts, outlines, or presentation material the applicant will require or suggest be used by a salesperson when soliciting as well as all sales information to be provided by the applicant to a purchaser in connection with

any solicitation.

Section 20. Surety bond.

(a) No person shall act as a telemarketer without having first obtained a surety bond issued by a surety company that holds a certificate of authority to do business in this State issued by the Department of Insurance under the Illinois Insurance Code. With regard to the surety bond, the following conditions must be met before a person may act as a telemarketer:

(1) A copy of the bond must be filed with the Attorney General.

(2) The bond must be in favor of any person, and of the State for the benefit of any person, that is injured by violation of this Act or a rule adopted under this Act pursuant to the Illinois Administrative Procedure Act.

(3) The bond must be in the amount of $100,000.

(4) The bond must be maintained and in effect for at least 2 years after the date on which the telemarketer ceases to engage in telephone solicitations.

(b) Any person making a claim against the bond for violation of any provision of this Act or rule adopted under this Act may maintain a civil action against the telemarketer and the surety company. The surety company is liable only for damages awarded under Section 70 and is not liable for attorney's fees awarded under Section 70. The aggregate liability of the surety company to all persons injured by a telemarketer's violation of this Act shall not exceed the amount of the bond.

(c) The registration of any telemarketer shall be void upon

termination of the bond of the surety company or loss of the bond unless, prior to such termination, a new bond has been filed with the Attorney General's Office. The surety, for any cause, may cancel the bond upon giving a 60 day written notice to the telemarketer and to the Attorney General. Unless the bond is replaced by that of another surety before the expiration of the 60 day notice of cancellation, the registration of the telemarketer shall be treated as lapsed. For 2 years after the cancellation takes effect, a person may make a claim against the bond for a violation that occurred while the bond was in effect.

(d) Any person required under this Act to file a bond with a registration application may file, in lieu of the bond, a certificate of deposit, in cash or government bond, in the amount of $100,000.

(e) The Attorney General shall hold the cash, certificate of deposit, or government bond for 2 years from the period the telemarketing business ceases to operate or registration lapses in order to pay out claims made against the telemarketing business during its period of operation.

Section 25. Record keeping requirements.

(a) Any telemarketer shall keep, for a period of 24 months from the date the record is produced, the following records:

(1) All substantially different advertisements, brochures, and other promotional materials.

(2) The name and last known address of each prize recipient and the prize awarded for prizes that are represented to have a

value of $25 or more.

(3) The name and last known address of each consumer, the goods or services purchased, the date such goods or services were shipped or provided, and the amount paid by the consumer for the goods or services.

(4) The name, last known home address, telephone number, and job title for all current and former employees directly involved in telephone sales.

(5) All written confirmations required to be provided or received under this Act.

(b) In the event of any dissolution or termination of the telemarketer's business, the principal of that telemarketer shall maintain all records as required under this Section. In the event of any sale, assignment, or other change in ownership of the seller's business, the purchaser shall maintain all records required under this Section.

Section 30. Mandatory disclosures.

(a) The telemarketer shall disclose promptly and in a clear and conspicuous manner to a consumer during a telephone solicitation:

(1) The identity of the seller.

(2) That the purpose of the call is to sell goods or services.

(3) The nature of the goods or services.

(b) Before a consumer pays for the goods or services offered for sale or provides any financial or payment information to a telemarketer, the telemarketer shall disclose, clearly and conspicuously, the following material information:

(1) The total cost to purchase, receive, or use the consumer goods or services that are the subject of the telemarketing communication.

(2) The quantity of the consumer goods or services that are the subject of the telemarketing solicitation.

(3) All material restrictions, limitations, or conditions to purchase, receive, or use the consumer goods or services that are the subject of the telemarketing solicitation.

(4) All material aspects of the nature or terms of the

telemarketer's refund, cancellation, exchange, or repurchase policies.

(5) In any prize promotion:

(A) A statement of all material conditions to receive or redeem the prize.

(B) The odds of receiving a prize, and if the odds are not calculable in advance, the factors and methods used in calculating the odds.

(C) A clear statement that the consumer is not required to make any purchase to win a prize or participate in the prize promotion, including a statement that the consumer is not required to pay any shipping or handling costs.

(D) A clear explanation of the no-purchase/no-payment method of participating in the prize promotion.

Section 35. Do not call list. It is an unlawful act or practice

and violation of this Act for any telemarketer to initiate a telephone solicitation to a consumer who previously has requested the telemarketer to refrain from calling the consumer. Compliance with Section 310.4(b) of the Federal Trade Commission's Telemarketing Sales Rule shall constitute compliance with this Section.

Section 40. Written confirmation.

(a) Except as provided in subsection (c), (d), and (e), the telemarketer shall furnish the consumer, in the same language as that principally used in the sales presentation, a written confirmation.

(b) The written confirmation furnished under subsection (a) shall be mailed using first class mail, postage prepaid, no later than 10 days after the telemarketing sale. The written confirmation shall be in 12 point type; shall be a separate document for the purpose of confirming the telemarketing sale; and shall contain the following information:

(1) The name and address of the seller.

(2) The total costs to purchase, receive, or use, and the quantity of, any goods or services that are the subject of the sale.

(3) All material restrictions, limitations, or conditions to purchase, receive, or use the goods or services that are the subject of the sale.

(4) If the seller has a policy of not making refunds, cancellations, exchanges, or repurchases, a statement informing the customer that this is the seller's policy; or, if the seller or telemarketer makes a representation about a refund, cancellation, exchange, or repurchase policy, a statement of all material terms and conditions of the policy.

(5) A toll-free number to call should the consumer wish to cancel the telemarketing sale.

(c) A written confirmation is not required if the telemarketing sale is regulated by other laws of the State.

(d) A sale is not subject to the requirements of this Section if the seller, at a minimum, has a policy of:

(1) accepting returns or cancelling services in connection with the return of unused and undamaged goods or cancelled services for a period of not less than 7 days after the date of delivery to the consumer and providing a cash refund for a cash purchase or issuing a credit for a credit purchase applied to the account that was debited;

(2) disclosing the seller's refund and return policy to the consumer by telephone or in writing included with advertising or promotional material, or with the delivery of the goods or services; and

(3) restoring payments or issuing credits pursuant to

subdivision (d)(1), within 30 days after the date on which the seller receives the returned goods or notice of cancellation of services. A seller who discloses in writing that a sale is subject to "satisfaction guaranteed", "free inspection", "a no risk guarantee", or similar words or phrases shall be considered to have met the review and return for refund policy requirements of this subsection.

(e) A written confirmation is not required if the telemarketing sale results in a written contract signed by the consumer.

Section 45. Acts and practices not covered under this Act. The following acts and practices are not covered under this Act:

(1) Telephone calls in which the sale of goods or services is not completed, and payment or authorization of payment is not required, until after a face-to-face presentation by the seller.

(2) Telephone calls initiated by a consumer that are not the result of any telephone solicitation by a telemarketer.

(3) Telephone calls made by an autodialer as defined in the Automatic Telephone Dialers Act.

(4) Telephone calls initiated by a consumer in response to a direct mail solicitation that clearly, conspicuously, and truthfully discloses all material information listed in subsection (b) of Section 30 for any item offered in the direct mail solicitation; provided, however, that this exemption does not apply to calls initiated by a consumer in response to a direct mail solicitation relating to prize promotions, investment opportunities, goods or services described in subdivisions (a)(9) and (a)(12) of Section 50, or direct mail solicitations that guarantee or represent a high likelihood of success in obtaining or arranging for extensions of credit, if payment of a fee is required in advance of obtaining the extension of credit.

(5) Telephone calls initiated by a consumer in response to an advertisement through any media, other than direct mail solicitations; provided however, that this exemption does not apply to calls initiated by a consumer in response to an advertisement relating to investment opportunities, goods, or services described in subdivisions (a)(9) and (a)(12) of Section 50, or advertisements that guarantee or represent a high likelihood of success in obtaining or arranging for extensions of credit, if payment of a fee is required in advance of obtaining the extension of credit.

(6) Telephone calls made by a collection agency registered with the Department of Professional Regulation under the Illinois Collection Agency Act.

(7) Telephone calls related to the personal service relationship between a retail business establishment and a consumer who has had or has a business relationship with that retailer.

Section 50. Unlawful acts or practices.

(a) It is an unlawful act or practice and a violation of this Act for any telemarketer to engage in the following conduct:

(1) To obtain a certificate of registration or registration renewal through any false or fraudulent representation or make any material misrepresentation in any registration or registration renewal application.

(2) To fail to maintain a valid certificate of registration or registration renewal.

(3) To provide inaccurate or incomplete information to the Attorney General when making an application for a certificate of registration or registration renewal.

(4) To misrepresent that a person is registered or that a person has a valid certificate number.

(5) To misrepresent, directly or by implication, any of the following information:

(A) The total cost to purchase, receive, or use, and the quantity of, any goods or services that are the subject of a solicitation.

(B) A material restriction, limitation, or condition to purchase, receive, or use goods or services that are the subject of a solicitation.

(C) A material aspect of the performance, efficacy, nature, or characteristics of goods or services that are the subject of a solicitation.

(D) A material aspect of the nature or terms of the seller's refund, cancellation, exchange, or repurchase policies.

(E) A material aspect of a prize promotion, including, but not limited to, the odds of being able to receive a prize, the nature of a prize, the actual number of each prize to be awarded or given, or that a purchase or payment of any kind is required to win a prize or participate in a prize promotion.

(F) A material aspect of an investment opportunity, including, but not limited to, risk, liquidity, earnings potential, or profitability.

(G) The telemarketer's affiliation with or endorsement by any government or third-party organization.

(6) To make a false or misleading statement to induce a consumer to pay for goods or services.

(7) To fail to notify the Attorney General within 15 days if, in a court of competent jurisdiction of this State or any other state or the United States, the telemarketer is convicted of, pleads guilty to, or enters a plea of no contest for a felony, engaging in a pattern of corrupt activity, racketeering, a violation of federal or state securities law, or a theft offense.

(8) To advertise or represent that registration as a telemarketer is an endorsement or approval by the State or any governmental agency of the State.

(9) To request or receive payment of any fee or consideration for goods or services represented to remove derogatory information from or improve a person's credit history, credit record, or credit rating until:

(A) The time frame in which the telemarketer has represented all of the goods or services will be provided to that person has expired; and

(B) The telemarketer has provided the person with documentation in the form of a consumer report from a consumer reporting agency demonstrating that the promised results have been achieved, such report having been issued more than 6 months after the results were achieved.

(10) Obtain or submit for payment a check, draft, or other form of negotiable paper drawn on a person's checking, savings, bond, or other account without the consumer's express written authorization.

(11) To procure the services of any professional delivery, courier, or other pick-up service to obtain immediate receipt and possession of a consumer's payment unless:

(A) Such service is requested by the consumer; and

(B) The consumer is actually afforded an opportunity to inspect the goods or services prior to payment.

(12) To request or receive payment in advance from a consumer to recover or otherwise aid in the return of money or any other item lost by the consumer in a prior telemarketing transaction.

(13) To misrepresent the requirements of this Section.

(14) To assist, support, or provide substantial assistance to any telemarketer when the seller knows or should know that the telemarketer is engaged in any act or practice which violates this Section or Section 30.

(15) To make or cause to be made a telephone call to any emergency telephone number.

(16) To request or receive payment of any fee or consideration in advance of obtaining a loan or other extension of credit when the seller or telemarketer has guaranteed or represented a high likelihood of success in obtaining or arranging a loan or other extension of credit for a consumer.

Section 55. Abusive acts and practices unlawful under this Act. It is an abusive telemarketing act or practice and a violation of this Act for any telemarketer to engage in the following conduct:

(1) Threaten, intimidate, or use profane or obscene language.

(2) Engage any person repeatedly or continuously with behavior a reasonable person would deem to be annoying, abusive, or harassing.

(3) Initiate an outbound telephone call to a person when that person previously has stated that he or she does not wish to receive an outbound telephone call made on behalf of the telemarketer whose goods or services are being offered in compliance with Section 35.

(4) Engage in telemarketing to a person's residence at any time other than between 8 a.m. and 9 p.m. local time, Monday through Sunday, at the called person's location.

Section 60. Enforcement by Attorney General. Violation of any of the provisions of this Act is an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. All remedies, penalties, and authority granted to the Attorney General by that Act shall be available to him for the enforcement of this Act.

Section 65. Criminal penalties. A knowing violation of Section 15, 20, 25, 30, 35, 40, 50, or 55 is a Class 4 felony.

Section 70. Private right of action.

(a) Any person who suffers actual damages as a result of a violation of this Act committed by any other person may bring an action against that person. The court, in its discretion, may award actual economic damages or any other relief which the court deems proper.

(b) Such action may be commenced in the county in which the person against whom it is brought resides, has his principal place of business, or is doing business, or in the county where the transaction or any substantial portion of the transaction occurred.

(c) In any action brought by a person under this Section, the

court may grant injunctive relief where appropriate and may award, in addition to the relief provided in this Section, reasonable attorney's fees and costs to the prevailing party.

(d) Upon commencement of any action brought under this Section, the plaintiff shall mail a copy of the complaint or other initial pleading to the Attorney General and, upon entry of any judgment or order in the action, shall mail a copy of the judgment or order to the Attorney General.

(e) Any action for damages under this Section shall be forever barred unless commenced within 3 years after the cause of action accrued; provided that, whenever any action is brought by the Attorney General or a State's Attorney for a violation of this Act, the running of the statute of limitations, with respect to every private right of action for damages which is based in whole or in part on any matter complained of in the action by the Attorney

General or State's Attorney, shall be suspended during the pendency of the action, and for one year thereafter.

Section 75. Telemarketing Fraud Enforcement Fund. There is hereby created in the State Treasury the Attorney General Telemarketing Fraud Enforcement Fund. The State Treasurer shall deposit in the fund registration fees paid pursuant to this Act. Subject to appropriation by the legislature, the Attorney General shall use the monies in the fund for the administration and enforcement of the program of registration established in this Act and also for educational activities that advance the purposes of this Act.

Section 80. Rules. The Attorney General may promulgate any rules necessary to implement this Act, pursuant to the Illinois Administrative Procedure Act, which rules shall have the force of law.

Section 85. Construction of Act. This Act shall be liberally construed to effect its purposes.

Section 905. The State Finance Act is amended by adding Section 5.490 as follows:

(30 ILCS 105/5.490 new)

Sec. 5.490. The Attorney General Telemarketing Fraud Enforcement Fund.

(815 ILCS 413/Act rep.)

Section 910. The Telephone Solicitations Act is repealed.".

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

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

On motion of Senator Maitland, **Senate Bill No. 423** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 423 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Section 16-125 as follows:

(220 ILCS 5/16-125)

Sec. 16-125. Transmission and distribution reliability requirements.

(a) To assure the reliable delivery of electricity to all customers in this State and the effective implementation of the provisions of this Article, the Commission shall, within 180 days of December 16, 1997 ~~the effective date of this Article~~, adopt rules and regulations for assessing and assuring the reliability of the transmission and distribution systems and facilities that are under the Commission's jurisdiction.

(b) These rules and regulations shall require each electric utility or alternative retail electric supplier owning, controlling, or operating transmission and distribution facilities and equipment subject to the Commission's jurisdiction, referred to in this Section as "jurisdictional entities", to adopt and implement procedures for restoring transmission and distribution services to customers after transmission or distribution outages on a nondiscriminatory basis without regard to whether a customer has chosen the electric utility, an affiliate of the electric utility, or another entity as its provider of electric power and energy. These rules and regulations

shall also, at a minimum, specifically require each jurisdictional entity to submit annually to the Commission.

(1) the number and duration of planned and unplanned outages during the prior year and their impacts on customers;

(2) outages that were controllable and outages that were exacerbated in scope or duration by the condition of facilities, equipment or premises or by the actions or inactions of operating personnel or agents;

(3) customer service interruptions that were due solely to the actions or inactions of an alternative retail electric supplier or a public utility in supplying power or energy;

(4) a detailed report of the age, current condition, reliability and performance of the jurisdictional entity's existing transmission and distribution facilities, which shall include, without limitation, the following data:

(i) a summary of the jurisdictional entity's outages and voltage variances reportable under the Commission's rules;

(ii) the jurisdictional entity's expenditures for transmission construction and maintenance, the ratio of those expenditures to the jurisdictional entity's transmission investment, and the average remaining depreciation lives of the entity's transmission facilities, expressed as a percentage of total depreciation lives;

(iii) the jurisdictional entity's expenditures for distribution construction and maintenance, the ratio of those expenditures to the jurisdictional entity's distribution investment, and the average remaining

depreciation lives of the entity's distribution facilities, expressed as a percentage of total depreciation lives;

(iv) a customer satisfaction survey covering, among other areas identified in Commission rules, reliability, customer service, and understandability of the jurisdictional entity's services and prices; and

(v) the corresponding information, in the same format, for the previous 3 years, if available;

(5) a plan for future investment and reliability improvements for the jurisdictional entity's transmission and distribution facilities that will ensure continued reliable delivery of energy to customers and provide the delivery reliability needed for fair and open competition; and

(6) a report of the jurisdictional entity's implementation of its plan filed pursuant to subparagraph (5) for the previous reporting period.

(c) The Commission rules shall set forth the criteria that will be used to assess each jurisdictional entity's annual report and evaluate its reliability performance. Such criteria must take into account, at a minimum: the items required to be reported in subsection (b); the relevant characteristics of the area served; the age and condition of the system's equipment and facilities; good engineering practices; the costs of potential actions; and the benefits of avoiding the risks of service disruption.

(d) At least every 3 years, beginning in the year the Commission issues the rules required by subsection (a) or the following year if the rules are issued after June 1, the Commission shall assess the annual report of each jurisdictional entity and evaluate its reliability performance. The Commission's evaluation shall include specific identification of, and recommendations concerning, any potential reliability problems that it has identified as a result of its evaluation.

(e) In the event that more than 30,000 customers of an electric

utility are subjected to a continuous power interruption of 4 hours or more that results in the transmission of power at less than 50% of the standard voltage, or that results in the total loss of power transmission, the utility shall be responsible for compensating customers affected by that interruption for 4 hours or more for all actual damages, which shall not include consequential damages, suffered as a result of the power interruption. The utility shall also reimburse the affected municipality, county, or other unit of local government in which the power interruption has taken place for all emergency and contingency expenses incurred by the unit of local government as a result of the interruption. A waiver of the requirements of this subsection may be granted by the Commission in instances in which the utility can show that the power interruption was a result of any one or more of the following causes:

(1) Unpreventable damage due to weather events or conditions.

(2) Customer tampering.

(3) Unpreventable damage due to civil or international unrest or animals.

(4) Damage to utility equipment or other actions by a party other than the utility, its employees, agents, or contractors. Loss of revenue and expenses incurred in complying with this subsection may not be recovered from ratepayers.

(f) In the event of a power surge or other fluctuation that causes damage and affects more than 30,000 customers, the electric utility shall pay to affected customers the replacement value of all goods damaged as a result of the power surge or other fluctuation unless the utility can show that the power surge or other fluctuation was due to one or more of the following causes:

(1) Unpreventable damage due to weather events or conditions.

(2) Customer tampering.

(3) Unpreventable damage due to civil or international unrest or animals.

(4) Damage to utility equipment or other actions by a party other than the utility, its employees, agents, or contractors. Loss of revenue and expenses incurred in complying with this subsection may not be recovered from ratepayers. Customers with respect to whom a waiver has been granted by the Commission pursuant to subparagraphs (1)-(4) of subsections (e) and (f) shall not count toward the 30,000 customers required therein.

(g) Whenever an electric utility must perform planned or routine maintenance or repairs on its equipment that will result in transmission of power at less than 50% of the standard voltage, loss of power, or power fluctuation (as defined in subsection (f)), the utility shall make reasonable efforts to notify potentially affected customers no less than 24 hours in advance of performance of the repairs or maintenance.

(h) Remedies provided for under this Section may be sought exclusively through the Illinois Commerce Commission as provided under Section 10-109 of this Act. Damages awarded under this Section for a power interruption shall be limited to actual damages, which shall not include consequential damages, and litigation costs. Damage awards may not be paid out of utility rate funds.

(i) The provisions of this Section shall not in any way diminish or replace other civil or administrative remedies available to a customer or a class of customers.

(j) The Commission shall by rule require an electric utility to maintain service records detailing information on each instance of transmission of power at less than 50% of the standard voltage, loss of power, or power fluctuation (as defined in subsection (f)), that

affects 10 or more customers. Occurrences that are momentary shall not be required to be recorded or reported. The service record shall include, for each occurrence, the following information:

(1) The date.

(2) The time of occurrence.

(3) The duration of the incident.

(4) The number of customers affected.

(5) A description of the cause.

(6) The geographic area affected.

(7) The specific equipment involved in the fluctuation or

interruption.

(8) A description of measures taken to restore service.

(9) A description of measures taken to remedy the cause of the power interruption or fluctuation.

(10) A description of measures taken to prevent future occurrence.

(11) The amount of remuneration, if any, paid to affected customers.

(12) A statement of whether the fixed charge was waived for affected customers.

Copies of the records containing this information shall be available for public inspection at the utility's offices, and copies thereof may be obtained upon payment of a fee not exceeding the reasonable cost of reproduction. A copy of each record shall be filed with the Commission and shall be available for public inspection. Copies of the records may be obtained upon payment of a fee not exceeding the reasonable cost of reproduction.

(k) The requirements of subsections (e) through (j) of this Section shall apply only to an electric public utility having 1,000,000 or more customers.

(Source: P.A. 90-561, eff. 12-16-97.)".

Senator Maitland offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 423, AS AMENDED, by replacing the title with the following:

"AN ACT to amend the Public Utilities Act by adding Section 8-505.1."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by adding Section 8-505.1 as follows:

(220 ILCS 5/8-505.1 new)

Sec 8-505.1. Non-emergency vegetation management activities.

(a) In conducting its non-emergency vegetation management activities in incorporated municipalities a public utility shall:

(1) Follow guidelines set forth by the International Society of Arboriculture in effect January 1, 1999 and any applicable OSHA or ANSI standards in effect January 1, 1999.

(2) Provide no fewer than 21 days notice to the municipality prior to vegetation management activity beginning in the municipality. Maps or a description of the affected area shall be provided to the municipality. Notification shall continue until the municipality requests termination. Requests by the municipality to terminate notifications shall be in writing.

(3) Notify affected customers within the municipality no fewer than 7 days before the activity is scheduled to begin.

(4) Provide notified customers with a toll-free telephone number to call regarding the vegetation management activities.

(b) A public utility shall not be required to comply with the

requirements of subsections (a)(2), (a)(3), or (a)(4) when (i) it is taking actions to restore reliable service after interruptions of service; (ii) there is a franchise, contract, or written agreement in effect prior to January 1, 1999 between a public utility and a municipality mandating specific vegetation management practices; or (iii) there is a mutual agreement between a municipality and a public utility to waive the requirements of all or part of subsection (a). The Commission shall have sole authority to investigate and issue complaints against the utility under this Section.".

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

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

On motion of Senator T. Walsh, **Senate Bill No. 445** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 445 on page 1, lines 2 and 6, by changing "2-2 and 2-4" each time it appears to "2-2, 2-4, 2-9, and 4-2"; and

on page 6 by inserting immediately below line 6 the following:

"(205 ILCS 635/2-9) (from Ch. 17, par. 2322-9)

Sec. 2-9. Posting of license. The license of a licensee whose home office is within the State of Illinois or of an out-of-state licensee shall be conspicuously posted in every office of the licensee located in Illinois. Out-of-state licensees without an Illinois office shall produce the license upon request. Licensees originating loans on the internet shall post on their internet web site their license number and the address and telephone number of the Commissioner. The license shall state the full name and address of the licensee. The license shall not be transferable or assignable. A separate certificate shall be issued for posting in each full service Illinois office.

(Source: P.A. 86-137; 87-642.)

(205 ILCS 635/4-2) (from Ch. 17, par. 2324-2)

Sec. 4-2. Examination; prohibited activities.

(a) The business affairs of a licensee under this Act shall be examined for compliance with this Act as often as the Commissioner deems necessary and proper. The Commissioner shall promulgate rules with respect to the frequency and manner of examination. The Commissioner shall appoint a suitable person to perform such examination. The Commissioner and his appointees may examine the entire books, records, documents, and operations of each licensee and may examine any of the licensee's officers, directors, employees and agents under oath.

(b) The Commissioner shall prepare a sufficiently ~~full and~~ detailed report of each licensee's examination, shall issue a copy of such report to each licensee's principals, officers, or directors and shall take appropriate steps to ensure correction of violations of this Act.

(c) Affiliates of a licensee shall be subject to examination by the Commissioner on the same terms as the licensee, but only when

reports from, or examination of a licensee provides for documented evidence of unlawful activity between a licensee and affiliate benefiting, affecting or deriving from the activities regulated by

this Act.

(d) The expenses of any examination of the licensee and affiliates shall be borne by the licensee and assessed by the Commissioner as established by regulation.

(e) Upon completion of the examination, the Commissioner shall issue a report to the licensee. The examination report, and the work papers of the report shall belong to the Commissioner's office and may not be disclosed to anyone other than the licensee, law enforcement officials or other regulatory agencies that shall be defined in rules promulgated by the Commissioner, or to a party presenting a lawful subpoena to the Office of the Commissioner. Reports required of licensees by the Commissioner under this Act and results of examinations performed by the Commissioner under this Act shall be the property of only the licensee and the Commissioner. Access under this Act to the books and records of each licensee shall be limited to the Commissioner and his agents as provided in this Act and to the licensee and its authorized agents and designees. No other person shall have access to the books and records of a licensee under this Act.

(f) The Commissioner, deputy commissioners, and employees of the Office of Banks and Real Estate shall be subject to the restrictions provided in Section 2.5 of the Office of Banks and Real Estate Act including, without limitation, the restrictions on (i) owning shares of stock or holding any other equity interest in an entity regulated under this Act or in any corporation or company that owns or controls an entity regulated under this Act; (ii) being an officer, director, employee, or agent of an entity regulated under this Act; and (iii) obtaining a loan or accepting a gratuity from an entity regulated under this Act.

(g) After the initial examination for those licensees whose only mortgage activity is servicing fewer than 1,000 Illinois residential loans, the examination required in subsection (a) may be waived upon submission of a letter from the licensee's independent certified auditor that the licensee serviced fewer than 1,000 Illinois residential loans during the year in which the audit was performed.
(Source: P.A. 89-355, eff. 8-17-95; 89-508, eff. 7-3-96; 90-301, eff. 8-1-97.)".

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 445, AS AMENDED, in the title and in the introductory clause to Section 5 of the bill by deleting "2-4," each time it appears; and
in the body of Section 5 of the bill by deleting all of Sec. 2-4.

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

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

On motion of Senator Dillard, **Senate Bill No. 509** having been printed, was taken up and read by title a second time.

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

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 509, on page 1, line 5, by

deleting "9-1,"; and
on page 1, by deleting lines 7 through 31; and
by deleting all of pages 2, 3, 4, 5, 6, 7, 8, 9, and 10; and
on page 11, by deleting lines 1 through 5; and
on page 11, by replacing lines 11 and 12 with the following:
"poisonous gas, a deadly"; and
on page 13, by replacing lines 27 and 28 with the following:
"transports any poisonous gas,"; and
on page 13, line 29, by deleting "defense,"; and
on page 14, line 1, by replacing "any offense" with "a felony"; and
on page 17, line 18, by inserting after "nature" the following:
"or a container holding poison gas, a deadly biological or chemical contaminent, or radioactive substance"; and
on page 17, line 19, by inserting "or release" after "explosion"; and
on page 17, line 21, by replacing "or" with ", ~~or~~"; and
on page 17, line 22, by inserting after "explosive" the following:
"or a container holding poison gas, a deadly biological or chemical contaminent, or radioactive substance"; and
on page 20, by replacing line 2 with the following:
"by changing Section 3-6-3 as follows:"; and
on page 28, by deleting lines 9 through 33; and
by deleting all of pages 29, 30, 31, 32, and 33; and
on page 34, by deleting lines 1 through 22.

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

There being no further amendments, the foregoing Amendment No. 2, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Cronin, **Senate Bill No. 556** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 556 by replacing the title with the following:

"AN ACT concerning education, amending named Acts."; and
by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5.490 as follows:

(30 ILCS 105/5.490 new)

Sec. 5.490. The State Teacher Professional Development Fund.

Section 10. The School Code is amended by changing Sections 3-12, 21-0.01, 21-1b, 21-1c, 21-2, 21-7.1, 21-9, 21-11.3, 21-11.4, 21-12, 21-14, 21-16, 21-17, 21-21, 21-25, and 34-83 and adding Sections 2-3.11c and 3-11.5 as follows:

(105 ILCS 5/2-3.11c new)

Sec. 2-3.11c. Teacher supply and demand report. To report annually, on or before January 1, on the relative supply and demand for education staff of the public schools to the Governor, to the General Assembly, and to institutions of higher education that prepare teachers, administrators, school service personnel, other certificated individuals, and other professionals employed by school districts or joint agreements. The report shall contain the following information:

(1) the relative supply and demand for teachers, administrators, and other certificated and non-certificated personnel by field, content area, and levels;

(2) State and regional analyses of fields, content areas,

and levels with an over-supply or under-supply of educators; and

(3) projections of likely high demand and low demand for educators, in a manner sufficient to advise the public, individuals, and institutions regarding career opportunities in education.

(105 ILCS 5/3-11.5 new)

Sec. 3-11.5. Regional professional development review committee. The regional superintendent of schools shall constitute a regional professional development review committee or committees, as provided in paragraph (2) of subsection (g) of Section 21-14 of this Code, to advise the regional superintendent of schools, upon his or her request, and to hear appeals relating to the renewal of teaching certificates, in accordance with Section 21-14 of this Code. The expenses of these review committees shall be funded, in part, from the fees collected pursuant to Section 21-16 of this Code and deposited into the institute fund.

(105 ILCS 5/3-12) (from Ch. 122, par. 3-12)

Sec. 3-12. Institute fund. All certificate ~~examination,~~ registration fees and a portion of renewal and duplicate fees shall be kept by the regional superintendent as described in Section 21-16 of this Code, together with a record of the names of the persons paying them. Such fees ~~fund~~ shall be deposited into the institute fund and shall be used by the regional superintendent to defray expenses associated with the work of the regional professional development review committees established pursuant to paragraph (2) of subsection (g) of Section 21-14 of this Code to advise the regional superintendent, upon his or her request, and to hear appeals relating to the renewal of teaching certificates, in accordance with Section 21-14 of this Code; to defray expenses connected with improving the technology necessary for the efficient processing of certificates; to defray expenses incidental to teachers' institutes,

workshops or meetings of a professional nature that are designed to promote the professional growth of teachers or for the purpose of defraying the expense of any general or special meeting of teachers or school personnel of the region, which has been approved by the regional superintendent.

The regional superintendent shall on or before January 1 of each year publish in a newspaper of general circulation published in the region or shall post in each school building under his jurisdiction an accounting of (1) the balance on hand in the Institute fund at the beginning of the previous year; (2) all receipts within the previous year deposited in the fund, with the sources from which they were derived; (3) the amount distributed from the fund and the purposes for which such distributions were made; and (4) the balance on hand in the fund.

(Source: P.A. 88-89; 89-335, eff. 1-1-96.)

(105 ILCS 5/21-0.01)

Sec. 21-0.01. Powers after January 1, 1998. Beginning on January 1, 1998 and thereafter, the State Board of Education, in consultation with the State Teacher Certification Board, shall have the power and authority to do all of the following:

(1) set standards for teaching, supervising, or holding other certificated employment in the public schools, and administer the certification process as provided in this Article; provided, however, that the State Teacher Certification Board shall be solely responsible for the renewal of Standard Teaching Certificates as provided in Sections ~~Section~~ 21-2 and 21-14 of this Code;

(2) approve and evaluate teacher and administrator preparation programs;

(3) enter into agreements with other states relative to

reciprocal approval of teacher and administrator preparation programs;

(4) establish standards for the issuance of new types of certificates; and

(5) take such other action relating to the improvement of instruction in the public schools through teacher education and professional development and that attracts qualified candidates into teacher training programs as is appropriate and consistent with applicable laws.

(Source: P.A. 90-548, eff. 1-1-98.)

(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. ~~Each application for endorsement of an existing teaching certificate shall be accompanied by a $20 nonrefundable fee.~~

Commencing July 1, 1999, each application for endorsement of an existing teaching certificate shall be accompanied by a $30 nonrefundable fee ~~January 1, 1994, an additional $10 shall be charged for each application for endorsement~~. There is hereby created a Teacher Certificate Fee Revolving Fund as a special fund within the State Treasury. The proceeds of each $30 ~~the additional $10~~ 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.

(Source: P.A. 88-224.)

(105 ILCS 5/21-1c) (from Ch. 122, par. 21-1c)

Sec. 21-1c. Exclusive certificate authority. Only the State Board of Education and State Teacher Certification Board, acting in accordance with the applicable provisions of this Act and the rules, regulations and standards promulgated thereunder, shall have the authority to issue or endorse any certificate required for teaching, supervising or holding certificated employment in the public schools; and no other State agency shall have any power or authority (i) to establish or prescribe any qualifications or other requirements applicable to the issuance or endorsement of any such certificate, or (ii) to establish or prescribe any licensure or equivalent requirement which must be satisfied in order to teach, supervise or hold certificated employment in the public schools. This Section does not prohibit the State Board of Education, in consultation with the State Teacher Certification Board, from delegating to regional superintendents of schools the authority to grant temporary employment authorizations to teacher applicants whose qualifications have been confirmed by the State Board of Education, in consultation with the State Teacher Certification Board.

(Source: P.A. 86-1441.)

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

Sec. 21-2. Grades of certificates.

(a) Until July 1, 1999, 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, high school certificate, school service personnel certificate, administrative certificate, provisional certificate, and substitute certificate. The requirement of student teaching under close and competent supervision for obtaining a teaching certificate may be waived by the State Teacher Certification Board upon presentation to the Board by the teacher of evidence of 5 years successful teaching experience on a valid certificate and graduation from a recognized institution of higher learning with a bachelor's degree with not less than 120 semester hours and a minimum of 16 semester hours in professional education.

(b) Initial Teaching Certificate. Beginning July 1, 1999, persons who (1) have completed an approved teacher preparation program, (2) are recommended by an approved teacher preparation program, (3) have successfully completed the Initial Teaching Certification examinations required by the State Board of Education, and (4) have met all other criteria established by the State Board of Education in consultation with the State Teacher Certification Board, shall be issued an Initial Teaching Certificate valid for 4 years of teaching, as defined in Section 21-14 of this Code. Initial Teaching Certificates shall be issued for categories corresponding to Early Childhood, Elementary, Secondary, and Special K-12, with special certification designations for Special Education, Bilingual Education, fundamental learning areas (including Language Arts, Reading, Mathematics, Science, Social Science, Physical Development and Health, Fine Arts, and Foreign Language), and other areas designated by the State Board of Education, in consultation with the State Teacher Certification Board.

(c) Standard Certificate. Beginning July 1, 1999, persons who (1) have completed 4 years of teaching, as defined in Section 21-14 of this Code, with an Initial Certificate, have successfully completed the Standard Teaching Certificate examinations, and have met all other criteria established by the State Board of Education in consultation with the State Teacher Certification Board, or (2) were issued teaching certificates prior to July 1, 1999 and are renewing those certificates after July 1, 1999, 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. 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.

(d) Master Certificate. Beginning July 1, 1999, 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 ~~7~~ years and renewable thereafter every 10 ~~7~~ years through compliance with requirements set forth by the State Board of Education, in consultation with the State Teacher Certification Board.

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

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

Sec. 21-7.1. Administrative certificate.

(a) After July 1, 1999 ~~January 1, 1986~~, an administrative

certificate valid for 5 years of supervising and administering in the public common schools may be issued to persons who have graduated from a regionally accredited ~~recognized~~ institution of higher learning with a master's degree and who have been recommended

~~certified~~ by a recognized institution ~~these institutions~~ 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.

(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 five years with the first renewal being five years following the initial receipt of an administrative certificate. 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. 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) <u>Until July 1, 2003,</u> 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 Subsection (4) until June 30, 1996.

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

(Source: P.A. 89-626, eff. 8-9-96.)

(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 and substitute teaching in 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. 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. 89-212, eff. 8-4-95.)

(105 ILCS 5/21-11.3) (from Ch. 122, par. 21-11.3)

Sec. 21-11.3. Resident teacher certificate. A resident teacher certificate shall be valid for 2 years for employment as a resident teacher in a public school. It shall be issued only to persons who have graduated from a regionally accredited ~~recognized~~ institution of higher education with a bachelor's degree, who are enrolled in a program of preparation approved by the State Superintendent of Education in consultation with the State Teacher Certification Board, and who have passed the appropriate tests as required in Section 21-1a and as determined by the State Board of Education. A resident teacher certificate may be issued for teaching children through grade 3 or for grades K-9, 6-12, or K-12 in a special subject area and may not be renewed. A resident teacher may teach only in conjunction with and under the direction of a certified teacher and shall not teach in place of a certified teacher.

(Source: P.A. 90-548, eff. 1-1-98.)

(105 ILCS 5/21-11.4)

Sec. 21-11.4. Illinois Teacher Corps.

(a) The General Assembly finds and determines that (i) it is important to encourage the entry of qualified professionals into elementary and secondary teaching as a second career; and (ii) there are a number of individuals who have bachelors' degrees, experience in the work force, and an interest in serving youth that creates a special talent pool with great potential for enriching the lives of

Illinois children as teachers. To provide this talent pool with the opportunity to serve children as teachers, school districts, colleges, and universities are encouraged, as part of the public policy of this State, to enter into collaborative programs to educate and induct these non-traditional candidates into the teaching profession. To facilitate the certification of such candidates, the State Board of Education, in consultation with the State Teacher Certification Board, shall assist institutions of higher education and school districts with the implementation of the Illinois Teacher Corps.

(b) Individuals who wish to become candidates for the Illinois Teacher Corps program must earn a resident teacher certificate as defined in Section 21-11.3, including:

(1) graduation from a regionally accredited ~~recognized~~ institution of higher education with a bachelor's degree and at least a 3.00 out of a 4.00 grade point average;

(2) a minimum of 5 years of professional experience in the area the candidate wishes to teach;

(3) passing the examinations required by the State Board of Education;

(4) enrollment in a Masters of Education Degree program approved by the State Superintendent of Education in consultation with the State Teacher Certification Board; and

(5) completion of a 6 week summer intensive teacher preparation course which is the first component of the Masters Degree program.

(c) School districts may hire an Illinois Teacher Corps candidate after the candidate has received his or her resident teacher certificate. The school district has the responsibility of ensuring that the candidates receive the supports necessary to become qualified, competent and productive teachers. To be eligible to participate in the Illinois Teacher Corps program, school districts must provide a minimum of the following supports to the candidates:

(1) a salary and benefits package as negotiated through the teacher contracts;

(2) a mentor certified teacher who will provide guidance to

one or more candidates under a program developed collaboratively by the school district and university;

(3) at least quarterly evaluations performed of each candidate jointly by the mentor teacher and the principal of the school or the principal's designee; and

(4) a written and signed document from the school district outlining the support the district intends to provide to the candidates, for approval by the State Teacher Certification Board.

(d) Illinois institutions of higher education shall work collaboratively with school districts and the State Teacher Certification Board to academically prepare the candidates for the teaching profession. To be eligible to participate, the College or School of Education of a participating Illinois institution of higher education must develop a curriculum that provides, upon completion, a Masters Degree in Education for the candidates. The Masters Degree

program must:

(1) receive approval from the State Teacher Certification Board; and

(2) take no longer than 3 summers and 2 academic years to complete, and balance the needs and time constraints of the candidates.

(e) Upon successful completion of the Masters Degree program, the candidate receives an Initial Teaching Certificate in the State of Illinois.

(f) If an individual wishes to become a candidate in the Illinois Teacher Corps program, but does not possess 5 years of professional experience, the individual may qualify for the program by participating in a one year internship teacher preparation program with a school district. The one year internship shall be developed collaboratively by the school district and the Illinois institution of higher education, and shall be approved by the State Teacher Certification Board.

(g) The State Board of Education is authorized to award grants to school districts that seek to prepare candidates for the teaching profession who have bachelors' degrees and professional work experience in subjects relevant to teaching fields, but who do not have formal preparation for teaching. Grants may be made to school districts for up to $3,000 per candidate when the school district, in cooperation with a public or private university and the school district's teacher bargaining unit, develop a program designed to prepare teachers pursuant to the Illinois Teacher Corps program under this Section.

(Source: P.A. 90-548, eff. 1-1-98.)

(105 ILCS 5/21-12) (from Ch. 122, par. 21-12)

Sec. 21-12. Printing; ~~of~~ Seal; Signature; Credentials. All certificates shall be printed by and bear the ~~seal of the State Teacher Certification Board and the~~ signatures of the chairman and of the secretary of the State Teacher Certification Board ~~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. ~~After January 1, 1964, each application for a certificate or evaluation of credentials shall be accompanied by an evaluation fee of $20 which is not refundable.~~

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, ~~January 1, 1994, an additional $10 shall be charged for each application for a certificate or evaluation of credentials~~ 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. ~~There is hereby created a Teacher Certificate Fee Revolving Fund as a special fund within the State Treasury.~~ The proceeds of each $30 ~~the additional $10~~ 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.

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 ~~together with a fee of one dollar~~ for issuance of a certificate.

The applicant shall be notified of any deficiencies.

(Source: P.A. 88-224; revised 10-31-98.)

(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 ~~4~~ 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 July 1, 1999 are renewed for the first time after July 1, 1999, 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 July 1, 1999, shall be renewable under the conditions set forth in this subsection (b).

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

school operating in compliance with the Charter Schools Law.

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

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

(2) establish the standards for certificate renewal;

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

(4) determine the maximum credit for each category of continuing professional development activities;

(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 keep it valid. All other Standard Teaching Certificates held may be maintained as Valid but Inactive through the registration process provided for in the certificate renewal procedure established pursuant to subsection (c) of this Section. A Valid but Inactive 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 but Inactive 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 earning 120 continuing professional development units ("CPDU"). If, however, the certificate holder has maintained the certificate as

Valid but Inactive 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 but Inactive. 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. Except as provided for in subdivisions (A), (B), and (C) of paragraph (3) of this subsection (e), the maximum number of continuing professional development units that a certificate holder may earn for specific continuing professional development activities shall be jointly determined by the State Board of Education and the State Teacher Certification Board.

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

(A) Advance both the certificate holder's knowledge and skills as a teacher (including pedagogy and classroom management) in the certificate holder's areas of certification, endorsement, or teaching assignment.

(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 knowledge and skills in an additional teaching field or toward the acquisition of another teaching certificate, endorsement, or relevant education degree.

A certificate renewal plan must include a description of how these

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

plan is developed.

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

(A) at least 8 semester hours of coursework in an approved education-related program, of which at least 20% of these hours relate to the continuing professional development purpose set forth in purpose (A) of paragraph (2) of this subsection (e), provided that such a plan need not include any other continuing professional development activities nor reflect or contain activities related to the other continuing professional development purposes set forth in paragraph (2) of this subsection (e);

(B) continuing education units, with each 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;

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

(D) collaboration and partnership activities, including the following:

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

(ii) peer coaching;

(iii) peer reviewing;

(iv) mentoring in a formal mentoring program;

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

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

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

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

(ix) 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;

(E) college or university coursework as follows:

(i) completing undergraduate or graduate credit earned from a regionally accredited institution in coursework relevant to the certificate area being renewed, provided the coursework meets Illinois Teaching 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;

(F) conferences, workshops, institutes, seminars, and symposiums, 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) presenting at workshops, seminars, conferences, institutes, and symposiums;

(iv) training as external reviewers for Quality Assurance;

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

(G) other educational experiences, 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 ones teaching assignment, directly related to student achievement or school improvement plans and approved at least 30 days prior to the travel experience;

(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

(H) professional leadership experiences, 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 professional association or labor organization service or activities, including leadership.

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

and the certificate holder of its determination.

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

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

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

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

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

(3) monitor certificate holders' progress in completing approved certificate renewal plans;

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

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

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

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

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

Each local professional development committee shall consist of at least 3 classroom teachers, one administrator, and one other non-administrative certificated educational employee. 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. 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 teachers and other non-administrative certificated employee members of a 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, and the non-administrative certificated employee members of the local professional development committee shall be selected by the non-administrative certificated employees 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 administrative members 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.

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.

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

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

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

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

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

(E) the regional superintendent of schools has concurred or nonconcurred with the local professional development committee's or regional professional development review committee's recommendation to renew or nonrenew the certificate holder's

Standard Teaching Certificate and made a recommendation to that

effect; and

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

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

(2) Each certificate holder shall have the right to appeal his or her local professional development committee's recommendation of nonrenewal to the regional professional development review committee, within 14 days of receipt of notice that the recommendation has been sent to the regional superintendent of schools. Each regional superintendent of schools shall establish a regional professional development review committee or committees for the purpose of advising the regional superintendent of schools, upon request, and handling certificate holder appeals. This committee shall consist of at least 2 administrators, at least 4 teachers, and one other non-administrative certificated educational employee selected by their exclusive representative, if any. A regional superintendent may add additional members to the committee, provided that the same proportion of teachers to administrators on the committee is maintained. Any additional teacher and non-administrative certificated educational employee members shall be selected by their exclusive representative, if any. 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. Committee members shall serve staggered 3-year terms. The committee may require information in addition to that received from a certificate holder's local professional development committee or request that the certificate holder appear before it, shall either concur or nonconcur with a local professional development committee's recommendation of nonrenewal, and shall forward to the regional superintendent of schools its recommendation of renewal or nonrenewal. All actions taken by the regional professional development review committee shall require a quorum and be by a simple majority of those present and voting. A record of all votes shall be maintained. The committee shall have 45 days from receipt of a certificate holder's appeal to make its recommendation to the regional superintendent of schools.

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

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

that the certificate holder has met the renewal criteria set forth in paragraph (1) of subsection (g) of this Section.

(2) Each certificate holder shall have the right to appeal a

regional superintendent of school's recommendation to nonrenew his or her Standard Teaching Certificate to the State Teacher Certification Board, within 14 days of receipt of notice that the decision has been sent to the State Teacher Certification Board, which shall hold an appeal hearing within 60 days of receipt of the appeal. When such an appeal is taken, the certificate holder's Standard Teaching Certificate shall continue to be valid until the appeal is finally determined. The State Teacher Certification Board shall review the regional superintendent of school's recommendation, the regional professional development review committee's recommendation, if any, and the local professional development committee's recommendation and all relevant documentation to verify whether the certificate holder has met the renewal criteria set forth in paragraph (1) of subsection (g) of this Section. The State Teacher Certification Board may request that the certificate holder appear before it. All actions taken by the State Teacher Certification Board shall require a quorum and be by a simple majority of those present and voting. A record of all votes shall be maintained. The State Teacher Certification Board shall notify the certificate holder in writing, within 7 days of completing the review, whether his or her Standard Teaching Certificate has been renewed or nonrenewed, provided that if the State Teacher Certification Board determines to nonrenew a certificate, the written notice provided to the certificate holder shall be by certified mail, return receipt requested. All certificate renewal or nonrenewal decisions of the State Teacher Certification Board are final and subject to administrative review, as set forth in Section 21-24 of this Code.

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

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

(k) The State Board of Education and the State Teacher Certification Board shall jointly contract with an independent party to conduct a comprehensive evaluation of the certificate renewal

system pursuant to this Section. The first report of this evaluation shall be presented to the General Assembly on January 1, 2005 and on January 1 of every third year thereafter.
(Source: P.A. 90-548, eff. 1-1-98; 90-653, eff. 7-29-98; 90-811, eff. 1-26-99.)

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

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

(a) Until July 1, 1999, 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 July 1, 1999, 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 July 1, 1999, all persons who are issued Standard Teaching Certificates pursuant clause (2) of subsection (c) of Section 21-2 and all persons who renew Standard Teaching Certificates shall pay a $25 fee for registration of all certificates held. All persons who are issued Standard Teaching Certificates under clause (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 July 1, 1999, 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.

A duplicate certificate may be issued to the holder of a valid life certificate or valid certificate limited in time by the State Superintendent of Education; however, it shall only be issued upon request of a regional superintendent of schools and upon payment to the regional superintendent of schools who requests the duplicate a fee of $4, which shall be deposited into the institute fund.
(Source: P.A. 87-745.)

(105 ILCS 5/21-17) (from Ch. 122, par. 21-17)

Sec. 21-17. Fee for original 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.
(Source: P.A. 81-940.)

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

Sec. 21-21. Definitions; granting of recognition; regional accreditation~~)~~.

(a) "Recognized", as used in this Article in connection with the word "school" or "institution", means such school, college, university, private junior college, public community college or special or technical school as maintains a ~~an equipment,~~ course of study, a standard of scholarship and other requirements set by the State Board of Education in consultation with the State Teacher Certification Board. Application for recognition of such school or institution as a teacher education ~~training~~ institution shall be made to the State Board of Education. The State Board of Education in consultation with the State Teacher Certification Board shall set the criteria by which the school or institution shall be judged and through the Secretary of the Board shall arrange for an official inspection and shall grant recognition of such school or institution

as may meet the required standards. If such standards include requirements with regard to education in acquiring skills in working with culturally distinctive students, as defined by the State Board of Education, then the rules of the State Board of Education shall include the criteria used to evaluate compliance with this requirement. No school or institution shall make assignments of student teachers or teachers for practice teaching so as to promote segregation on the basis of race, creed, color, religion, sex or national origin.

All recommendations for initial or standard certification shall be made ~~All courses listed or credentials required as the basis of any certificate or for its renewal shall be the equivalent of courses offered~~ by a recognized teacher training institution operating a program of preparation for the certificate approved by the State Superintendent of Education in consultation with the State Teacher Certification Board. The State Board of Education in consultation with the State Teacher Certification Board shall have the power to define a major or minor when used as a basis for recognition and certification purposes.

(b) "Regionally accredited" or "accredited" as used in this Article in connection with a university or institution shall mean an institution of higher education accredited by the North Central Association or other comparable regional accrediting association.

(Source: P.A. 84-793.)

(105 ILCS 5/21-25) (from Ch. 122, par. 21-25)

Sec. 21-25. School service personnel certificate. Subject to the provisions of Section 21-1a, a school service personnel certificate shall be issued to those applicants of good character, good health, a citizen of the United States and at least 19 years of age who have a Bachelor's degree with not fewer than 120 semester

hours from a regionally accredited ~~recognized~~ institution of higher learning and who meets the requirements established by the State Superintendent of Education in consultation with the State Teacher Certification Board. A school service personnel certificate with a school nurse endorsement may be issued to a person who holds a bachelor of science degree from an institution of higher learning accredited by the North Central Association or other comparable regional accrediting association. Persons seeking any other endorsement on the school service personnel certificate shall be recommended for the endorsement by a recognized teacher education institution as having completed a program of preparation approved by the State Superintendent of Education in consultation with the State Teacher Certification Board.

Such certificate shall be endorsed with the area of Service as determined by the State Superintendent of Education in consultation with the State Teacher Certification Board.

The holder of such certificate shall be entitled to all of the rights and privileges granted holders of a valid teaching certificate, including teacher benefits, compensation and working conditions.

When the holder of such certificate has earned a master's degree, including 8 semester hours of graduate professional education from a

recognized institution of higher learning, and has at least 2 years of successful school experience while holding such certificate, the certificate may be endorsed for supervision.
(Source: P.A. 88-386.)

(105 ILCS 5/34-83) (from Ch. 122, par. 34-83)

Sec. 34-83. Board of examiners - Certificates - Examinations. A board of 3 examiners shall examine all applicants required to hold certificates to teach and the board of education shall issue gratuitously to those who pass a required test of character, scholarship and general fitness, such certificates to teach as they are found entitled to receive. No person may be granted or continue to hold a teaching certificate who has knowingly altered or misrepresented his or her teaching qualifications in order to acquire the certificate. Any other certificate held by such person may be suspended or revoked by the board of examiners, depending upon the severity of the alteration or misrepresentation. The board of examiners shall consist of the general superintendent of schools and 2 persons approved and appointed by the board of education upon the nomination of the general superintendent of schools. The board of examiners shall hold such examinations as the board of education may prescribe, upon the recommendation of the general superintendent of schools and shall prepare all necessary eligible lists, which shall be kept in the office of the general superintendent of schools and be open to public inspection. Members of the board of examiners shall hold office for a term of 2 years.

The board of examiners created herein is abolished effective July 1, 1988. Commencing July 1, 1988, all new teachers employed by the board shall hold teaching certificates issued by the State Teacher Certification Board under Article 21. The State Board of Education in consultation with the board of examiners and the State Teacher Certification Board shall develop procedures whereby teachers currently holding valid certificates issued by the board of examiners, and all teachers employed by the board after August 1, 1985 and prior to July 1, 1988, shall no later than July 1, 1988 exchange certificates issued by the board of examiners for comparable certificates issued by the State Teacher Certification Board. On the exchange of a certificate on or before July 1, 1988, the State Teacher Certification Board shall not require any additional qualifications for the issuance of the comparable certificate. If

prior to July 1, 1988 the board of examiners has issued types of teaching certificates which are not comparable to the types of certificates issued by the State Teacher Certification Board, such certificates shall continue to be valid for and shall be renewable by the holders thereof, and no additional qualifications shall be required by the State Teacher Certification Board for any such renewal; however, no individual who received a letter of continuing eligibility shall be issued an Initial or Standard Teaching Certificate, as provided in Section 21-2 of this Code, unless that individual also holds such a valid and renewable certificate.

The State Board of Education shall report by July 1, 1986, to the Illinois General Assembly on the procedures for exchange it has developed in consultation with the board of examiners and the State

Teacher Certification Board as required in this Section.
(Source: P.A. 89-15, eff. 5-30-95.)

(105 ILCS 5/21-11 rep.)

Section 15. The School Code is amended by repealing Section 21-11.

Section 90. The State Mandates Act is amended by adding Section 8.23 as follows:

(30 ILCS 805/8.23 new)

Sec. 8.23. 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 91st General Assembly.

Section 99. Effective date. This Act takes effect July 1, 1999.".

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

On motion of Senator Cronin, **Senate Bill No. 652** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Petka, **Senate Bill No. 1011** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cronin, **Senate Bill No. 1075** having been printed, was taken up and read by title a second time.

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

Senator Cronin offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1075 on page 19, lines 30 through 32, by replacing "Any credit in excess of the tax liability for the taxable year shall be refunded to the taxpayer." with "In no event shall a credit under this subsection reduce the taxpayer's liability under this Act to less than zero."

And on that motion, a call of the roll was had resulting as follows:

Yeas 33; Nays 22.

The following voted in the affirmative:

Bomke	Geo-Karis	Mahar	Radogno
Burzynski	Hawkinson	Myers	Rea
Cronin	Jacobs	Noland	Sullivan
DeLeo	Jones, W.	O'Daniel	Syverson
Dillard	Karpiel	O'Malley	Viverito
Donahue	Klemm	Parker	Walsh, T.
Dudycz	Lauzen	Peterson	Watson

Fawell	Madigan, R.	Petka	Weaver
			Mr. President

The following voted in the negative:

Berman	Demuzio	Link	Shadid
Bowles	Halvorson	Madigan, L.	Shaw
Clayborne	Hendon	Molaro	Silverstein
Cullerton	Jones, E.	Munoz	Smith
del Valle	Lightford	Obama	Trotter
			Walsh, L.
			Welch

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

Floor Amendments numbered 3 and 4 were held in the Committee on Rules.

There being no further amendments, the foregoing Amendment No. 2, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Karpiel, **Senate Bill No. 1087** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1087 on page 9, by replacing lines 23 through 33 with the following:

"Section 40. Community Planning Allowance. As provided in this Section, the Department is authorized to make grants to units of local government for the acquisition, development, construction, reconstruction, improvement, financing, architectural planning, and installation of capital facilities that will protect, preserve, or enhance acquired open spaces. The grants shall be available only in connection with lands acquired under this Act by the Department in fee simple title. The grants may be made to the units of local government in which the lands are located in an amount not to exceed 7% of the purchase price of the open space land acquired for qualified projects.

This Section does not apply to (i) counties with a population greater than 3,000,000 or (ii) counties contiguous to counties with a population greater than 3,000,000."; and

on page 10, by deleting lines 1 through 4.

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1087 on page 1, by deleting lines 7 through 31; and

by deleting pages 2 through 10.

Senator Karpiel offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 1087, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Open Land Trust Act.

Section 5. Policy.

(a) The provision of lands for the conservation of natural resources and public recreation promote the public health, prosperity, and general welfare and are proper responsibilities of State government.

(b) Lands now dedicated to these purposes are not adequate to protect the quality of life and meet the needs of an expanding population.

(c) Natural areas, wetlands, forests, prairies, open spaces, and greenways provide critical habitat for fish and wildlife and are in need of protection.

(d) The opportunity to acquire lands that are available and appropriate for these purposes will gradually disappear as their cost correspondingly increases.

(e) It is desirable to encourage partnerships among federal, State, and local governments and not-for-profit corporations for the acquisition of land for conservation and recreation purposes.

(f) It is necessary and desirable to provide assistance in the form of grants and loans to units of local government to acquire lands that have significant conservation and recreation attributes.

Section 10. Definitions. As used in this Act:

"Conservation and recreation purposes" means activities that are consistent with the protection and preservation of open lands, natural areas, wetlands, prairies, forests, watersheds, resource-rich areas, greenways, and fish and wildlife habitats, including multiple use such as hunting, fishing, trapping, and other recreational uses.

"Conservation easement" means a nonpossessory interest in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the natural, historical, architectural, archacological, or cultural aspects of real property. A conservation easement may be released at any time by mutual consent of the parties.

"Department" means the Department of Natural Resources.

"Natural area" means an area of land that either retains or has recovered to a substantial degree its original natural or primeval character, though it need not be completely undisturbed, or has floral, faunal, ecological, geological, or archaeological features of scientific, educational, scenic, or esthetic interest.

"Open space" means those undeveloped or minimally developed lands that conserve and protect valuable natural features or processes.

"Real property" means land, including improvements existing on the land.

"Units of local government" means counties, townships, municipalities, park districts, conservation districts, forest preserve districts, river conservancy districts, and any other units of local government empowered to expend public funds for the acquisition and development of land for public outdoor park, recreation, or conservation purposes.

Section 15. Powers and duties. The Department of Natural Resources has the following powers and duties:

(a) To develop and administer the Illinois Open Land Trust program.

(b) To acquire real property, including, but not limited to, open space and natural areas for conservation and recreation purposes.

The lands shall be held in (i) fee simple title or (ii) conservation easements for natural areas, provided that these mechanisms are all voluntary on the part of the landowners and do not involve the use of eminent domain.

(c) To make grants to units of local government under Section 25 of this Act in consultation with the Natural Resources Advisory Board.

(d) To make loans to units of local government under Section 30 of this Act in consultation with the Natural Resources Advisory Board.

(e) To promulgate any rules, regulations, guidelines, and directives necessary to implement the purposes of this Act.

(f) To execute contracts, grant or loan agreements, memoranda of understanding, intergovernmental cooperation agreements, and any other agreements with other State agencies and units of local government that are necessary to implement this Act.

(g) To execute contracts, memoranda of understanding, and any other agreements with not-for-profit corporations that are consistent with the purpose of this Act.

(h) To accept grants, loans, or appropriations from the federal government or the State, or any agency or instrumentality thereof, for the purposes of the Department under this Act, including to make loans of any funds and to enter into any agreement with the federal government or the State, or any agency or instrumentality thereof, in relationship to the grants, loans, or appropriations.

(i) To establish any interest rates, terms of repayment, and other terms and conditions regarding loans made pursuant to this Act that the Department deems necessary or appropriate to protect the public interest and carry out the purposes of this Act.

(j) To establish application, eligibility, selection, notification, contract, and other procedures, rules, or regulations deemed necessary and appropriate to carry out the provisions of this Act.

(k) To fix, determine, charge, and collect any premiums, fees, charges, costs, and expenses, including, without limitation, any application fees, commitment fees, program fees, or financing charges from any person in connection with its activities under this Act.

(l) To report annually to the Governor and the General Assembly on the progress made in implementing this Act and on the status of all real property acquired pursuant to the Act.

Section 20. Illinois Open Land Trust Program. The Department of Natural Resources shall develop and administer the Illinois Open Land Trust Program. The purpose of the program is to acquire real property, or conservation easements for natural areas, from willing sellers for conservation and recreation purposes. The land shall be chosen because it will preserve and enhance Illinois' natural

environment, create a system of open spaces and natural lands, and improve the quality of life and provide recreation opportunities for citizens of this State now and in the future.

Section 25. Grant program. From appropriations for these purposes, the Department may make grants to units of local government as financial assistance for the acquisition of open space and natural lands if the Department determines that the property interests are sufficient to carry out the purposes of this Act.

The Department shall adopt rules concerning the selection or grant recipients, amount of grant awards, and eligibility requirements. The rules must include the following additional requirements:

(1) No more than $2,000,000 may be awarded to any grantee for a single project for any fiscal year.

(2) Any grant under this Act must be conditioned upon the

grantee providing a required match as defined by rule.

(3) Funds may be used only to purchase interests in land from willing sellers and may not involve the use of eminent domain.

(4) The Department shall provide for a public meeting to be conducted by the Natural Resources Advisory Board prior to grant approval.

(5) All real property acquired with grant funds must be accessible to the public for conservation and recreation purposes, unless the Department determines that public accessibility would be detrimental to the real property or any associated natural resources.

(6) No real property acquired with grant funds may be sold, leased, exchanged, or otherwise encumbered, unless it is used to qualify for a federal program or, subject to Department approval, transferred to the federal government, the State, or a unit of local government for conservation and recreation purposes consistent with this Act.

(7) All grantees must agree to convey to the State at no charge a conservation easement on the lands to be acquired using the grant funds.

(8) Grantees must agree to manage lands in accordance with the terms of the grant. Any changes in management must be approved by the Department before implementation.

(9) The Department is authorized to promulgate, by rule, any other reasonable requirements determined necessary to effectively implement this Act.

Section 30. Open Lands Loan Program. The Department may establish an Open Lands Loan Program to make loans to units of local government for the purpose of assisting in the purchase of real property to protect open spaces and lands with significant natural resource attributes. For purposes of the program, and not by way of limitation on any other purposes or programs provided for in this Act, there is hereby established the Open Lands Loan Fund, a special fund in the State treasury. The Department has the power to use any appropriations from the State made for the purposes under this Act and to enter into any intergovernmental agreements with the federal

government or the State, or any instrumentality thereof, for purposes of capitalizing the Open Lands Loan Fund. Moneys in the Open Lands Loan Fund may be used for any purpose under the Open Lands Loan Program including, without limitation, the making of loans permitted under this Act.

The Department may establish and collect any fees and charges, determine and enforce any terms and conditions, and charge any interest rates that it determines to be necessary and appropriate to the successful administration of the Open Lands Loan Program. All principal and interest repayments on loans made using funds withdrawn from the Open Lands Loan Fund shall be deposited into the Open Lands Loan Fund to be used for the purposes of the Open Lands Loan program or for any other purpose under this Act that the Department, in its discretion, finds appropriate. Investment earnings on moneys held in the Open Lands Loan Fund or in any reserve fund or pledged fund created with funds withdrawn from the Open Lands Loan Fund must be treated in the same way as loan repayments. The Department shall promulgate rules concerning selection and eligibility requirements. The rules shall include the following additional requirements:

(1) Units of local government receiving loans under this Act to acquire real property must:

(A) agree to make and keep the lands accessible to the public for conservation and recreation, unless the Department determines that public accessibility would be

detrimental to the lands or any natural resources associated with the land;

(B) agree that all real property acquired with loan proceeds shall not be sold, leased, exchanged, or otherwise encumbered unless it is used to qualify for a federal program or, subject to Department approval, transferred to the federal government, the State, or a unit of local government for conservation and recreation purposes consistent with this Act;

(C) agree to execute and donate to the State at no charge a conservation easement on the lands to be acquired; and

(D) agree to manage lands in accordance with the terms of the loan. Any changes in management must be approved by the Department before implementation.

(2) Loans made by the Department to units of local government must be secured by interests in collateral and guarantees that the Department determines are necessary to protect the Department's interest in the repayment of the principal and interest, if any, of each loan made under this Section.

(3) Loans made by the Department may be used only to purchase interests in land from willing sellers and may not involve the use of eminent domain.

(4) Borrowers may not use the proceeds from other Department grant programs to repay loans made under this program.

(5) Borrowers must agree to manage lands in accordance with the terms of the loan. Any changes in management must be

approved by the Department before implementation.

(6) The Department is authorized to promulgate, by rule, other reasonable requirements necessary to effectively implement this Act.

Section 35. Community Planning Allowance. As provided in this Section, the Department is authorized to make grants to units of local government for the acquisition, development, construction, reconstruction, improvement, financing, architectural planning, and installation of capital facilities. The grants shall be available only in connection with lands acquired under this Act by the Department in fee simple title. The grants may be made to the units of local government in which the lands are located in an amount equal to 7% of the purchase price of the open space land acquired for qualified projects.

This Section does not apply to (i) counties with a population greater than 3,000,000 or (ii) counties contiguous to counties with a population greater than 3,000,000.

Section 810. The State Finance Act is amended by adding Section 5.490 as follows:

(30 ILCS 105/5.490 new)

Sec. 5.490. The Open Lands Loan Fund.

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

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

There being no further amendments, the foregoing Amendments numbered 1, 2 and 3, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

SENATE BILLS RECALLED

On motion of Senator O'Malley, **Senate Bill No. 6** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 6 on page 3, by inserting immediately below line 33 the following:

"The taxes imposed under this subparagraph 3 shall not be in addition to the tax authorized by subsection (c-5), but rather shall be an alternative method to impose the tax."; and

on page 7, by replacing lines 6 through 18 with the following:

"(c-5) A municipality may, by ordinance, allow a purchaser for non-residential electrical use (i) to elect to register with the municipality as a self-assessing purchaser in relation to payment of the tax imposed by subparagraph 3, on the privilege of using or consuming electricity, and (ii) to pay the tax imposed by subparagraph 3 directly to the municipality on the basis of the uniform percentage of the gross purchase price of electricity purchased at retail and used in the municipality rather than paying

the tax to the purchaser's delivering supplier. The maximum rate of tax for a self-assessing purchaser may not exceed 5% and the minimum rate of tax shall be no less than and, until December 31, 2008, the maximum rate of tax shall be no more than, the rate the municipality applied in the last full calendar year prior to the effective date of Section 65 of Public Act 90-561 (August 1, 1998) based on the purchase price of the electricity purchased at retail and used in the community as calculated on a monthly basis for each purchaser. The municipality shall establish by ordinance the requirements for (i) the voluntary election, registration, and termination of a self-assessing purchaser, (ii) direct return and payment of the taxes to the municipality by a self-assessing purchaser, and (iii) the rate of tax applied, which shall be the percent of the gross purchase price as provided in this subsection up to but not exceeding 5%. The taxes imposed under this subsection (c-5) shall not be in addition to the tax authorized by subparagraph 3, but rather shall be an alternative method to impose the tax.".

And on that motion, a call of the roll was had resulting as follows:

Yeas 34; Nays 23.

The following voted in the affirmative:

Bomke	Hawkinson	Madigan, R.	Radogno
Burzynski	Jacobs	Maitland	Rauschenberger
Cronin	Jones, W.	Myers	Rea
Dillard	Karpiel	Noland	Sieben
Donahue	Klemm	O'Malley	Sullivan
Dudycz	Lauzen	Parker	Syverson
Fawell	Link	Peterson	Walsh, T.
Geo-Karis	Luechtefeld	Petka	Watson
			Weaver
			Mr. President

The following voted in the negative:

Berman	Demuzio	Molaro	Smith
Bowles	Halvorson	Munoz	Trotter
Clayborne	Hendon	Obama	Viverito
Cullerton	Jones, E.	O'Daniel	Walsh, L.

DeLeo	Lightford	Shaw	Welch
del Valle	Madigan, L.	Silverstein	

The motion prevailed.

And the amendment was adopted and ordered printed.

Floor Amendment No. 2 was tabled in the Committee on Local Government by the sponsor.

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

On motion of Senator O'Malley, **Senate Bill No. 32** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 32 on page 4, line 26, by deleting "or park district"; and
on page 4, line 28, after "$200" by inserting ", except that a park district shall not be required to pay a fee for a providers' license".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator O'Malley, **Senate Bill No. 35** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 35, AS AMENDED, in Section 5, by replacing all of Sec. 14-15 with the following:

"(35 ILCS 200/14-15)

Sec. 14-15. Certificate of error; counties of 3,000,000 or more.

(a) In counties with 3,000,000 or more inhabitants, if, after the assessment is certified pursuant to Section 16-150, but subject to the limitations of subsection (c) of this Section, ~~at any time before judgment is rendered in any proceeding to collect or to enjoin the collection of taxes based upon any assessment of any property belonging to any taxpayer,~~ the county assessor discovers an error or mistake in the assessment, the assessor shall execute a certificate setting forth the nature and cause of the error. The certificate when endorsed by the county assessor, or when endorsed by the county assessor and board of appeals (until the first Monday in December 1998 and the board of review beginning the first Monday in December 1998 and thereafter) where the certificate is executed for any assessment which was the subject of a complaint filed in the board of appeals (until the first Monday in December 1998 and the board of review beginning the first Monday in December 1998 and thereafter) for the tax year for which the certificate is issued, may, either be certified according to the procedure authorized by this Section or be presented and received in evidence in any court of competent jurisdiction. Certification is authorized, at the discretion of the county assessor, for: (1) certificates of error allowing homestead exemptions pursuant to Sections 15-170, 15-172, and 15-175; (2) certificates of error on residential property of 6 units or less; (3)

certificates of error allowing exemption of the property pursuant to Section 14-25; and (4) other certificates of error reducing assessed

value by less than $100,000. Any certificate of error not certified shall be presented to the court. The county assessor shall develop reasonable procedures for the filing and processing of certificates of error. Prior to the certification or presentation to the court, the county assessor or his or her designee shall execute and include in the certificate of error a statement attesting that all procedural requirements pertaining to the issuance of the certificate of error have been met and that in fact an error exists. When so introduced in evidence such certificate shall become a part of the court records, and shall not be removed from the files except upon the order of the court.

Certificates of error that will be presented to the court shall be filed ~~A certificate executed under this Section may be issued to the person erroneously assessed. A certificate executed under this Section or a list of the parcels for which certificates have been issued may be presented by the assessor to the court~~ as an objection in the application for judgment and order of sale for the year in relation to which the certificate is made or as an amendment to the objection under subsection (b). Certificates of error that are to be certified according to the procedure authorized by this Section need not be presented to the court as an objection or an amendment under subsection (b). The State's Attorney of the county in which the property is situated shall mail a copy of any final judgment entered by the court regarding any ~~the~~ certificate of error to the taxpayer of record for the year in question.

Any unpaid taxes after the entry of the final judgment by the court or certification on certificates issued under this Section may be included in a special tax sale, provided that an advertisement is published and a notice is mailed to the person in whose name the taxes were last assessed, in a form and manner substantially similar to the advertisement and notice required under Sections 21-110 and 21-135. The advertisement and sale shall be subject to all provisions of law regulating the annual advertisement and sale of delinquent property, to the extent that those provisions may be made applicable.

A certificate of error certified ~~executed~~ under this Section ~~allowing homestead exemptions under Sections 15-170, 15-172, and 15-175 of this Act (formerly Sections 19.23-1 and 19.23-1a of the Revenue Act of 1939) not previously allowed~~ shall be given effect by the county treasurer, who shall mark the tax books and, upon receipt of one of the following certificates ~~certificate~~ from the county assessor or the county assessor and the board of review where the board of review is required to endorse the certificate of error, shall issue refunds to the taxpayer accordingly:

"CERTIFICATION

I, ..., county assessor, hereby certify that the Certificates of Error set out on the attached list have been duly issued to correct an error or mistake in the assessment ~~allow homestead exemptions pursuant to Sections 15-170, 15-172, and 15-175 of the Property Tax Code (formerly Sections 19.23-1 and 19.23-1a of the Revenue Act of 1939) which should have been previously allowed; and that a certified copy of the attached list and this certification have been served upon the county State's Attorney~~."

"CERTIFICATION

I, ..., county assessor, and we, ..., members

of the board of review, hereby certify that the Certificates of Error set out on the attached list have been duly issued to correct an error or mistake in the assessment and that any certificates of error required to be endorsed by the board of review have been so endorsed."

The county treasurer has the power to mark the tax books to reflect the issuance of ~~homestead~~ certificates of error certified according to the procedure authorized in this Section for certificates of error issued under Section 14-25 or certificates of error issued to and including 3 years after the date on which the annual judgment and order of sale for that tax year was first entered. The county treasurer has the power to issue refunds to the taxpayer as set forth above until all refunds authorized by this Section have been completed.

To the extent that the certificate of error obviates the liability for nonpayment of taxes, certification of a certificate of error according to the procedure authorized in this Section shall operate to vacate any judgment or forfeiture as to that year's taxes, and the warrant books and judgment books shall be marked to reflect that the judgment or forfeiture has been vacated.

~~The county treasurer has no power to issue refunds to the taxpayer as set forth above unless the Certification set out in this Section has been served upon the county State's Attorney.~~

(b) Nothing in subsection (a) of this Section shall be construed to prohibit the execution, endorsement, issuance, and adjudication of a certificate of error if (i) the annual judgment and order of sale for the tax year in question is reopened for further proceedings upon consent of the county collector and county assessor, represented by the State's Attorney, and (ii) a new final judgment is subsequently entered pursuant to the certificate. This subsection (b) shall be construed as declarative of existing law and not as a new enactment.

(c) No certificate of error, other than a certificate to establish an exemption under Section 14-25, shall be executed for any tax year more than 3 years after the date on which the annual judgment and order of sale for that tax year was first entered.

(d) The time limitation of subsection (c) shall not apply to a certificate of error correcting an assessment to $1, under Section 10-35, on a parcel that a subdivision or planned development has acquired by adverse possession, if during the tax year for which the certificate is executed the subdivision or planned development used the parcel as common area, as defined in Section 10-35, and if application for the certificate of error is made prior to December 1, 1997.

(e) The changes made by this amendatory Act of of the 91st General Assembly apply to certificates of error issued before, on, and after the effective date of this amendatory Act of the 91st General Assembly.

(Source: P.A. 89-126, eff. 7-11-95; 89-671, eff. 8-14-96; 90-4, eff. 3-7-97; 90-288, eff. 8-1-97; 90-655, eff. 7-30-98.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Watson, **Senate Bill No. 40** was recalled from the order of third reading to the order of second reading.

Senator Watson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 40, AS AMENDED, with

reference to page and line numbers of Senate Amendment No. 1,
on page 4, line 22, by inserting "not" after "Department";
on page 4, line 28, after "Act,", by inserting "the day following"; and
on page 7, in line 34, by replacing "Taxpayer's" with "Taxpayers' ";
on page 9, by replacing lines 18 and 19 with the following:
"employ at least 25 New Employees within the State as a direct result of the project; and"; and
on page 9, line 25, by deleting "within a designated location"; and
on page 10, by replacing lines 26 and 27 with the following:
"number of New Employees in Illinois as a result of that project."; and
on page 11, line 19, by replacing "project." with "project, considering local ability to assist."; and
on page 13, by replacing lines 22 through 24 with the following:
"operations at the project location that shall be stated as a minimum number of years not to exceed 10."; and
on page 33, in line 27, be deleting the "be" following "made";
on page 40, line 10, by replacing "securities" with "security investments".
on page 40, in line 18, be replacing "business's" with "businesses' ";
on page 40, in line 20, by replacing "firm's" with "firms' ";
on page 54, in line 11, by replacing "business" with "businesses";
on page 54, in line 20, by replacing "offices" with "officers";
on page 59, in line 12, by replacing "workships" with "workshops";

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 79** was recalled from the order of third reading to the order of second reading.

Senator del Valle offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 79, AS AMENDED, in Section 5, in the sentence beginning with the words ""Day labor" means", by

deleting "temporary" both of the times it appears; and
by replacing all of Section 10 with the following:

"Section 10. Statement.

(a) Whenever a day labor service agency agrees to send one or more persons to work as day laborers, the day labor service agency shall, upon request by a day laborer, provide to the day laborer a statement containing the following items: "Name and nature of the work to be performed", "wages offered", "destination of the person employed", "terms of transportation", and whether a meal and equipment is provided, either by the day labor service or the third party employer, and the cost of the meal and equipment, if any.

(b) No day labor service agency may send any day laborer to any place where a strike, a lockout, or other labor trouble exists without first notifying the day laborer of the conditions.

(c) The Department shall recommend to day labor service agencies that those agencies employ personnel who can effectively communicate information required in subsections (a) and (b) to day laborers in Spanish, Polish, or any other language that is generally used in the locale of the day labor agency."; and

in the 2 sentences that follow the Section heading of Section 35, by

deleting "temporary" both of the times it appears.

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Dillard, **Senate Bill No. 113** was recalled from the order of third reading to the order of second reading.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 113 on page 1, by replacing lines 5 through 30 with the following:

"Section 5. The Illinois Administrative Procedure Act is amended by changing Sections 1-5, 1-15, 1-30, 10-5, 10-15, 10-20, 10-25, 10-45, 10-50, 10-60, and 10-65 and adding Section 1-13 and Article 12 as follows:

(5 ILCS 100/1-5) (from Ch. 127, par. 1001-5)

Sec. 1-5. Applicability.

(a) This Act applies to every agency as defined in this Act. Beginning January 1, 1978, in case of conflict between the provisions of this Act and the Act creating or conferring power on an agency, this Act shall control. ~~If, however, an agency (or its predecessor in the case of an agency that has been consolidated or reorganized) has existing procedures on July 1, 1977, specifically for contested cases or licensing, those existing provisions control, except that this exception respecting contested cases and licensing does not apply if the Act creating or conferring power on the agency adopts by express reference the provisions of this Act.~~ Where the Act creating

or conferring power on an agency establishes administrative procedures not covered by this Act, those procedures shall remain in effect.

(b) The provisions of this Act do not apply to (i) preliminary hearings, investigations, or practices where no final determinations affecting State funding are made by the State Board of Education, (ii) legal opinions issued under Section 2-3.7 of the School Code, (iii) as to State colleges and universities, their disciplinary and grievance proceedings, academic irregularity and capricious grading proceedings, and admission standards and procedures, and (iv) the class specifications for positions and individual position descriptions prepared and maintained under the Personnel Code. Those class specifications shall, however, be made reasonably available to the public for inspection and copying. The provisions of this Act do not apply to hearings under Section 20 of the Uniform Disposition of Unclaimed Property Act.

(c) Section 5-35 of this Act relating to procedures for rulemaking does not apply to the following:

(1) Rules adopted by the Pollution Control Board that, in accordance with Section 7.2 of the Environmental Protection Act, are identical in substance to federal regulations or amendments to those regulations implementing the following: Sections 3001, 3002, 3003, 3004, 3005, and 9003 of the Solid Waste Disposal Act; Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; Sections 307(b), 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal Water Pollution Control Act; and Sections 1412(b), 1414(c), 1417(a), 1421, and 1445(a) of the Safe Drinking Water Act.

(2) Rules adopted by the Pollution Control Board that

establish or amend standards for the emission of hydrocarbons and carbon monoxide from gasoline powered motor vehicles subject to inspection under Section 13A-105 of the Vehicle Emissions Inspection Law and rules adopted under Section 13B-20 of the Vehicle Emissions Inspection Law of 1995.

(3) Procedural rules adopted by the Pollution Control Board governing requests for exceptions under Section 14.2 of the Environmental Protection Act.

(4) The Pollution Control Board's grant, pursuant to an adjudicatory determination, of an adjusted standard for persons who can justify an adjustment consistent with subsection (a) of Section 27 of the Environmental Protection Act.

(5) Rules adopted by the Pollution Control Board that are identical in substance to the regulations adopted by the Office of the State Fire Marshal under clause (ii) of paragraph (b) of subsection (3) of Section 2 of the Gasoline Storage Act.

(d) Pay rates established under Section 8a of the Personnel Code shall be amended or repealed pursuant to the process set forth in Section 5-50 within 30 days after it becomes necessary to do so due to a conflict between the rates and the terms of a collective bargaining agreement covering the compensation of an employee subject to that Code.

(e) Section 10-45 of this Act shall not apply to any hearing,

proceeding, or investigation conducted under Section 13-515 of the Public Utilities Act.
(Source: P.A. 90-9, eff. 7-1-97; 90-185, eff. 7-23-97; 90-655, eff. 7-30-98.)

(5 ILCS 100/1-13 new)

Sec. 1-13. "Administrative hearing" means any hearing required to comply with the provisions of this Act concerning a contested case.

(5 ILCS 100/1-15) (from Ch. 127, par. 1001-15)

Sec. 1-15. "Administrative law judge" means the presiding officer or officers at the initial administrative hearing before each agency and each continuation of that administrative hearing. The term also includes but is not limited to hearing examiners, hearing officers, referees, and arbitrators.
(Source: P.A. 87-823.)

(5 ILCS 100/1-30) (from Ch. 127, par. 1001-30)

Sec. 1-30. "Contested case" means an adjudicatory proceeding (not including ratemaking, rulemaking, or quasi-legislative, informational, or similar proceedings) in which the individual legal rights, duties, or privileges of a party are required by law to be determined by an agency only after an opportunity for an administrative ~~a~~ hearing.
(Source: P.A. 87-823.)

(5 ILCS 100/10-5) (from Ch. 127, par. 1010-5)

Sec. 10-5. Rules required for hearings. All agencies shall adopt rules establishing procedures for administrative ~~contested case~~ hearings.
(Source: P.A. 87-823.)

(5 ILCS 100/10-15) (from Ch. 127, par. 1010-15)

Sec. 10-15. Standard of proof. Unless otherwise provided by law or stated in the agency's rules, the standard of proof in any administrative ~~contested case~~ hearing conducted under this Act by an agency shall be the preponderance of the evidence.
(Source: P.A. 87-823.)

(5 ILCS 100/10-20) (from Ch. 127, par. 1010-20)

Sec. 10-20. Qualifications of administrative law judges. ~~All~~ Agencies shall adopt rules concerning the minimum qualifications of administrative law judges for administrative ~~contested case~~ hearings

not subject to Article 12 of this Act. The agency head or an attorney licensed to practice law in Illinois may act as an administrative law judge or panel for an agency without adopting any rules under this Section. The ~~These~~ rules may be adopted using the procedures in either Section 5-15 or 5-35.
(Source: P.A. 87-823.)

(5 ILCS 100/10-25) (from Ch. 127, par. 1010-25)

Sec. 10-25. Notice of contested cases; administrative ~~notice;~~ hearing.

(a) In a contested case, all parties shall be afforded an opportunity for an administrative ~~a~~ hearing after reasonable notice. The notice shall be served personally or by certified or registered mail or as otherwise provided by law upon the parties or their agents appointed to receive service of process and shall include the

following:

(1) A statement of the time, place, and nature of the administrative hearing.

(2) A statement of the legal authority and jurisdiction under which the administrative hearing is to be held.

(3) A reference to the particular Sections of the substantive and procedural statutes and rules involved.

(4) Except where a more detailed statement is otherwise provided for by law, a short and plain statement of the matters asserted, the consequences of a failure to respond, and the official file or other reference number.

(5) The names and mailing addresses of the administrative law judge, all parties, and all other persons to whom the agency gives notice of the administrative hearing unless otherwise confidential by law.

(b) An opportunity shall be afforded all parties to be represented by legal counsel and to respond and present evidence and argument.

(c) Unless precluded by law, disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(Source: P.A. 87-823.)

(5 ILCS 100/10-45) (from Ch. 127, par. 1010-45)

Sec. 10-45. Proposal for decision. Except where otherwise expressly provided by law, when in a contested case a majority of the officials of the agency who are to render the final decision has not heard the case or read the record, the decision, if adverse to a party to the proceeding other than the agency, shall not be made until a proposal for decision is served upon the parties and an opportunity is afforded to each party adversely affected to file exceptions and to present a brief and, if the agency so permits, oral argument to the agency officials who are to render the decision. The proposal for decision shall contain a statement of the reasons therefor and of each issue of fact or law necessary to the proposed decision and shall be prepared by the persons who conducted the administrative hearing or one who has read the record.

(Source: P.A. 87-823.)

(5 ILCS 100/10-50) (from Ch. 127, par. 1010-50)

Sec. 10-50. Decisions and orders.

(a) A final decision or order adverse to a party (other than the agency) in a contested case shall be in writing or stated on ~~in~~ the record. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each

proposed finding. Parties or their agents appointed to receive service of process shall be notified either personally or by registered or certified mail of any decision or order. Upon request a copy of the decision or order shall be delivered or mailed forthwith to each party and to each ~~his~~ attorney of record.

(b) All agency orders shall specify whether they are final and subject to the Administrative Review Law.

(c) A decision by any agency in a contested case under this Act shall be void unless the proceedings are conducted in compliance with the provisions of this Act relating to contested cases, except to the extent those provisions are waived under Section 10-75 ~~and except to the extent the agency has adopted its own rules for contested cases as authorized in Section 1-5~~.

(Source: P.A. 87-823.)

(5 ILCS 100/10-60) (from Ch. 127, par. 1010-60)

Sec. 10-60. Ex parte communications.

(a) Except in the disposition of matters that agencies are authorized by law to entertain or dispose of on an ex parte basis, agency heads, agency employees, and administrative law judges shall not, after notice of hearing in a contested case or licensing to which the procedures of a contested case apply under this Act, communicate, directly or indirectly, in connection with any issue of fact, with any person or party, or in connection with any other issue with any party or the representative of any party, without ~~except upon~~ notice and opportunity for all parties to participate.

(b) However, an agency member may communicate with other members of the agency, and an agency member or administrative law judge may have the aid and advice of one or more personal assistants.

(c) An ex parte communication received by any agency head, agency employee, or administrative law judge shall be made a part of the record of the pending matter, including all written communications, all written responses to the communications, and a memorandum stating the substance of all oral communications and all responses made and the identity of each person from whom the ex parte communication was received.

(d) Communications regarding matters of procedure and practice, such as the format of pleadings, number of copies required, manner of service, scheduling, and status of proceedings, are not considered ex parte communications under this Section.

(Source: P.A. 87-823.)

(5 ILCS 100/10-65) (from Ch. 127, par. 1010-65)

Sec. 10-65. Licenses.

(a) When any licensing is required by law to be preceded by notice and an opportunity for an administrative ~~a~~ hearing, the provisions of this Act concerning contested cases shall apply.

(b) When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect until the final agency decision on the application has been made unless a later date is fixed by order of a reviewing court.

(c) An application for the renewal of a license or a new license shall include the applicant's social security number. Each agency shall require the licensee to certify on the application form, under penalty of perjury, that he or she is not more than 30 days delinquent in complying with a child support order. Every application shall state that failure to so certify shall result in disciplinary action, and that making a false statement may subject the licensee to contempt of court. The agency shall notify each applicant or licensee who acknowledges a delinquency or who, contrary to his or her certification, is found to be delinquent or who after

receiving notice, fails to comply with a subpoena or warrant relating to a paternity or a child support proceeding, that the agency intends to take disciplinary action. Accordingly, the agency shall provide written notice of the facts or conduct upon which the agency will rely to support its proposed action and the applicant or licensee shall be given an opportunity for an administrative ~~a~~ hearing in accordance with the provisions of the Act concerning contested cases. Any delinquency in complying with a child support order can be remedied by arranging for payment of past due and current support. Any failure to comply with a subpoena or warrant relating to a paternity or child support proceeding can be remedied by complying with the subpoena or warrant. Upon a final finding of delinquency or failure to comply with a subpoena or warrant, the agency shall suspend, revoke, or refuse to issue or renew the license. In cases in which the Department of Public Aid has previously determined that an applicant or a licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the licensing agency, the licensing agency shall refuse to issue or renew or shall revoke or suspend that person's license based solely upon the certification of delinquency made by the Department of Public Aid. Further process, hearings, or redetermination of the delinquency by the licensing agency shall not be required. The licensing agency may issue or renew a license if the licensee has arranged for payment of past and current child support obligations in a manner satisfactory to the Department of Public Aid. The licensing agency may impose conditions, restrictions, or disciplinary action upon that license.

(d) Except as provided in subsection (c), no agency shall revoke, suspend, annul, withdraw, amend materially, or refuse to renew any valid license without first giving written notice to the licensee of the facts or conduct upon which the agency will rely to support its proposed action and an opportunity for an administrative ~~a~~ hearing in accordance with the provisions of this Act concerning contested cases. At the administrative hearing, the licensee shall have the right to show compliance with all lawful requirements for the retention, continuation, or renewal of the license. If, however, the agency finds that the public interest, safety, or welfare imperatively requires emergency action, and if the agency incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. Those proceedings shall be promptly instituted and determined.

(e) Any application for renewal of a license that contains required and relevant information, data, material, or circumstances that were not contained in an application for the existing license shall be subject to the provisions of subsection (a).
(Source: P.A. 89-6, eff. 3-6-95; 90-18, eff. 7-1-97.)"; and
on page 2, by replacing lines 4 through 18 with the following:

"Sec. 12-5. Applicability. This Article applies to all agencies under the jurisdiction of the Governor other than the following:

(a) Illinois Labor Relations Boards created under the Illinois Public Labor Relations Act;

(b) Illinois Education Labor Relations Board;

(c) Illinois Commerce Commission;
(d) Illinois Industrial Commission;
(e) Civil Service Commission;
(f) Pollution Control Board;
(g) Illinois State Police Merit Board;
(h) Property Tax Appeal Board; and
(i) Human Rights Commission."; and

on page 4, by replacing lines 1 through 11 with the following:

"positions. The Chief Administrative Law Judge may employ and direct other staff, including administrative, technical, clerical, and other specialized or technical personnel that may be necessary to carry out the purposes of this Article.

(1) Except as otherwise provided in paragraph (2) of this subsection, each administrative law judge must have been admitted to practice as an attorney in this State for at least 5 years and must have a demonstrated knowledge of and experience in administrative law and procedure that is suitable to the duties of the Office. An administrative law judge must be a full-time or part-time employee of the Office, except that the Chief Administrative Law Judge may contract for the services of an attorney to serve as an administrative law judge for a specific case, when necessary, because of a lack of available employees with the expertise required to handle a specialized contested case.

(2) The Chief Administrative Law Judge may employ persons who are not admitted to practice as an attorney to act as administrative law judges if they are transferred to the Office under subsection (c) of Section 12-40 of this Article. The Chief Administrative Law Judge may also employ or contract with persons not admitted to practice law if those persons have the requisite knowledge of administrative law and procedure and the specialized subject-matter expertise to act as administrative law judges in highly technical cases."; and

on page 6, by replacing lines 7 through 18 with the following:

"Sec. 12-30. Proceedings. Beginning on January 1, 2001, an administrative law judge of the Office shall preside over any administrative hearing of any agency subject to this Article, except that an administrative hearing in a contested case commenced prior to January 1, 2001 and pending before an administrative law judge not transferred to the Office of Administrative Hearings by operation of Section 12-40 of this Article shall not be heard by an administrative law judge of the Office without the agreement of the parties."; and

on page 10, lines 8, 9, and 18, by replacing "1999" each time it appears with "2000"; and

on page 10, lines 19, 23, and 27, by replacing "2000" each time it appears with "2001"; and

on page 10, by deleting lines 31 and 32; and

by deleting pages 11 through 18; and

on page 19, by deleting lines 1 through 19.

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Watson, **Senate Bill No. 149** was recalled from the order of third reading to the order of second reading.

Senator Watson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 149 by replacing the title with the following:

"AN ACT to amend the Emergency Telephone System Act by changing Section 15.6."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Emergency Telephone System Act is amended by changing Section 15.6 as follows:

(50 ILCS 750/15.6)

Sec. 15.6. Enhanced 9-1-1 service; business service.

(a) After June 30, 2000, or within 18 months after enhanced 9-1-1 service becomes available, any entity that installs or operates a private business switch service and provides telecommunications facilities or services to businesses shall assure that the system is connected to the public switched network in a manner that calls to 9-1-1 result in automatic number and location identification. For buildings having their own street address and containing workspace of 40,000 square feet or less, location identification shall include the building's street address. For buildings having their own street address and containing workspace of more than 40,000 square feet, location identification shall include the building's street address and one distinct location identification per 40,000 square feet of workspace. Separate buildings containing workspace of 40,000 square feet or less having a common public street address shall have a distinct location identification for each building in addition to the street address.

(b) Exemptions. Buildings containing workspace of more than 40,000 square feet are exempt from the multiple location identification requirements of subsection (a) if the building maintains, at all times, alternative and adequate means of signaling and responding to emergencies. Those means shall include a telephone system that provides the physical location of 9-1-1 calls coming from within the building. Buildings under this exemption must provide 9-1-1 service that provides the building's street address.

Buildings containing workspace of more than 40,000 square feet are exempt from subsection (a) if the building maintains, at all times, alternative and adequate means of signaling and responding to emergencies, including a telephone system that provides the location of a 9-1-1 call coming from within the building, and the building is serviced by its own medical, fire and security personnel. Buildings under this exemption are subject to emergency phone system certification by the Illinois Commerce Commission.

Buildings in communities not serviced by enhanced 9-1-1 service

are exempt from subsection (a). ~~Private business switch service 9-1-1 service.~~

~~(a) After June 30, 1996, an entity that installs or operates a new private business switch service or replaces an existing private business switch service and provides telecommunications facilities or services to businesses shall provide to those business end users the same level of 9-1-1 service as the public agency and the telecommunications carrier are providing to other business end users of the local 9-1-1 system. This service shall include, but not be limited to, the capability to identify the telephone number, extension number, and the physical location that is the source of the call to the number designated as the emergency telephone number. After June 30, 1999, all entities providing or operating a private business switch service shall be in compliance with this Section.~~

~~(b) The private business switch operator is responsible for forwarding end user automatic location identification record information to the 9-1-1 system provider according to the format, frequency, and procedures established by that system provider.~~

(c) This Act does not apply to any PBX telephone extension that uses radio transmissions to convey electrical signals directly between the telephone extension and the serving PBX.

(d) An entity that violates this Section is guilty of a business offense and shall be fined not less than $1,000 and not more than $5,000.

(e) Nothing in this Section shall be construed to preclude the Attorney General on behalf of the Commission or on his or her own

initiative, or any other interested person, from seeking judicial relief, by mandamus, injunction, or otherwise, to compel compliance with this Section.

(f) The Commission shall promulgate rules for the administration of this Section no later than January 1, 2000.

(Source: P.A. 88-604, eff. 9-1-94; 89-222, eff. 1-1-96; 89-497, eff. 6-27-96.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Klemm, **Senate Bill No. 171** was recalled from the order of third reading to the order of second reading.

Senator Klemm offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 171 on page 1, in line 1, by deleting ", amending named Acts"; and

on page 3, in line 18, by deleting "or fire"; and

on page 3, in line 20, by deleting "or fire"; and

on page 3, in line 23, by deleting "or firefighters"; and
on page 3, in lines 23 and 24, by deleting "or fire"; and
by deleting lines 10 through 32 on page 4 and lines 1 through 26 on page 5.

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

Senator Klemm offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 171, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 10-2.1-4 as follows:

(65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

Sec. 10-2.1-4. Fire and police departments - Appointment of members - Certificates of appointments.

The board of fire and police commissioners shall appoint all officers and members of the fire and police departments of the municipality, including the chief of police and the chief of the fire department, unless the council or board of trustees shall by ordinance as to them otherwise provide; except as otherwise provided in this Section, and except that in any municipality which adopts or has adopted this Division 2.1 and also adopts or has adopted Article 5 of this Code, the chief of police and the chief of the fire department shall be appointed by the municipal manager, if it is provided by ordinance in such municipality that such chiefs, or either of them, shall not be appointed by the board of fire and police commissioners.

If the chief of the fire department or the chief of the police department or both of them are appointed in the manner provided by ordinance, they may be removed or discharged by the appointing authority. In such case the appointing authority shall file with the corporate authorities the reasons for such removal or discharge,

which removal or discharge shall not become effective unless confirmed by a majority vote of the corporate authorities.

If a member of the department is appointed Chief of Police or Chief of the Fire Department prior to being eligible to retire on pension he shall be considered as on furlough from the rank he held immediately prior to his appointment as chief. If he resigns as Chief or is discharged as Chief prior to attaining eligibility to retire on pension, he shall revert to and be established in such prior rank, and thereafter be entitled to all the benefits and emoluments of such prior rank, without regard as to whether a vacancy then exists in such rank.

All appointments to each department other than that of the lowest rank, however, shall be from the rank next below that to which the appointment is made except as otherwise provided in this Section, and except that the chief of police and the chief of the fire department may be appointed from among members of the police and fire departments, respectively, regardless of rank, unless the council or

board of trustees shall have by ordinance as to them otherwise provided.

The sole authority to issue certificates of appointment shall be vested in the Board of Fire and Police Commissioners and all certificates of appointments issued to any officer or member of the fire or police department of a municipality shall be signed by the chairman and secretary respectively of the board of fire and police commissioners of such municipality, upon appointment of such officer or member of the fire and police department of such municipality by action of the board of fire and police commissioners.

The term "policemen" as used in this Division does not include auxiliary policemen except as provided for in Section 10-2.1-6.

Any full time member of a regular fire or police department of any municipality which comes under the provisions of this Division or adopts this Division 2.1 or which has adopted any of the prior Acts pertaining to fire and police commissioners, is a city officer.

Notwithstanding any other provision of this Section, the Chief of Police of a department in a non-homerule municipality of more than 130,000 inhabitants may, without the advice or consent of the Board of Fire and Police Commissioners, appoint up to 6 officers who shall be known as deputy chiefs or assistant deputy chiefs, and whose rank shall be immediately below that of Chief. The deputy or assistant deputy chiefs may be appointed from any rank of sworn officers of that municipality, but no person who is not such a sworn officer may be so appointed. Such deputy chief or assistant deputy chief shall have the authority to direct and issue orders to all employees of the Department holding the rank of captain or any lower rank.

Notwithstanding any other provision of this Section, a non-homerule municipality of 130,000 or fewer inhabitants, through its council or board of trustees, may, by ordinance, provide for a position of deputy chief to be appointed by the chief of the police department. The ordinance shall provide for no more than one deputy chief position within the police department. The deputy chief position shall be an exempt rank immediately below that of Chief. The deputy chief may be appointed from any supervisory rank of sworn, full-time officers of the municipality's police department. A deputy chief shall serve at the discretion of the Chief and, if removed from the position, shall revert to the rank held immediately prior to appointment to the deputy chief position. For the purposes of this paragraph, "supervisory rank" means a rank, the holder of which is excluded from participating in a collective bargaining unit by virtue of his or her supervisory responsibilities.

No municipality having a population less than 1,000,000 shall require that any fireman appointed to the lowest rank serve a

probationary employment period of longer than one year. The limitation on periods of probationary employment provided in this amendatory Act of 1989 is an exclusive power and function of the State. Pursuant to subsection (h) of Section 6 of Article VII of the Illinois Constitution, a home rule municipality having a population less than 1,000,000 must comply with this limitation on periods of probationary employment, which is a denial and limitation of home rule powers. Notwithstanding anything to the contrary in this

Section, the probationary employment period limitation shall not apply to a fireman whose position also includes paramedic responsibilities.
(Source: P.A. 86-990.)
Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Klemm, **Senate Bill No. 175** having been recalled from the order of third reading to the order of second reading earlier today, was again taken up on second reading.
Senator Klemm moved to reconsider the vote by which Amendment No. 2 was adopted.
The motion prevailed.
Senator Klemm moved that Amendment No. 2 to **Senate Bill No. 175** be ordered to lie on the table.
The motion to table prevailed.
Senator Klemm offered the following amendment and moved its adoption:

AMENDMENT NO. 3
AMENDMENT NO. 3. Amend Senate Bill 175 as follows:
on page 5, line 30, by replacing "1.00%" with "1.05%"; and
on page 11, line 24, by replacing "1.00%" with "1.05%".

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 188** was recalled from the order of third reading to the order of second reading.
Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2
AMENDMENT NO. 2. Amend Senate Bill 188, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, on page 1, line 7, by deleting "retail sales receipt and"; and
on page 1, line 12, by deleting "retail sales receipt or a"; and
on page 1, by replacing lines 15 and 16 with the following: "counterfeit, altered, or simulated"; and
on page 1, line 19, by deleting "retail sales receipts or".

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendment No. 2

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

On motion of Senator Halvorson, **Senate Bill No. 223** was recalled from the order of third reading to the order of second reading.

Floor Amendments numbered 1 and 2 were held in the Committee on Judiciary.

Senator Halvorson offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 223, on page 1, by replacing line 29 with the following:

"convicted of a felony to the"; and

on page 1, line 30, by replacing "and circuit clerk" with "and, in cases in which revocation upon release from the Department of Corrections of the person's driver's license was a part of the sentence, to the circuit clerk"; and

on page 2, line 1, by replacing "and circuit clerk" with "and, in cases in which revocation upon release from the Department of Corrections of the person's driver's license was a part of the sentence, to the circuit clerk".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Sieben, **Senate Bill No. 353**, having been recalled from the order of third reading to the order of second reading earlier today, was again taken up on second reading.

Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 353

on page 1, lines 8 and 9, by replacing "for detachment" with "to detach previously annexed territory"; and

on page 3, by replacing lines 8 through 11 with the following:

"Also in addition, within 24 months after the effective date of this amendatory Act of the 91st General Assembly, the legal voters residing within a hospital district may file a petition for detachment from the hospital district where (i) the territory sought to be detached was added to the hospital district by way of annexation; and (ii) the equalized assessed valuation of the territory sought to be detached constitutes less than 20% of the equalized assessed valuation of the hospital district. The petition must be signed by not less than 5% of the legal voters of the territory sought to be detached."; and

on page 3, line 12, by deleting "detached.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a

third reading.

On motion of Senator Burzynski, **Senate Bill No. 367** was recalled from the order of third reading to the order of second reading.

Senator Burzynski offered the following amendment and moved its

adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 367 on page 2, by replacing lines 24 through 27 with the following:

"are conducted without a fee (other than voluntary donations), by charitable organizations acting in the public welfare under"; and

on page 6, by replacing line 13 with the following:

"An applicant for initial ~~original~~ licensure in".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Burzynski, **Senate Bill No. 368** was recalled from the order of third reading to the order of second reading.

Senator Burzynski offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 368 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Mail Order Contact Lens Act.

Section 5. Definitions. As used in this Act:

"Contact lens prescription" means a written order bearing the original signature of a duly licensed optometrist or physician or an oral or electronic order issued directly by an optometrist or physician that authorizes the dispensing of contact lenses to a patient.

"Department" means the Department of Professional Regulation.

"Mail-order ophthalmic provider" means an entity that dispenses contact lenses through the United States Postal Service or other common carrier to Illinois residents.

Section 10. Dispensing contact lenses. A mail-order ophthalmic provider may dispense contact lenses in this State or to a patient in this State only in accordance with a contact lens prescription.

Section 15. Rules. The Department shall promulgate rules, as may be necessary, for the administration of this Act, including without limitation rules requiring registration and certification of mail order ophthalmic providers under Section 20. Notice of proposed rulemaking shall be transmitted to the Illinois Optometric Licensing and Disciplinary Board, and the Department shall review the response from the Board and any recommendations it makes.

Section 20. Nonresident mail-order opthalmic provider

registration.

(a) The Department shall require and provide for an annual registration for all mail-order ophthalmic providers located outside of this State, including those providing services via the Internet, that dispense contact lenses to Illinois residents. A mail-order ophthalmic provider's registration shall be granted by the Department upon the disclosure and certification by a mail-order ophthalmic provider of all of the following:

(1) That it is licensed or registered to distribute contact lenses in the state in which the dispensing facility is located and from which the contact lenses are dispensed, if required.

(2) The location, names, and titles of all principal corporate officers and the person who is responsible for overseeing the dispensing of contact lenses to residents of this

State.

(3) That it complies with all lawful directions and appropriate requests for information from the appropriate agency of each state in which it is licensed or registered.

(4) That it will respond directly to all communications from the Department concerning emergency circumstances arising from the dispensing of contact lenses to residents of this State.

(5) That it maintains its records of contact lenses dispensed to residents of this State so that the records are readily retrievable.

(6) That it cooperates with the Department in providing information to the appropriate agency of the state in which it is licensed or registered concerning matters related to the dispensing of contact lenses to residents of this State.

(7) That it conducts business in a manner that conforms with Section 10 of this Act.

(8) That it provides a toll-free telephone service for responding to patient questions and complaints during its regular hours of operation. The toll-free number shall be included in literature provided with mailed contact lenses. All questions relating to eye care for the lenses prescribed shall be referred back to the contact lens prescriber.

(9) That it provides the following or a substantially equivalent written notification to the patient whenever contact lenses are supplied: WARNING: IF YOU ARE HAVING ANY OF THE FOLLOWING SYMPTOMS REMOVE YOUR LENSES IMMEDIATELY AND CONSULT YOUR EYE CARE PRACTITIONER BEFORE WEARING YOUR LENSES AGAIN: UNEXPLAINED EYE DISCOMFORT, WATERING, VISION CHANGE, OR REDNESS.

(b) The Department shall provide a copy of this Act and its rules, and the Illinois Optometric Practice Act of 1987 and its rules, with each application for registration.

Section 25. Fees. The Department shall provide by rule for a schedule of fees for the administration and enforcement of this Act. The fees shall be nonrefundable.

All fees collected under this Act shall be deposited into the General Professions Dedicated Fund and, subject to appropriation, shall be used by the Department for the ordinary and contingent expenses of the Department in the administration of this Act.

Section 30. Violation; civil penalty.

(a) Any person who dispenses, offers to dispense, or attempts to dispense contact lenses in violation of this Act or its rules shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in the Illinois Administrative Procedure Act.

(b) The Department may investigate all violations of this Act.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order constitutes a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

Section 35. Deposit of civil penalties; appropriations. All of the civil penalties collected under this Act shall be deposited in the General Professions Dedicated Fund. All moneys in the Fund shall be used by the Department, as appropriated, for the ordinary and contingent expenses of the Department.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

third reading.

On motion of Senator Syverson, **Senate Bill No. 457** was recalled from the order of third reading to the order of second reading.

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 457, by replacing the title with the following:

"AN ACT to amend the Illinois Plumbing License Law."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Plumbing License Law is amended by changing Sections 2, 3, and 19 and adding Section 2.5 as follows:

(225 ILCS 320/2) (from Ch. 111, par. 1102)

Sec. 2. When used in this Act:

"Agent" means a person designated by a sponsor as responsible for supervision of an apprentice plumber and who is also an Illinois licensed plumber.

"Apprentice plumber" means any licensed person who is learning and performing plumbing under the supervision of a sponsor or his agent in accordance with the provisions of this Act.

"Approved apprenticeship program" means an apprenticeship program approved by the U.S. Department of Labor's Bureau of Apprenticeship and Training and the Department under rules.

"Board" means the Illinois State Board of Plumbing Examiners.

"Building drain" means that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys

it to 5 feet beyond the foundation walls where it is connected to the building sewer.

"Building sewer" means that part of the horizontal piping of a drainage system that extends from the end of the building drain, receives the discharge of the building drain and conveys it to a public sewer or private sewage disposal system.

"Department" means the Illinois Department of Public Health.

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

"Governmental unit" means a city, village, incorporated town, county, or sanitary or water district.

"Irrigation contractor" means a registered person authorized to install or supervise the installation of lawn irrigation systems.

"Lawn irrigation ~~sprinkler~~ system" means any underground irrigation system of lawn, shrubbery and other vegetation from any potable water sources; and from any water sources, whether or not potable, in: (i) any county with a population of 3,000,000 or more; (ii) any county with a population of 275,000 or more which is contiguous in whole or in part to a county with a population of 3,000,000 or more; and (iii) any county with a population of 37,000 or more but less than 150,000 which is contiguous to 2 or more counties with respective populations in excess of 275,000. Such system includes without limitation the water supply piping, valves and sprinkler heads or other irrigation outlets. "Lawn irrigation ~~sprinkler~~ system" does not include an irrigation system used primarily for agricultural purposes, including irrigation systems used at nurseries, garden centers, and landscape holding yards for production and maintenance of plant materials.

"Person" means any natural person, firm, corporation, partnership, or association.

"Plumber" means any licensed person authorized to perform plumbing as defined in this Act, but does not include retired

plumbers as defined in this Act.

"Plumbing" means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person.

"Plumbing" includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation backflow prevention devices between a lawn irrigation system and ~~sprinkler systems, from~~ the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble.

"Plumbing" includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems.

"Plumbing" includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system 5 feet beyond the foundation walls.

"Plumbing" does not mean or include the trade of installing or maintaining lawn irrigation systems connected to properly installed

backflow prevention devices, the trade of drain-laying, the trade of drilling water wells which constitute the sources of private water supplies, and of making connections between such wells and pumping units in the water supply systems of buildings served by such private water supplies, or the business of installing water softening equipment and of maintaining and servicing the same, or the business of manufacturing or selling plumbing fixtures, appliances, equipment or hardware, or to the installation and servicing of electrical equipment sold by a not-for-profit corporation providing electrification on a cooperative basis, that either on or before January 1, 1971, is or has been financed in whole or in part under the federal "Rural Electrification Act of 1936" and the Acts amendatory thereof and supplementary thereto, to its members for use on farms owned by individuals or operated by individuals, nor does it mean or include minor repairs which do not require changes in the piping to or from plumbing fixtures or involve the removal, replacement, installation or re-installation of any pipe or plumbing fixtures. Plumbing does not include the installation, repair, maintenance, alteration or extension of building sewers.

"Plumbing fixtures" means installed receptacles, devices or appliances that are supplied with water or that receive or discharge liquids or liquid borne wastes, with or without discharge into the drainage system with which they may be directly or indirectly connected. "Plumbing fixtures" does not include lawn irrigation systems that are properly connected to backflow prevention devices.

"Plumbing system" means the water service, water supply and distribution pipes; plumbing fixtures and traps; soil, waste and vent pipes; building drains; including their respective connections, devices and appurtenances. "Plumbing system" does not include building sewers as defined in this Act or lawn irrigation systems that are properly connected to backflow prevention devices.

"Retired plumber" means any licensed plumber in good standing who meets the requirements of this Act and the requirements prescribed by Department rule to be licensed as a retired plumber and voluntarily surrenders his plumber's license to the Department, in exchange for a retired plumber's license. Retired plumbers cannot perform plumbing as defined in this Act, cannot sponsor or supervise apprentice plumbers, and cannot inspect plumbing under this Act. A retired plumber cannot fulfill the requirements of subsection (3) of Section 3 of this Act.

"Supervision" with respect to first and second year licensed

apprentice plumbers means that such apprentices must perform all designing and planning of plumbing systems and all plumbing as defined in this Act under the direct personal supervision of the sponsor or his or her agent who must also be an Illinois licensed plumber, except for maintenance and repair work on existing plumbing systems done by second year apprentice plumbers; provided that before performing any maintenance and repair work without such supervision, such apprentice has received the minimum number of hours of annual classroom instruction recommended by the United States Department of Labor's Bureau of Apprenticeship and Training for apprentice plumbers in a Bureau of Apprenticeship and Training approved plumber

apprenticeship program or its equivalent. "Supervision" with respect to all other apprentice plumbers means that, except for maintenance and repair work on existing plumbing systems, any plumbing done by such apprentices must be inspected daily, after initial rough-in and after completion by the sponsor or his or her agent who is also an Illinois licensed plumber. In addition, all repair and maintenance work done by a licensed apprentice plumber on an existing plumbing system must be approved by the sponsor or his or her agent who is also an Illinois licensed plumber.

"Sponsor" is an Illinois licensed plumber or an approved apprenticeship program that has accepted an individual as an Illinois licensed apprentice plumber for education and training in the field of plumbing and whose name and license number or apprenticeship program number shall appear on the individual's application for an apprentice plumber's license.

"Sponsored" means that each Illinois licensed apprentice plumber has been accepted by an Illinois licensed plumber or an approved apprenticeship program for apprenticeship training.

(Source: P.A. 89-665, eff. 8-14-96.)

(220 ILCS 320/2.5 new)

Sec. 2.5. Lawn irrigation systems. Every irrigation contractor shall annually register with the Department. The annual registration fee shall be $50. Every irrigation contractor shall provide to the Department his or her business name and address, telephone number, name of principal, and FEIN number.

No person shall attach any fixtures intended to supply water for human consumption to a lawn irrigation system.

No person shall attach any fixtures to a lawn irrigation system, other than the backflow prevention device, the sprinkler heads, the valves, and other such parts integral to the operation of the system, unless the fixtures are clearly marked as being for non-potable uses only.

A licensed plumber or licensed apprentice plumber shall make the physical connection between a lawn irrigation system and the backflow prevention device and shall also inspect the system to (i) ensure the provisions of this Section have been met and (ii) that the system works mechanically.

Licensed plumbers and licensed apprentice plumbers are authorized to install and maintain lawn irrigation systems without registration under this Section.

(225 ILCS 320/3) (from Ch. 111, par. 1103)

Sec. 3. (1) All planning and designing of plumbing systems and all plumbing shall be performed only by plumbers licensed under the provisions of this Act hereinafter called "licensed plumbers" and "licensed apprentice plumbers". The inspection of plumbing and plumbing systems shall be done only by the sponsor or his or her agent who shall be an Illinois licensed plumber. Nothing herein contained shall prohibit licensed plumbers or licensed apprentice plumbers under supervision from planning, designing, inspecting, installing, repairing, maintaining, altering or extending building

sewers in accordance with this Act. No person who holds a license or certificate of registration under the Illinois Architecture Practice

Act of 1989, or the Structural Engineering Licensing Act of 1989, or the Professional Engineering Practice Act of 1989 shall be prevented from planning and designing plumbing systems.

(2) Nothing herein contained shall prohibit the owner occupant or lessee occupant of a single family residence, or the owner of a single family residence under construction for his or her occupancy, from planning, installing, altering or repairing the plumbing system or lawn irrigation system of such residence, provided that (i) such plumbing shall comply with the minimum standards for plumbing contained in the Illinois State Plumbing Code, and shall be subject to inspection by the Department or the local governmental unit if it retains a licensed plumber as an inspector; and (ii) such owner, owner occupant or lessee occupant shall not employ other than a plumber licensed pursuant to this Act to assist him or her.

For purposes of this subsection, a person shall be considered an "occupant" if and only if he or she has taken possession of and is living in the premises as his or her bona fide sole and exclusive residence, or, in the case of an owner of a single family residence under construction for his or her occupancy, he or she expects to take possession of and live in the premises as his or her bona fide sole and exclusive residence, and he or she has a current intention to live in such premises as his or her bona fide sole and exclusive residence for a period of not less than 6 months after the completion of the plumbing work performed pursuant to the authorization of this subsection, or, in the case of an owner of a single family residence under construction for his or her occupancy, for a period of not less than 6 months after the completion of construction of the residence. Failure to possess and live in the premises as a sole and exclusive residence for a period of 6 months or more shall create a rebuttable presumption of a lack of such intention.

(3) The employees of a firm, association, partnership or corporation who engage in plumbing shall be licensed plumbers or licensed apprentice plumbers. At least one member of every firm, association or partnership engaged in plumbing work, and at least one corporate officer of every corporation engaged in plumbing work, as the case may be, shall be a licensed plumber. A retired plumber cannot fulfill the requirements of this subsection (3).

(4) (a) A licensed apprentice plumber shall plan, design and install plumbing only under the supervision of the sponsor or his or her agent who is also an Illinois licensed plumber.

(b) An applicant for licensing as an apprentice plumber shall be at least 16 years of age and apply on the application form provided by the Department. Such application shall verify that the applicant is sponsored by an Illinois licensed plumber or an approved apprenticeship program and shall contain the name and license number of the licensed plumber or program sponsor.

(c) No licensed plumber shall sponsor more than 2 licensed apprentice plumbers at the same time. If 2 licensed apprentice plumbers are sponsored by a plumber at the same time, one of the apprentices must have, at a minimum, 2 years experience as a licensed apprentice. No licensed plumber sponsor or his or her agent may supervise 2 licensed apprentices with less than 2 years experience at the same time. The sponsor or agent shall supervise and be responsible for the plumbing performed by a licensed apprentice.

(d) No agent shall supervise more than 2 licensed apprentices at the same time.

(e) No licensed plumber may, in any capacity, supervise more than 2 licensed apprentice plumbers at the same time.

(f) No approved apprenticeship program may sponsor more licensed apprentices than 2 times the number of licensed plumbers available to supervise those licensed apprentices.

(g) No approved apprenticeship program may sponsor more licensed apprentices with less than 2 years experience than it has licensed plumbers available to supervise those licensed apprentices.

(h) No individual shall work as an apprentice plumber unless he or she is properly licensed under this Act. The Department shall issue an apprentice plumber's license to each approved applicant.

(i) No licensed apprentice plumber shall serve more than a 6 year licensed apprenticeship period. If, upon completion of a 6 year licensed apprenticeship period, such licensed apprentice plumber does not apply for the examination for a plumber's license and successfully pass the examination for a plumber's license, his or her apprentice plumber's license shall not be renewed.

Nothing contained in P.A. 83-878, entitled "An Act in relation to professions", approved September 26, 1983, was intended by the General Assembly nor should it be construed to require the employees of a governmental unit or privately owned municipal water supplier who operate, maintain or repair a water or sewer plant facility which is owned or operated by such governmental unit or privately owned municipal water supplier to be licensed plumbers under this Act. In addition, nothing contained in P.A. 83-878 was intended by the General Assembly nor should it be construed to permit persons other than licensed plumbers to perform the installation, repair, maintenance or replacement of plumbing fixtures, such as toilet facilities, floor drains, showers and lavatories, and the piping attendant to those fixtures, within such facility or in the construction of a new facility.

Nothing contained in P.A. 83-878, entitled "An Act in relation to professions", approved September 26, 1983, was intended by the General Assembly nor should it be construed to require the employees of a governmental unit or privately owned municipal water supplier who install, repair or maintain water service lines from water mains in the street, alley or curb line to private property lines and who install, repair or maintain water meters to be licensed plumbers under this Act if such work was customarily performed prior to the effective date of such Act by employees of such governmental unit or privately owned municipal water supplier who were not licensed plumbers. Any such work which was customarily performed prior to the effective date of such Act by persons who were licensed plumbers or subcontracted to persons who were licensed plumbers must continue to be performed by persons who are licensed plumbers or subcontracted to persons who are licensed plumbers. When necessary under this Act, the Department shall make the determination whether or not persons who are licensed plumbers customarily performed such work.

(Source: P.A. 89-665, eff. 8-14-96.)

(225 ILCS 320/19) (from Ch. 111, par. 1118)

Sec. 19. The Director, after notice and opportunity for hearing to the applicant, ~~or~~ license holder, or registrant, may deny, suspend, or revoke a license or registration in any case in which he or she finds that there has been a substantial failure to comply with the provisions of this Act or the standards, rules, and regulations established under this Act.

Notice shall be provided by certified mail or by personal service setting forth the particular reasons for the proposed action and fixing a date, not less than 20 days from the date of the mailing or service, within which time the applicant or license holder must

request in writing a hearing. Failure to serve upon the Department a request for hearing in writing within the time provided in the notice shall constitute a waiver of the person's right to an administrative hearing.

The hearing shall be conducted by the Director or by an individual designated in writing by the Director as a hearing officer to conduct the hearing. The Director or hearing officer shall give written notice of the time and place of the hearing, by certified mail or personal service, to the applicant, ~~or~~ license holder, or registrant at least 10 days prior to the hearing. On the basis of the hearing, or upon default of the applicant, ~~or~~ license holder, or registrant, the Director shall make a determination specifying his or her findings and conclusions. A copy of the determination shall be sent by certified mail or served personally upon the applicant, ~~or~~ license holder, or registrant. The decision of the Director shall be final on issues of fact and final in all respects unless judicial review is sought as provided in this Act.

The procedure governing hearings authorized by this Section shall be in accordance with rules promulgated by the Department. A full and complete record shall be kept of all proceedings, including the notice of hearing, complaint, and all other documents in the nature of pleadings, written motions filed in the proceedings, and the report and orders of the Director and hearing officer.

The Department at its expense shall provide a court reporter to take testimony. Technical error in the proceedings before the Department or hearing officer or their failure to observe the technical rules of evidence shall not be grounds for the reversal of any administrative decision unless it appears to the Court that such error or failure materially affects the rights of any party and results in substantial injustice to them.

The Department or hearing officer, or any parties in an investigation or hearing before the Department, may cause the depositions of witnesses within the State to be taken in the manner prescribed by law for depositions in civil actions in courts of this State, and compel the attendance of witnesses and the production of books, papers, records, or memoranda.

The Department shall not be required to certify any record to the Court or file any answer in Court or otherwise appear in any Court in a judicial review proceeding, unless there is filed in the Court with the complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record. Such

cost shall be paid by the party requesting a copy of the record. Failure on the part of the person requesting a copy of the record to pay the cost shall be grounds for dismissal of the action.
(Source: P.A. 87-885.)
Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator O'Malley, **Senate Bill No. 480** was recalled from the order of third reading to the order of second reading.
Senator O'Malley offered the following amendment and moved its adoption:

AMENDMENT NO. 1
AMENDMENT NO. 1. Amend Senate Bill 480 by replacing the title

with the following:
"AN ACT to amend the Code of Civil Procedure by changing Sections 8-2001 and 8-2003, changing the heading of Part 20 of Article VIII, and adding Section 8-2005."; and
by replacing everything after the enacting clause with the following:
"Section 5. The Code of Civil Procedure is amended by changing Sections 8-2001 and 8-2003, changing the heading of Part 20 of Article VIII, and adding Section 8-2005 as follows:
(735 ILCS 5/Art. 8, Part 20 heading)
Part 20. Inspection of ~~Hospital~~ Records
(735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)
(Text of Section WITHOUT the changes made by P.A. 89-7, which has been held unconstitutional)
Sec. 8-2001. Examination of records. Every private and public hospital shall, upon the request of any patient who has been treated in such hospital and after his or her discharge therefrom, permit the patient, his or her physician or authorized attorney to examine the hospital records, including but not limited to the history, bedside notes, charts, pictures and plates, kept in connection with the treatment of such patient, and permit copies of such records to be made by him or her or his or her physician or authorized attorney. A request for examination of the records shall be in writing and shall be delivered to the administrator of such hospital. The hospital shall be reimbursed by the person requesting such records at the time of such copying for all reasonable expenses, including the costs of independent copy service companies, incurred by the hospital in connection with such copying not to exceed a $20 handling charge for processing the request for copies and 25 cents per page and 50 cents per copy of microfiche or microfilm. The handling charge shall include the first 10 pages or copies. The hospital may, however, charge for the reasonable cost of all duplication of record material or information that cannot routinely be copied or duplicated on a

standard photocopy machine such as x-ray films or pictures.

The requirements of this Section shall be satisfied within 60 days of the receipt of a request by a patient, for his or her physician, authorized attorney, or own person.

Failure to comply with the time limit requirement of this Section shall subject the denying party to expenses and reasonable attorneys' fees incurred in connection with any court ordered enforcement of the provisions of this Section.

(Source: P.A. 84-7.)

(735 ILCS 5/8-2003) (from Ch. 110, par. 8-2003)

(Text of Section WITHOUT the changes made by P.A. 89-7, which has been held unconstitutional)

Sec. 8-2003. Physician's Records. Every physician shall, upon the request of any patient who has been treated by such physician, permit such patient's physician or authorized attorney to examine and copy the patient's records, including but not limited to those relating to the diagnosis, treatment, prognosis, history, charts, pictures and plates, kept in connection with the treatment of such patient. Such request for examining and copying of the records shall be in writing and shall be delivered to such physician. Such written request shall be complied with by the physician within a reasonable time after receipt by him or her at his or her office or any other place designated by him or her. The physician shall be reimbursed by the person requesting such records at the time of such ~~examination or~~ copying, for all reasonable expenses, including the costs of independent copy service companies, incurred by the physician in connection with such ~~examination or~~ copying not to exceed a $20 handling charge for processing the request for copies and 25 cents per page and 50 cents per copy of microfiche or microfilm. The

handling charge shall include the first 10 pages or copies. The physician may, however, charge for the reasonable cost of all duplication of record material or information that cannot routinely be copied or duplicated on a standard photocopy machine such as x-ray films or pictures.

The requirements of this Section shall be satisfied within 60 days of the receipt of a request by a patient, his or her physician or authorized attorney.

Failure to comply with the time limit requirement of this Section shall subject the denying party to expenses and reasonable attorneys' fees incurred in connection with any court ordered enforcement of the provisions of this Section.

(Source: P.A. 84-7.)

(735 ILCS 5/8-2005 new)

Sec. 8-2005. Attorney's records. Upon the request of a client, an attorney shall make his or her records kept in connection with the attorney's services to the client available to the client's authorized attorney for examination and copying. The request for examination and copying of the records shall be in writing and shall be delivered to the attorney. Within a reasonable time after he or she receives the written request, the attorney shall comply with the written request at his or her office or any other place designated by him or her. The attorney shall be reimbursed by the person

requesting the records, at the time of copying, for all reasonable expenses, including the costs of independent copy service companies, incurred by the attorney in connection with the copying not to exceed a $20 handling charge for processing the request for copies and 25 cents per page and 50 cents per copy of microfiche or microfilm. The handling charge shall include the first 10 pages or copies. The attorney may, however, charge for the reasonable cost of all duplication of record material or information that cannot routinely be copied or duplicated on a standard photocopy machine.

The requirements of this Section shall be satisfied within 60 days of the receipt of a request from a client or a client's authorized attorney.

Failure to comply with the time limit requirement of this Section shall subject the denying party to expenses and reasonable attorney's fees incurred in connection with any court ordered enforcement of the provisions of this Section.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Hawkinson, **Senate Bill No. 574** was recalled from the order of third reading to the order of second reading.

Senators Hawkinson - Petka offered the following amendment:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 574 by replacing the title with the following

"AN ACT in relation to capital litigation."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Capital Crimes Litigation Act.

Section 5. State Appellate Defender trial assistance in capital cases.

(a) Whenever the public defender of any county, or another attorney appointed by the court to represent an indigent defendant,

believes that a criminal complaint, indictment, or information filed accuses the defendant of a capital crime, he or she may file a petition in the circuit court stating the reasons for his or her belief and requesting that the Office of the State Appellate Defender be appointed to provide assistance in the pre-trial investigation, trial preparation, and trial of the case.

(b) If the court finds that the defendant on whose behalf the petition is filed is accused of an offense that may be a capital crime, and the State's Attorney has neither filed a certificate indicating that he or she will not seek the death penalty nor stated on the record and in open court that he or she will not seek the death penalty, the court shall appoint the Office of State Appellate Defender to provide pre-trial investigatory and other pre-trial assistance and trial assistance and aid to the defendant. If ordered

by the trial court, the Office of the State Appellate Defender shall provide pre-trial investigatory and other pre-trial and trial assistance to the attorneys who have been appointed to represent an indigent defendant who is charged with a capital crime. Unless the court appoints the public defender to represent the defendant, the court shall immediately appoint a qualified attorney, other than the Office of the State Appellate Defender, to represent the defendant as lead counsel and shall appoint the public defender as co-counsel, and by written order specifically designate the attorneys. When the court appoints the public defender as lead counsel, it shall appoint one other qualified attorney, who may be an assistant public defender.

(c) Attorneys shall be deemed qualified by experience and competency in these matters according to the criteria set forth in this subsection.

(1) Lead counsel. An attorney appointed to serve as lead counsel shall be considered qualified by experience and competency for the representation of indigent defendants in capital cases who: is an experienced and active trial practitioner with at least 5 years of criminal litigation experience, and who has had prior experience as lead or co-counsel in at least 8 felony jury trials which were tried, at least 2 of which were homicide cases and at least 5 of which were conducted as trial counsel to completion; and who has either completed, within 2 years prior to appointment, at least 12 hours of training in the defense of capital cases in courses provided by the Office of the State Appellate Defender or participated in by that Office, or has substantial familiarity with and experience in the direct and cross examination of expert and forensic witnesses, and of the presentation and role of medical and scientific evidence, including, but not limited to, evidence relating to the pathology of homicide, violent death, or death occurring through unusual or suspicious circumstances. If the public defender meets the foregoing qualifications, he or she shall be appointed as lead counsel.

(2) An attorney appointed to serve as co-counsel shall be considered qualified by experience and competency for the representation of indigent defendants in capital cases who:

(i) is the public defender or an assistant public defender; or

(ii) is an experienced and active trial practitioner with at least 3 years of criminal litigation experience, and who has prior experience as lead counsel in no fewer than 5 felony jury trials that were tried to completion, and who has either completed within 2 years prior to his or her appointment, at least 12 hours of training in the trial defense of capital cases from courses provided by the Office of the State Appellate Defender, or participated in by that

Office, or has substantial familiarity with and experience in the direct and cross examination of expert and forensic witnesses, and of the presentation and role of medical and scientific evidence, including, but not limited to, evidence relating to the pathology of homicide.

(d) In the appointment of counsel, the nature and volume of the workload of appointed counsel shall be considered to assure that counsel can direct sufficient attention to the defense of a capital case. Public defenders and attorneys accepting appointments under this Section shall provide each client with quality representation in accordance with constitutional and professional standards. Unless the Supreme Court provides otherwise by rule, the court appointing counsel shall not make an appointment of counsel in a capital case without assessing the impact of the appointment on the attorney's workload.

(e) Appointed counsel in capital cases, other than public defenders and assistant public defenders, shall be compensated under this Section upon presentment to and approval by the court of a claim for services detailing the date, activity, and time duration for which compensation is sought. The court shall order that periodic billing and payment during the course of counsel's representation shall be made.

(f) Except for public defenders and assistant public defenders, defense counsel appointed in capital cases shall be compensated for time and services as provided in this Act. Upon the court's determination that the time and services itemized in the petition are reasonable and necessary, it shall order the Office of the State Appellate Defender to pay all or a designated portion of the amount requested in the petition from funds appropriated by the General Assembly specifically for that purpose, at a rate of hourly compensation to be provided by law.

(g) Upon a finding of indigence, the trial court imposing a sentence of death shall immediately enter a written order specifically appointing the Office of the State Appellate Defender to represent the defendant in all post-conviction matters presented or heard in the state courts; except that, where appropriate, the court may appoint the public defender for a county having a population in excess of 1,000,000 to represent the defendant in all state post-conviction proceedings. Appointment under this Section shall include assistance for the defendant in securing federal representation if state post-conviction remedies have been exhausted. The rate of compensation for post-conviction services provided by contract with the Office of State Appellate Defender or by the public defender for a county having a population in excess of 1,000,000, shall be as provided by law.

The Office of State Appellate Defender shall provide post-conviction counsel in capital cases in which it has been appointed with investigative services, expert witness services, and all other services necessary to secure the adequate preparation and presentation of issues related to post-conviction proceedings.

Section 10. Capital Litigation Trust Fund.

(a) A special fund is created in the State Treasury known as the Capital Litigation Trust Fund, which shall be administered by the Administrative Office of the Illinois Courts. All interest earned from the investment or deposit of moneys accumulated in the Trust Fund shall, under Section 4.1 of the State Finance Act, be deposited in the Trust Fund.

(b) Money deposited in this Trust Fund shall not be considered general revenue of the State of Illinois.

(c) Money deposited in the Trust Fund shall be used only to enhance efforts to effectuate the purposes of this Act and shall not

be appropriated, loaned, or in any manner transferred to the General Revenue Fund of the State of Illinois.

(d) Before June 1, 1999, and prior to June 1 of each year thereafter, the General Assembly shall appropriate funds for the trust Fund sufficient to undertake its purposes, and shall authorize the disbursement of those funds to the Administrative Office of the Illinois Courts.

(e) Money in the Trust Fund shall be expended as follows:

(1) To pay the Administrative Office of the Illinois Courts' costs to administer the Trust Fund, but for this purpose in an amount not to exceed 5% in any one fiscal year of the amount appropriated under paragraph (d) of this Section in that same fiscal year.

(2) To achieve the purposes and objectives of this Act, which may include, but are not limited to, the following:

(A) To provide financial support through the office of the State Appellate Defender and the office of the Cook County Public Defender for the defense of capital cases; to provide financial support to the office of the Cook County State's Attorney for the prosecution of capital cases; to provide financial support through the Office of the State's Attorneys Appellate Prosecutor for the prosecution of capital cases outside of Cook County, and for the training of prosecutors, under the direction of the Office of the State's Attorneys Appellate Prosecutor; and for training of the judiciary for programs designed to improve the administration of the criminal justice system in the administration of the death penalty.

(B) To provide financial support for federal and State agencies, units of local government, corporations and neighborhood, community or business organizations for programs designed to improve the administration of the criminal justice system in the administration of the death penalty.

(C) To provide financial support for plans, programs, and projects designed to achieve the purposes of this Act.

(f) In the event the Trust Fund were to be discontinued or the Council were to be dissolved by an Act of the General Assembly or by operation of law, then, notwithstanding the provisions of Section 5 of the State Finance Act, any balance remaining therein shall be returned to the General Revenue Fund after deduction of administrative costs.

Section 95. The State Finance Act is amended by adding Section 5.490 as follows:

(30 ILCS 105/5.490 new)

Sec. 5.490. Capital Litigation Trust Fund.

Section 105. The Civil Administrative Code of Illinois is amended by changing Section 55a-4 as follows:

(20 ILCS 2605/55a-4) (from Ch. 127, par. 55a-4)

Sec. 55a-4. The Division of Forensic Services shall exercise the following functions:

1. to exercise the rights, powers and duties vested by law in the Department by "An Act in relation to criminal identification and

investigation", approved July 2, 1931, as amended;

2. to exercise the rights, powers and duties vested by law in the Department by subsection (5) of Section 55a of this Act;

3. to provide assistance to local law enforcement agencies through training, management and consultant services;

4. to exercise the rights, powers and duties vested by law in the Department by "An Act relating to the acquisition, possession and transfer of firearms and firearm ammunition and to provide a

penalty for the violation thereof and to make an appropriation in connection therewith", approved August 3, 1967, as amended;

5. to exercise other duties which may be assigned by the Director in order to fulfill the responsibilities and achieve the purposes of the Department; ~~and~~

6. to establish and operate a forensic science laboratory system, including a forensic toxicological laboratory service, for the purpose of testing specimens submitted by coroners and other law enforcement officers in their efforts to determine whether alcohol, drugs or poisonous or other toxic substances have been involved in deaths, accidents or illness. Forensic toxicological laboratories shall be established in Springfield, Chicago and elsewhere in the State as needed; and ~~.~~

7. to establish and coordinate a system for providing accurate and rapid forensic science and other investigative and laboratory services to local law enforcement agencies and to local State's Attorneys in aid of the investigation and trial of capital cases. Assistance in the trial of capital cases includes the direct provision of video cameras and video and other recording equipment or video camera or recording equipment services to local law enforcement agencies and to local State's Attorneys.

(Source: P.A. 90-130, eff. 1-1-98.)

Section 110. The Counties Code is amended by changing Section 3-9005 and adding Section 3-4006.1 as follows:

(55 ILCS 5/3-4006.1 new)

Sec. 3-4006.1. Duties of public defender in counties over 1,000,000. The public defender in counties with more than 1,000,000 inhabitants shall receive moneys ordered transferred from the Capital Litigation Trust Fund by the Office of the State Appellate Defender that are appropriated by the General Assembly for the investigation and trial of capital cases. These funds shall be expended exclusively for the investigation, trial, and post-conviction proceedings related to capital cases.

(55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)

Sec. 3-9005. Powers and duties of State's attorney.

(a) The duty of each State's attorney shall be:

(1) To commence and prosecute all actions, suits, indictments and prosecutions, civil and criminal, in the circuit court for his county, in which the people of the State or county may be concerned.

(2) To prosecute all forfeited bonds and recognizances, and all actions and proceedings for the recovery of debts, revenues, moneys, fines, penalties and forfeitures accruing to the State or his county, or to any school district or road district in his

county; also, to prosecute all suits in his county against railroad or transportation companies, which may be prosecuted in the name of the People of the State of Illinois.

(3) To commence and prosecute all actions and proceedings brought by any county officer in his official capacity.

(4) To defend all actions and proceedings brought against his county, or against any county or State officer, in his official capacity, within his county.

(5) To attend the examination of all persons brought before any judge on habeas corpus, when the prosecution is in his county.

(6) To attend before judges and prosecute charges of felony or misdemeanor, for which the offender is required to be recognized to appear before the circuit court, when in his power so to do.

(7) To give his opinion, without fee or reward, to any county officer in his county, upon any question or law relating

to any criminal or other matter, in which the people or the county may be concerned.

(8) To assist the attorney general whenever it may be necessary, and in cases of appeal from his county to the Supreme Court, to which it is the duty of the attorney general to attend, he shall furnish the attorney general at least 10 days before such is due to be filed, a manuscript of a proposed statement, brief and argument to be printed and filed on behalf of the people, prepared in accordance with the rules of the Supreme Court. However, if such brief, argument or other document is due to be filed by law or order of court within this 10 day period, then the State's attorney shall furnish such as soon as may be reasonable.

(9) To pay all moneys received by him in trust, without delay, to the officer who by law is entitled to the custody thereof.

(10) To notify, by first class mail, complaining witnesses of the ultimate disposition of the cases arising from an indictment or an information.

(11) To perform such other and further duties as may, from time to time, be enjoined on him by law.

(12) To appear in all proceedings by collectors of taxes against delinquent taxpayers for judgments to sell real estate, and see that all the necessary preliminary steps have been legally taken to make the judgment legal and binding.

(b) The State's Attorney of each county shall have authority to appoint one or more special investigators to serve subpoenas, make return of process and conduct investigations which assist the State's Attorney in the performance of his duties. A special investigator shall not carry firearms except with permission of the State's Attorney and only while carrying appropriate identification indicating his employment and in the performance of his assigned duties.

Subject to the qualifications set forth in this subsection, special investigators shall be peace officers and shall have all the

powers possessed by investigators under the State's Attorneys Appellate Prosecutor's Act.

No special investigator employed by the State's Attorney shall have peace officer status or exercise police powers unless he or she successfully completes the basic police training course mandated and approved by the Illinois Law Enforcement Training Standards Board or such board waives the training requirement by reason of the special investigator's prior law enforcement experience or training or both. Any State's Attorney appointing a special investigator shall consult with all affected local police agencies, to the extent consistent with the public interest, if the special investigator is assigned to areas within that agency's jurisdiction.

Before a person is appointed as a special investigator, his fingerprints shall be taken and transmitted to the Department of State Police. The Department shall examine its records and submit to the State's Attorney of the county in which the investigator seeks appointment any conviction information concerning the person on file with the Department. No person shall be appointed as a special investigator if he has been convicted of a felony or other offense involving moral turpitude. A special investigator shall be paid a salary and be reimbursed for actual expenses incurred in performing his assigned duties. The county board shall approve the salary and actual expenses and appropriate the salary and expenses in the manner prescribed by law or ordinance.

(c) The State's Attorney may request and receive from employers, labor unions, telephone companies, and utility companies location

information concerning putative fathers and noncustodial parents for the purpose of establishing a child's paternity or establishing, enforcing, or modifying a child support obligation. In this subsection, "location information" means information about (i) the physical whereabouts of a putative father or noncustodial parent, (ii) the putative father or noncustodial parent's employer, or (iii) the salary, wages, and other compensation paid and the health insurance coverage provided to the putative father or noncustodial parent by the employer of the putative father or noncustodial parent or by a labor union of which the putative father or noncustodial parent is a member.

(d) In counties with more than 1,000,000 inhabitants, the State's Attorney shall receive moneys ordered transferred from the Capital Litigation Trust Fund by the Director of the Office of the State's Attorneys Appellate Prosecutor that are appropriated by the General Assembly for the investigation and trial of capital cases. These funds shall be used exclusively for the investigation, trial, and post-conviction proceedings related to capital cases.

(Source: P.A. 88-586, eff. 8-12-94; 89-395, eff. 1-1-96.)

Section 115. The Code of Criminal Procedure of 1963 is amended by changing Section 113-3 as follows:

(725 ILCS 5/113-3) (from Ch. 38, par. 113-3)

Sec. 113-3. (a) Every person charged with an offense shall be allowed counsel before pleading to the charge. If the defendant desires counsel and has been unable to obtain same before arraignment the court shall recess court or continue the cause for a reasonable

time to permit defendant to obtain counsel and consult with him before pleading to the charge. If the accused is a dissolved corporation, and is not represented by counsel, the court may, in the interest of justice, appoint as counsel a licensed attorney of this State.

(b) In all cases, except where the penalty is a fine only, if the court determines that the defendant is indigent and desires counsel, the Public Defender shall be appointed as counsel. If there is no Public Defender in the county or if the defendant requests counsel other than the Public Defender and the court finds that the rights of the defendant will be prejudiced by the appointment of the Public Defender, the court shall appoint as counsel a licensed attorney at law of this State, except that in a county having a population of 1,000,000 or more the Public Defender shall be appointed as counsel in all misdemeanor cases where the defendant is indigent and desires counsel unless the case involves multiple defendants, in which case the court may appoint counsel other than the Public Defender for the additional defendants. The court shall require an affidavit signed by any defendant who requests court-appointed counsel. Such affidavit shall be in the form established by the Supreme Court containing sufficient information to ascertain the assets and liabilities of that defendant. The Court may direct the Clerk of the Circuit Court to assist the defendant in the completion of the affidavit. Any person who knowingly files such affidavit containing false information concerning his assets and liabilities shall be liable to the county where the case, in which such false affidavit is filed, is pending for the reasonable value of the services rendered by the public defender or other court-appointed counsel in the case to the extent that such services were unjustly or falsely procured.

(c) Upon the filing with the court of a verified statement of services rendered the court shall order the county treasurer of the county of trial to pay counsel other than the Public Defender a reasonable fee. The court shall consider all relevant circumstances, including but not limited to the time spent while court is in

session, other time spent in representing the defendant, and expenses reasonably incurred by counsel. In counties with a population greater than 2,000,000, the court shall order the county treasurer of the county of trial to pay counsel other than the Public Defender a reasonable fee stated in the order and based upon a rate of compensation of not more than $40 for each hour spent while court is in session and not more than $30 for each hour otherwise spent representing a defendant, and such compensation shall not exceed $150 for each defendant represented in misdemeanor cases and $1250 in felony cases, in addition to expenses reasonably incurred as hereinafter in this Section provided, except that, in extraordinary circumstances, payment in excess of the limits herein stated may be made if the trial court certifies that such payment is necessary to provide fair compensation for protracted representation. A trial court may entertain the filing of this verified statement before the termination of the cause, and may order the provisional payment of sums during the pendency of the cause. In capital cases, upon the

filing with the court of a verified statement of services rendered, the court may order the State Appellate Defender to pay counsel other than the public defender a reasonable fee from funds specifically appropriated by the General Assembly for that purpose.

(d) In capital cases, in addition to counsel, if the court determines that the defendant is indigent the court may, upon the filing with the court of a verified statement of services rendered, order the State Appellate Defender ~~county treasurer of the county of trial~~ to pay necessary expert witness fees from funds specifically appropriated by the General Assembly for that purpose ~~witnesses for defendant reasonable compensation stated in the order not to exceed $250 for each defendant~~.

(e) If the court in any county having a population greater than 1,000,000 determines that the defendant is indigent the court may, upon the filing with the court of a verified statement of such expenses, order the county treasurer of the county of trial, in such counties having a population greater than 1,000,000 to pay the general expenses of the trial incurred by the defendant not to exceed $50 for each defendant.

(Source: P.A. 85-1344.)

Section 120. The State Appellate Defender Act is amended by changing Section 10 as follows:

(725 ILCS 105/10) (from Ch. 38, par. 208-10)

Sec. 10. Powers and duties of State Appellate Defender.

(a) The State Appellate Defender shall represent indigent persons on appeal in criminal and delinquent minor proceedings, when appointed to do so by a court under a Supreme Court Rule or law of this State.

(b) The State Appellate Defender shall submit a budget for the approval of the State Appellate Defender Commission.

(c) The State Appellate Defender may:

(1) maintain a panel of private attorneys available to serve as counsel on a case basis;

(2) establish programs, alone or in conjunction with law schools, for the purpose of utilizing volunteer law students as legal assistants;

(3) cooperate and consult with state agencies, professional associations, and other groups concerning the causes of criminal conduct, the rehabilitation and correction of persons charged with and convicted of crime, the administration of criminal justice, and, in counties of less than 1,000,000 population, study, design, develop and implement model systems for the delivery of trial level defender services, and make an annual report to the General Assembly;

(4) (Blank) ~~provide investigative services to appointed counsel and county public defenders~~.

(d) The State Appellate Defender shall, in and for the trial of capital cases:

(1) Maintain a panel of qualified private attorneys and expert witnesses available to serve as trial counsel or provide scientific testing and testimony on a case by case basis and provide a regularly updated list of those attorneys to the

Administrative Office of the Illinois Courts. The State Appellate Defender shall not itself, nor its attorneys, be appointed to serve as trial counsel in capital cases.

(2) Seek funding from the General Assembly, and from funds appropriated by the General Assembly to the Capital Litigation Trust Fund, to provide public defender offices in counties having a population of 1,000,000 or more with annual grants to be used by the county public defender exclusively for the investigation, trial, and post-conviction review of capital cases.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(Source: P.A. 86-1210; 87-435; 87-580; 87-614.)

Section 125. The State's Attorneys Appellate Prosecutor's Act is amended by changing Sections 6, 7.05, and 7.06 and adding Section 7.07 as follows:

(725 ILCS 210/6) (from Ch. 14, par. 206)

Sec. 6. The Office is to be organized in the following manner:

(a) The staff of the Office of the State's Attorneys Appellate Prosecutor shall consist of a Director, 4 Deputy Directors, Staff Attorneys and such other administrative, secretarial and clerical employees as may be necessary. The State's Attorneys Appellate Prosecutor staff shall include a capital crimes litigation division which shall provide trial attorneys and support to State's Attorneys in the investigation and trial of capital cases. At least 2 of the staff attorneys shall be skilled in the direct and cross examination of forensic and scientific witnesses and in the use of scientific evidence.

(b) The Director and all Office Attorneys must be licensed to practice law in the State of Illinois. Staff Attorneys and Deputy Directors hired by the Director, with the concurrence of the board, shall devote full time to their duties and may not engage in the private practice of law, except as provided in Section 7.02.

(c) The Director and such other employees as may be hired hereunder shall not be subject to the provisions of the Illinois Personnel Code.

(Source: P.A. 84-1062.)

(725 ILCS 210/7.05) (from Ch. 14, par. 207.05)

Sec. 7.05. The Director shall submit an annual budget for the approval of the board. The budget request shall include a request for funding, through the Capital Litigation Trust Fund, to provide State's Attorneys offices in counties having a population of 1,000,000 or more with annual grants to be used by the county State's Attorney exclusively for the investigation, trial, and post-conviction review of capital cases.

(Source: P.A. 84-1062.)

(725 ILCS 210/7.06) (from Ch. 14, par. 207.06)

Sec. 7.06. The Director may hire no more than 6 investigators to provide investigative services in the trial of capital cases, and in post-conviction proceedings in capital cases, and no more than 12 investigators to provide investigative services in non-capital criminal cases and tax objection cases for staff counsel and county state's attorneys. Investigators may be authorized by the board to carry tear gas gun projectors or bombs, pistols, revolvers, stun guns, tasers or other firearms.

Subject to the qualifications set forth below, investigators shall be peace officers and shall have all the powers possessed by policemen in cities and by sheriffs; provided, that investigators shall exercise such powers anywhere in the State only after contact and in cooperation with the appropriate local law enforcement agencies.

No investigator shall have peace officer status or exercise police powers unless he or she successfully completes the basic police training course mandated and approved by the Illinois Law Enforcement Training Standards Board or such board waives the training requirement by reason of the investigator's prior law enforcement experience or training or both.

The board shall not waive the training requirement unless the investigator has had a minimum of 5 years experience as a sworn officer of a local, state or federal law enforcement agency, 2 of which shall have been in an investigatory capacity.

(Source: P.A. 87-677; 88-586, eff. 8-12-94.)

(725 ILCS 210/7.07 new)

Sec. 7.07. The Director shall create a databank for, and provide State's Attorneys and law enforcement agencies with, investigative and trial access to expert witnesses and scientific testing in capital cases, including witnesses in rebuttal to mitigation witnesses, sign language and foreign language interpreters, and attorneys skilled in the direct and cross examination of expert witnesses and in the use of scientific evidence testimony.

Section 999. Effective date. This Act takes effect June 1, 1999.".

Senator Hawkinson moved the adoption of the foregoing amendment.

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

Senator Hawkinson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 574, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 6, by deleting lines 28 through 33; and
on page 6, line 34, by changing (C) to (B).

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Weaver, **Senate Bill No. 640** was recalled from the order of third reading to the order of second reading.

Senator Maitland offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 640, by replacing everything

after the enacting clause with the following:

"Section 1. The General Obligation Bond Act is amended by changing Sections 2, 3, 4, 6, and 16 as follows:

(30 ILCS 330/2) (from Ch. 127, par. 652)

Sec. 2. Authorization for Bonds. The State of Illinois is authorized to issue, sell and provide for the retirement of General Obligation Bonds of the State of Illinois in the total amount of $12,165,296,392 ~~$10,895,296,392~~ herein called "Bonds".

Of the total amount of bonds authorized above, up to $2,200,000,000 in aggregate original principal amount may be issued and sold in accordance with the Baccalaureate Savings Act in the form of General Obligation College Savings Bonds.

Of the total amount of bonds authorized above, up to $300,000,000 in aggregate original principal amount may be issued and sold in accordance with the Retirement Savings Act in the form of General Obligation Retirement Savings Bonds.

The issuance and sale of Bonds pursuant to the General Obligation Bond Act is an economical and efficient method of financing the capital needs of the State. This Act will permit the issuance of a multi-purpose General Obligation Bond with uniform terms and features. This will not only lower the cost of registration but also reduce the overall cost of issuing debt by improving the marketability of Illinois General Obligation Bonds.

Bonds shall be issued for the categories and specific purposes expressed in Sections 2 through 8 and Section 16 of this Act.

(Source: P.A. 90-1, eff. 2-20-97; 90-8, eff. 12-8-97; 90-549, eff. 12-8-97; 90-586, eff. 6-4-98.)

(30 ILCS 330/3) (from Ch. 127, par. 653)

Sec. 3. Capital Facilities. The amount of $5,015,666,392 ~~$4,335,266,392~~ is authorized to be used for the acquisition, development, construction, reconstruction, improvement, financing, architectural planning and installation of capital facilities within the State, consisting of buildings, structures, durable equipment, land, and interests in land for the following specific purposes:

(a) $1,503,717,246 ~~$1,189,517,246~~ for educational purposes by State universities and colleges, the Illinois Community College Board created by the Public Community College Act and for grants to public community colleges as authorized by Sections 5-11 and 5-12 of the Public Community College Act;

(b) $1,312,970,168 ~~$1,126,370,168~~ for correctional purposes at State prison and correctional centers;

(c) $409,711,786 ~~$379,711,786~~ for open spaces, recreational and conservation purposes and the protection of land;

(d) $504,780,486 ~~$482,280,486~~ for child care facilities, mental and public health facilities, and facilities for the care of disabled veterans and their spouses;

(e) $951,589,341 ~~895,189,341~~ for use by the State, its

departments, authorities, public corporations, commissions and agencies;

(f) $818,100 for cargo handling facilities at port districts and for breakwaters, including harbor entrances, at port districts in conjunction with facilities for small boats and pleasure crafts;

(g) $167,467,796 ~~$147,267,796~~ for water resource management projects;

(h) $16,940,269 for the provision of facilities for food production research and related instructional and public service activities at the State universities and public community colleges;

(i) $34,000,000 for grants by the Secretary of State, as State Librarian, for central library facilities authorized by Section 8 of the Illinois Library System Act and for grants by the Capital Development Board to units of local government for public library

facilities;

(j) $25,000,000 for the acquisition, development, construction, reconstruction, improvement, financing, architectural planning and installation of capital facilities consisting of buildings, structures, durable equipment and land for grants to counties, municipalities or public building commissions with correctional facilities that do not comply with the minimum standards of the Department of Corrections under Section 3-15-2 of the Unified Code of Corrections;

(k) $5,000,000 for grants in fiscal year 1988 by the Department of Conservation for improvement or expansion of aquarium facilities located on property owned by a park district; and

(l) $40,400,000 for the Open Land Trust Program as defined by the Open Land Trust Act;

(m) ~~(l)~~ $43,271,200 ~~$33,171,200~~ to State agencies for grants to local governments and to museums operated by or located on land owned by a unit of local government for the acquisition, financing, architectural planning, development, alteration, installation, and construction of capital facilities consisting of buildings, structures, durable equipment, and land.

The amounts authorized above for capital facilities may be used for the acquisition, installation, alteration, construction, or reconstruction of capital facilities and for the purchase of equipment for the purpose of major capital improvements which will reduce energy consumption in State buildings or facilities.

(Source: P.A. 90-1, eff. 2-20-97; 90-8, eff. 12-8-97; 90-549, eff. 12-8-97; 90-586, eff. 6-4-98.)

(30 ILCS 330/4) (from Ch. 127, par. 654)

Sec. 4. Transportation. The amount of $2,542,270,000 ~~$2,484,270,000~~ is authorized for use by the Department of Transportation for the specific purpose of promoting and assuring rapid, efficient, and safe highway, air and mass transportation for the inhabitants of the State by providing monies, including the making of grants and loans, for the acquisition, construction, reconstruction, extension and improvement of the following transportation facilities and equipment, and for the acquisition of real property and interests in real property required or expected to be required in connection therewith as follows:

(a) $1,411,000,000 for State highways, arterial highways, freeways, roads, bridges, structures separating highways and railroads and roads, and bridges on roads maintained by counties, municipalities, townships or road districts for the following specific purposes:

(1) $1,310,000,000 for use statewide,

(2) $3,641,000 for use outside the Chicago urbanized area,

(3) $7,543,000 for use within the Chicago urbanized area,

(4) $13,060,600 for use within the City of Chicago,

(5) $57,894,500 for use within the counties of Cook, DuPage, Kane, Lake, McHenry and Will, and

(6) $18,860,900 for use outside the counties of Cook, DuPage, Kane, Lake, McHenry and Will.

(b) $929,770,000 ~~$883,270,000~~ for mass transit facilities, as defined in Section 49.19 of the Civil Administrative Code of Illinois, including rapid transit, rail, bus and other equipment used in connection therewith by the State or any unit of local government, special transportation district, municipal corporation or other corporation or public authority authorized to provide and promote public transportation within the State or two or more of the foregoing jointly, for the following specific purposes:

(1) $833,970,000 ~~$787,470,000~~ statewide,

(2) $83,350,000 for use within the counties of Cook,

DuPage, Kane, Lake, McHenry and Will,

(3) $12,450,000 for use outside the counties of Cook, DuPage, Kane, Lake, McHenry and Will.

(c) $201,500,000 ~~$190,000,000~~ for airport or aviation facilities and any equipment used in connection therewith, including engineering and land acquisition costs, by the State or any unit of local government, special transportation district, municipal corporation or other corporation or public authority authorized to provide public transportation within the State, or two or more of the foregoing acting jointly.

(Source: P.A. 89-235, eff. 8-4-95; 90-1, eff. 2-20-97; 90-8, eff. 12-8-97 (changed from 6-1-98 by P.A. 90-549); 90-586, eff. 6-4-98.)

(30 ILCS 330/6) (from Ch. 127, par. 656)

Sec. 6. Anti-Pollution.

(a) The amount of $244,635,000 ~~$213,035,000~~ is authorized for allocation by the Environmental Protection Agency for grants or loans to units of local government in such amounts, at such times and for such purpose as the Agency deems necessary or desirable for the planning, financing, and construction of municipal sewage treatment works and solid waste disposal facilities and for making of deposits into the Water Revolving Fund and the U.S. Environmental Protection Fund to provide assistance in accordance with the provisions of Title IV-A of the Environmental Protection Act.

(b) The amount of $160,500,000 is authorized for allocation by the Environmental Protection Agency for payment of claims submitted to the State and approved for payment under the Leaking Underground Storage Tank Program established in Title XVI of the Environmental Protection Act.

(Source: P.A. 90-1, eff. 2-20-97; 90-8, eff. 12-8-97; 90-549, eff.

12-8-97; 90-586, eff. 6-4-98.)

(30 ILCS 330/16) (from Ch. 127, par. 666)

Sec. 16. Refunding Bonds. The amount of $2,839,025,000 ~~$2,339,025,000~~ is authorized for the purpose of refunding any State of Illinois general obligation Bonds then outstanding, including the payment of any redemption premium thereon, any reasonable expenses of such refunding, any interest accrued or to accrue to the earliest or any subsequent date of redemption or maturity of such outstanding Bonds and any interest to accrue to the first interest payment on the refunding Bonds; provided that such refunding Bonds shall mature no later than the final maturity date of Bonds being refunded.

Refunding Bonds may be sold in such amounts and at such times, as directed by the Governor, upon recommendation by the Director of the Bureau of the Budget. The Governor shall notify the State Treasurer and Comptroller of such refunding. The proceeds received from the sale of refunding Bonds shall be used for the retirement at maturity or redemption of such outstanding Bonds on any maturity or redemption date and, pending such use, shall be placed in escrow. Proceeds not needed for deposit in an escrow account shall be deposited in the General Obligation Bond Retirement and Interest Fund. This Act shall constitute an irrevocable and continuing appropriation of all amounts necessary to establish an escrow account for the purpose of refunding outstanding general obligation Bonds and to pay the reasonable expenses of such refunding. Any such escrowed proceeds may be invested and reinvested in direct obligations of the United States of America, maturing at such time or times as shall be appropriate to assure the prompt payment of the principal of and interest and redemption premium, if any, on the refunded Bonds. After the terms of the escrow have been fully satisfied, any remaining balance of such proceeds and interest, income and profits earned or realized on the investments thereof shall be paid into the general revenue fund. The liability of the State upon the Bonds shall continue, provided

that the holders thereof shall thereafter be entitled to payment only out of the moneys deposited in the escrow account.

Except as otherwise herein provided in this Section, such refunding Bonds shall in all other respects be subject to the terms and conditions of this Act.

(Source: P.A. 87-836; 87-873; 88-93; 88-552.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator O'Malley, **Senate Bill No. 648** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 648, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, as follows:

on page 2, line 7, after "45", by inserting "except as otherwise provided in this subsection (b)"; and

on page 2, line 15, after the period, by inserting the following:

"However, when the maximum number of charter schools for a region has been reached, the number of charter schools authorized to operate at any one time in that region shall be increased by 15, with further increases by 15 when the new maximum numbers have been reached but with no more than 15 new charter schools being authorized per region, per year."; and

on page 8, line 7, by deleting "simultaneously"; and

on page 8, lines 8 and 9, by deleting "and the local school board"; and

on page 8, by replacing lines 14 through 19 with "comply with the provisions of this Article."; and

on page 13, line 2, after "decision", by inserting "or if a charter school is approved by referendum"; and

on page 18, line 4, by replacing "must" with "may".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Peterson, **Senate Bill No. 666** was recalled from the order of third reading to the order of second reading.

Senator Peterson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 666 on page 3, by replacing lines 15 through 20 with the following:

"(a) any computer or peripheral equipment, provided that computers owned by, used by, leased by, and leased to a telecommunications company are not subject to this Act; and

(b) any high technology medical equipment."; and

on page 3, below line 24, by inserting the following:

""Telecommunications company" means any entity, whether a corporation, limited liability company, or partnership, that is treated as a telecommunications company by the Federal Communications Commission and under this treatment is subject to the jurisdiction of the Federal Communications Commission under the federal Telecommunications Act of 1996, 47 U.S.C. 151 et seq.".

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

Senator Peterson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 666, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 5, by replacing "and" with "or".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator O'Malley, **Senate Bill No. 728** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 728, AS AMENDED, by replacing the title with the following:

"AN ACT to amend the Sex Offender and Child Murderer Community Notification Law by changing Section 115."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Sex Offender and Child Murderer Community Notification Law is amended by changing Section 115 as follows:

(730 ILCS 152/115)

Sec. 115. Sex offender database.

(a) The Department of State Police shall establish and maintain a Statewide Sex Offender Database for the purpose of identifying sex offenders and making that information available to the persons specified in Sections 120 and 125 of this Law. The Database shall be created from the Law Enforcement Agencies Data System (LEADS) established under Section 6 of the Intergovernmental Missing Child Recovery Act of 1984. The Department of State Police shall examine its LEADS database for persons registered as sex offenders under the Sex Offender Registration Act and shall identify those who are sex offenders and shall add all the information, including photographs if available, on those sex offenders to the Statewide Sex Offender Database.

(b) The Department of State Police must make the information contained in the Statewide Sex Offender Database accessible on the Internet by means of a hyperlink labeled "Sex Offender Information" on the Department's World Wide Web home page. The Department of State Police must update that information as it deems necessary.

The Department of State Police may require that a person who seeks access to the sex offender information submit biographical information about himself or herself before permitting access to the sex offender information. The Department of State Police may limit access to the sex offender information to information about sex offenders who reside within a specified geographic area in proximity

to the address of the person seeking that information. The Department of State Police must promulgate rules in accordance with

the Illinois Administrative Procedure Act to implement this subsection (b) and those rules must include procedures to insure that the information in the database is accurate.
(Source: P.A. 89-428, eff. 6-1-96; 89-462, eff. 6-1-96; 90-193, eff. 7-24-97.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Cronin, **Senate Bill No. 756** was recalled from the order of third reading to the order of second reading.

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

Senator Cronin offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 756, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1 on page 1, by replacing lines 11 through 21 with the following:

"(a) All school officials, including teachers, guidance counselors, and support staff, shall immediately notify the office of the principal in the event that they observe any person in possession of a firearm on school grounds; provided that taking such immediate action to notify the office of the principal would not immediately endanger the health, safety, or welfare of students who are under the direct supervision of the school official or the school official. If the health, safety, or welfare of students under the direct supervision of the school official or of the school official is immediately endangered, the school official shall notify the office of principal as soon as the students under his or her supervision and he or she are no longer under immediate danger. A report is not required by this Section when the school official knows that the person in possession of the firearm is a law enforcement official engaged in the conduct of his or her official duties. Any school official acting in good faith who makes such a report under this Section shall have immunity from any civil or criminal liability that might otherwise be incurred as a result of making the report. The identity of the school official making such report shall not be disclosed except as expressly and specifically authorized by law. Knowingly and willfully failing to comply with this Section is a petty offense. A second or subsequent offense is a Class C misdemeanor.

(b) Upon receiving a report from any school official pursuant to this Section, or from any other person, the principal or his or her designee shall immediately notify a local law enforcement agency. If the person found to be in possession of a firearm on school grounds is a student, the principal or his or her designee shall also immediately notify that student's parent or guardian. Any principal or his or her designee acting in good faith who makes such reports under this Section shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed as a result of making the reports. Knowingly and willfully failing to comply with this Section is a petty offense. A second or subsequent offense is a Class C misdemeanor."; and

and on page 2, by deleting lines 1 through 12; and
on page 2, line 13, by deleting "petition or compliant.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Peterson, **Senate Bill No. 778** was recalled from the order of third reading to the order of second reading.

Senator Peterson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 778 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Section 86 as follows:

(215 ILCS 5/86) (from Ch. 73, par. 698)

Sec. 86. Scope of Article.

(1) This Article applies to all groups including incorporated and individual unincorporated underwriters transacting an insurance business in this State through an attorney-in-fact under the name Lloyds or under a Lloyds plan of operation. Groups that meet the requirements of subsection (3) are referred to in this Code as "Lloyds", and incorporated and individual unincorporated underwriters are referred to as "underwriters".

(2) As used in this Code "Domestic Lloyds" means a Lloyds having its home office in this State; "Foreign Lloyds" means a Lloyds having its home office in any state of the United States other than this State; and "Alien Lloyds" means a Lloyds having its home office or principal place of business in any country other than the United States.

(3) A domestic Lloyds must: (i) be established pursuant to a statute or written charter; (ii) provide for governance by a board of directors or similar body; and (iii) establish and monitor standards of solvency of its underwriters. A foreign or alien Lloyds must be subject to requirements of its state or country of domicile. Those requirements must be substantially similar to those required of domestic Lloyds. Domestic, foreign, and alien Lloyds ~~Lloyd's~~ shall not be subject to Section 144 of this Code.

(4) All foreign and alien entities and individuals transacting an insurance business as domestic, foreign, or alien Lloyds shall notify the Director and the Secretary of State under the provisions of this Article, shall be regulated exclusively by the Director, and shall not be required to obtain a certificate of authority from the Secretary of State pursuant to any other law of this State so long as they solely transact business as a domestic, foreign, or alien Lloyds. Upon notification, the Secretary of State may require submission of additional information to determine whether a foreign or alien individual or entity is transacting business solely as a domestic, foreign, or alien Lloyds.

(Source: P.A. 90-794, eff. 8-14-98.)

Section 10. The Business Corporation Act of 1983 is amended by changing Section 13.05 as follows:

(805 ILCS 5/13.05) (from Ch. 32, par. 13.05)

Sec. 13.05. Admission of foreign corporation. Except as provided in Article V of the Illinois Insurance Code, a foreign corporation organized for profit, before it transacts business in this State, shall procure a certificate of authority so to do from the Secretary of State. A foreign corporation organized for profit, upon complying with the provisions of this Act, may secure from the Secretary of State a certificate of authority to transact business in this State,

but no foreign corporation shall be entitled to procure a certificate of authority under this Act to act as trustee, executor, administrator, administrator to collect, or guardian, or in any other like fiduciary capacity in this State or to transact in this State the business of banking, insurance, suretyship, or a business of the character of a building and loan corporation; provided, however, that a foreign corporation may obtain a certificate of authority under this Act for the purpose of carrying on the business of a syndicate or limited syndicate under Article V-1/2 of the Illinois Insurance Code ~~or for the purpose of carrying on business as a member of a group including incorporated and individual unincorporated underwriters under Article V of the Illinois Insurance Code~~. A foreign professional service corporation may secure a certificate of authority to transact business in this State from the Secretary of State upon complying with this Act and demonstrating compliance with the Act regulating the professional service to be rendered by the professional service corporation. However, no foreign professional service corporation shall be granted a certificate of authority unless it complies with the requirements of the Professional Service Corporation Act concerning ownership and control by specified licensed professionals. These professionals must be licensed in the state of domicile or this State. A foreign corporation shall not be denied a certificate of authority by reason of the fact that the laws of the state under which such corporation is organized governing its organization and internal affairs differ from the laws of this State, and nothing in this Act contained shall be construed to authorize this State to regulate the organization or the internal affairs of such corporation.

(Source: P.A. 90-424, eff. 1-1-98.)

Section 15. The Limited Liability Company Act is amended by changing Sections 1-25 and 45-5 as follows:

(805 ILCS 180/1-25)

Sec. 1-25. Nature of business. A limited liability company may be formed for any lawful purpose or business except:

(1) banking, exclusive of fiduciaries organized for the purpose of accepting and executing trusts;

(2) insurance unless carried on as a business of a syndicate or limited syndicate under Article V 1/2 of the Illinois Insurance Code or for the purpose of carrying on business as a member of a group including incorporated and individual unincorporated underwriters when the Director of

Insurance finds that the group meets the requirements of subsection (3) of Section 86 of the Illinois Insurance Code and the limited liability company, if insolvent, is subject to liquidation by the Director of Insurance under Article XIII of the Illinois Insurance Code;

(3) the practice of dentistry unless all the members and managers are licensed as dentists under the Illinois Dental Practice Act; or

(4) the practice of medicine unless all the members and managers are licensed to practice medicine under the Medical Practice Act of 1987.

(Source: P.A. 89-201, eff. 1-1-96; 90-424, eff. 1-1-98.)

(805 ILCS 180/45-5)

Sec. 45-5. Admission to transact business.

(a) Except as provided in Article V of the Illinois Insurance Code, before transacting business in this State, a foreign limited liability company shall be admitted to do so by the Secretary of State. In order to be admitted, a foreign limited liability company shall submit to the Office of the Secretary of State an application for admission to transact business as a foreign limited liability

company setting forth all of the following:

(1) The name of the foreign limited liability company and, if different, the name under which it proposes to transact business in this State.

(2) The jurisdiction, date of its formation, and period of duration.

(3) A certificate stating that the company is in existence under the laws of the jurisdiction wherein it is organized executed by the Secretary of State of that jurisdiction or by some other official that may have custody of the records pertaining to limited liability companies (or affidavit from an appropriate official of the jurisdiction that good standing certificates are not issued or other evidence of existence which the Secretary of State shall deem appropriate).

(4) The name and business address of the proposed registered agent in this State, which registered agent shall be an individual resident of this State, a domestic corporation, or a foreign corporation having a place of business in, and authorized to do business in, this State; if the registered agent is a corporation, the corporation must be authorized by its articles of incorporation to act as a registered agent.

(5) The address of the office required to be maintained in the jurisdiction of its organization by the laws of that jurisdiction or, if not so required, of the principal place of business of the foreign limited liability company.

(6) The purpose or purposes for which it was organized and the purpose or purposes which it proposes to conduct in the transaction of business in this State.

(7) A statement whether the limited liability company is managed by a manager or managers or whether management of the limited liability company is vested in the members.

(8) A statement that the Secretary of State is appointed

the agent of the foreign limited liability company for service of process under the circumstances set forth in subsection (b) of Section 1-50.

(9) All additional information that may be necessary or appropriate in order to enable the Secretary of State to determine whether the limited liability company is entitled to transact business in this State.

(b) No foreign limited liability company shall transact in this State any business that a limited liability company formed under the laws of this State is not permitted to transact. A foreign limited liability company admitted to transact business in this State shall, until admission is revoked as provided in this Act, enjoy the same, but no greater, rights and privileges as a limited liability company formed under the laws of this State.

(c) The acceptance and filing by the Office of the Secretary of State of a foreign limited liability company's application shall admit the foreign limited liability company to transact business in the State.

(Source: P.A. 90-424, eff. 1-1-98.)

Section 20. The Revised Uniform Limited Partnership Act is amended by changing Sections 105 and 902 as follows:

(805 ILCS 210/105) (from Ch. 106 1/2, par. 151-6)

Sec. 105. Nature of Business. A limited partnership may carry on any business that a partnership without limited partners may carry on except banking, the operation of railroads, and insurance unless carried on as a business of a syndicate or limited syndicate under Article V 1/2 of the Illinois Insurance Code or for the purpose of carrying on business as a member of a group including incorporated and individual unincorporated underwriters when the Director of

Insurance finds that the group meets the requirements of subsection (3) of Section 86 of the Illinois Insurance Code and the limited partnership, if insolvent, is subject to liquidation by the Director of Insurance under Article XIII of the Illinois Insurance Code.

(Source: P.A. 84-1412.)

(805 ILCS 210/902) (from Ch. 106 1/2, par. 159-2)

Sec. 902. Admission to Transact Business.

(a) Except as provided in Article V of the Illinois Insurance Code, before transacting business in this State, a foreign limited partnership shall be admitted to do so by the Secretary of State. In order to be admitted, a foreign limited partnership shall submit to the office of the Secretary of State an application for admission to transact business as a foreign limited partnership setting forth:

(1) the name of the foreign limited partnership;

(2) the jurisdiction and date of its formation and a statement that it is validly existing as a limited partnership under the laws of that jurisdiction as of the date of filing;

(3) the name and business address of each general partner;

(4) the name and address of the registered agent and the registered office the foreign limited partnership has appointed or does appoint; the agent must be an individual resident of this State, a domestic corporation, or a foreign corporation having a place of business in, and authorized to do business in this State; if the

agent is a corporation, the corporation must be authorized by its articles of incorporation to act as such agent;

(5) a statement that the Secretary of State is appointed the agent of the foreign limited partnership for service of process under the circumstances set forth in Section 909(b) of this Act;

(6) the address of the office at which is kept a list of the names and business addresses of the limited partners and their capital contributions, together with an undertaking by the foreign limited partnership to keep those records until the foreign limited partnership's registration in this State is cancelled or withdrawn;

(7) the latest date upon which the limited partnership is to be dissolved in the jurisdiction in which it was formed; and

(8) any other information the Secretary of State shall by rule deem necessary to administer this Act.

(b) No foreign limited partnership shall transact in this State any business which a limited partnership formed under the laws of this State is not permitted to transact. A foreign limited partnership which shall be admitted to transact business in this State shall, until a certificate of cancellation shall have been issued as provided in this Act, enjoy the same, but no greater, rights and privileges as a domestic limited partnership.

(c) The acceptance and filing by the Office of the Secretary of State of a foreign partnership's application shall admit such foreign limited partnership to transact business in the State.

(Source: P.A. 85-403.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator O'Malley, **Senate Bill No. 823** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 823 on page 5, by replacing line 21 with the following:

"(9) For purposes of this Section:~~,~~

"Nursery schools""; and

on page 5, immediately below line 24, by inserting the following:

"Conscientiously held belief" means a deeply held moral sense of right and wrong used as the guide to making a decision or taking an action."; and

on page 7, immediately below line 5, by inserting the following:

"(c) In this Section, "conscientiously held belief" means a deeply held moral sense of right and wrong used as the guide to making a decision or taking an action.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

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

On motion of Senator Noland, **Senate Bill No. 824** was recalled from the order of third reading to the order of second reading.

Senator Noland offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 824 by replacing the title with the following:

"AN ACT to create the Choice of Physician Act."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Choice of Physician Act.

Section 5. Definitions. In this Act:

"Employer" means any legal entity that has more than 25 employees and is subject to and is required to provide unemployment insurance to its employees under the Unemployment Insurance Act.

"Managed care plan" means a plan that establishes, operates or maintains a network of health care providers that have entered into agreements with the plan to provide health care services to enrollees where the plan has the ultimate and direct contractual obligation to the enrollee to arrange for the provision of or pay for services through:

(1) organizational arrangements for ongoing quality assurance, utilization review programs, or dispute resolution; or

(2) financial incentives for enrollees enrolled in the plan to use the participating providers and procedures covered by the plan.

A managed care plan may be established or operated by any entity including a licensed insurance company, hospital or medical service plan, health maintenance organization, limited health services organization, preferred provider organization, third party administrator, or an employer or employee organization.

Section 10. Choice of physician requirements for employer provided health benefits.

(a) An employer providing, offering, or making health care benefits available to employees or individuals through a managed care plan or health maintenance organization shall offer to all covered persons the opportunity to elect at the time of enrollment and once annually thereafter to obtain coverage under which the choice of

physician may not be restricted in any manner. This coverage shall provide coverage for health care benefits regardless of which physician is selected to provide service.

(b) An employee or individual who elects to obtain the coverage offered under subsection (a) may be charged an amount in addition to

any charge otherwise imposed in connection with health care benefits offered or provided by the employer.

(c) Payment of reasonable amounts of coinsurance, co-payments, or deductibles may be required with respect to coverage offered under subsection (a). The co-insurance rates may not be greater than 20 percentage points more than the co-insurance rates otherwise imposed in connection with health care benefits offered or provided by the employer. The maximum out-of-pocket amount shall not exceed $5,000 for an individual and $7,500 for family coverage.

Section 90. The Health Maintenance Organization Act is amended by changing Section 1-2 and adding Section 2-11 as follows:

(215 ILCS 125/1-2) (from Ch. 111 1/2, par. 1402)

Sec. 1-2. Definitions. As used in this Act, unless the context otherwise requires, the following terms shall have the meanings ascribed to them:

~~(1)~~ "Advertisement" means any printed or published material, audiovisual material and descriptive literature of the health care plan used in direct mail, newspapers, magazines, radio scripts, television scripts, billboards and similar displays; and any descriptive literature or sales aids of all kinds disseminated by a representative of the health care plan for presentation to the public including, but not limited to, circulars, leaflets, booklets, depictions, illustrations, form letters and prepared sales presentations.

~~(2)~~ "Director" means the Director of Insurance.

~~(3)~~ "Basic health care services" means emergency care, and inpatient hospital and physician care, outpatient medical services, mental health services and care for alcohol and drug abuse, including any reasonable deductibles and co-payments, all of which are subject to such limitations as are determined by the Director pursuant to rule.

~~(4)~~ "Enrollee" means an individual who has been enrolled in a health care plan.

~~(5)~~ "Evidence of coverage" means any certificate, agreement, or contract issued to an enrollee setting out the coverage to which he is entitled in exchange for a per capita prepaid sum.

~~(6)~~ "Group contract" means a contract for health care services which by its terms limits eligibility to members of a specified group.

~~(7)~~ "Health care plan" means any arrangement whereby any organization undertakes to provide or arrange for and pay for or reimburse the cost of basic health care services from providers selected by the Health Maintenance Organization and such arrangement consists of arranging for or the provision of such health care services, as distinguished from mere indemnification against the cost of such services, except as otherwise authorized by Section 2-3 of this Act, on a per capita prepaid basis, through insurance or otherwise. A "health care plan" also includes any arrangement whereby an organization undertakes to provide or arrange for or pay for or reimburse the cost of any health care service for persons who are enrolled in the integrated health care program established under Section 5-16.3 of the Illinois Public Aid Code through providers selected by the organization and the arrangement consists of making provision for the delivery of health care services, as distinguished from mere indemnification. A "health care plan" also includes any arrangement pursuant to Section 4-17. Nothing in this definition,

however, affects the total medical services available to persons eligible for medical assistance under the Illinois Public Aid Code.

~~(8)~~ "Health care services" means any services included in the furnishing to any individual of medical or dental care, or the hospitalization or incident to the furnishing of such care or hospitalization as well as the furnishing to any person of any and all other services for the purpose of preventing, alleviating, curing or healing human illness or injury.

~~(9)~~ "Health Maintenance Organization" means any organization formed under the laws of this or another state to provide or arrange for one or more health care plans under a system which causes any part of the risk of health care delivery to be borne by the organization or its providers.

~~(10)~~ "Net worth" means admitted assets, as defined in Section 1-3 of this Act, minus liabilities.

~~(11)~~ "Organization" means any insurance company, a nonprofit corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act, or a corporation organized under the laws of this or another state for the purpose of operating one or more health care plans and doing no business other than that of a Health Maintenance Organization or an insurance company. "Organization" shall also mean the University of Illinois Hospital as defined in the University of Illinois Hospital Act.

"Point-of-service product" means a group contract that includes both in-plan covered services and out-of-plan covered services as well as a point-of-service product under which the risk for out-of-plan covered services is borne through reinsurance. This term does not apply to indemnity benefits offered through a health maintenance organization that are underwritten in whole by a licensed insurance carrier and offered in conjunction with the health maintenance organization benefit package.

~~(12)~~ "Provider" means any physician, hospital facility, or other person which is licensed or otherwise authorized to furnish health care services and also includes any other entity that arranges for the delivery or furnishing of health care service.

~~(13)~~ "Producer" means a person directly or indirectly associated with a health care plan who engages in solicitation or enrollment.

~~(14)~~ "Per capita prepaid" means a basis of prepayment by which a fixed amount of money is prepaid per individual or any other enrollment unit to the Health Maintenance Organization or for health care services which are provided during a definite time period regardless of the frequency or extent of the services rendered by the Health Maintenance Organization, except for copayments and deductibles and except as provided in subsection (f) of Section 5-3 of this Act.

~~(15)~~ "Subscriber" means a person who has entered into a contractual relationship with the Health Maintenance Organization for the provision of or arrangement of at least basic health care services to the beneficiaries of such contract.

(Source: P.A. 89-90, eff. 6-30-95; 90-177, eff. 7-23-97; 90-372, eff. 7-1-98; 90-376, eff. 8-14-97; 90-655, eff. 7-30-98.)

(215 ILCS 125/2-11 new)

Sec. 2-11. Point-of-service product.

(a) A health maintenance organization may offer a point-of-service product to its subscribers and enrollees. A health maintenance organization that offers a point-of-service product must comply with the rules of the Department applicable to point-of-service products.

(b) The Department shall promulgate rules regulating the provision of point-of-service products by health maintenance organizations.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Trotter, **Senate Bill No. 844** was recalled from the order of third reading to the order of second reading.

Senator Trotter offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 844 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 11-31-1 as follows:

(65 ILCS 5/11-31-1) (from Ch. 24, par. 11-31-1)

Sec. 11-31-1. Demolition, repair, enclosure, or remediation.

(a) The corporate authorities of each municipality may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of the municipality and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those buildings. In any county having adopted by referendum or otherwise a county health department as provided by Division 5-25 of the Counties Code or its predecessor, the county board of that county may exercise those powers with regard to dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of any city, village, or incorporated town having less than 50,000 population.

The corporate authorities shall apply to the circuit court of the county in which the building is located (i) for an order authorizing action to be taken with respect to a building if the owner or owners of the building, including the lien holders of record, after at least 15 days' written notice by mail so to do, have failed to put the building in a safe condition or to demolish it or (ii) for an order requiring the owner or owners of record to demolish, repair, or enclose the building or to remove garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from the building. It is not a defense to the cause of action that the building is boarded up or otherwise enclosed, although the court may

order the defendant to have the building boarded up or otherwise enclosed. Where, upon diligent search, the identity or whereabouts of the owner or owners of the building, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed is sufficient notice under this Section.

The hearing upon the application to the circuit court shall be expedited by the court and shall be given precedence over all other suits. Any person entitled to bring an action under subsection (b) shall have the right to intervene in an action brought under this Section.

The cost of the demolition, repair, enclosure, or removal incurred by the municipality, by an intervenor, or by a lien holder of record, including court costs, attorney's fees, and other costs related to the enforcement of this Section, is recoverable from the owner or owners of the real estate or the previous owner or both if the property was transferred during the 15 day notice period and is a

lien on the real estate; the lien is superior to all prior existing liens and encumbrances, except taxes, if, within 180 days after the repair, demolition, enclosure, or removal, the municipality, the lien holder of record, or the intervenor who incurred the cost and expense shall file a notice of lien for the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act.

The notice must consist of a sworn statement setting out (1) a description of the real estate sufficient for its identification, (2) the amount of money representing the cost and expense incurred, and (3) the date or dates when the cost and expense was incurred by the municipality, the lien holder of record, or the intervenor. Upon payment of the cost and expense by the owner of or persons interested in the property after the notice of lien has been filed, the lien shall be released by the municipality, the person in whose name the lien has been filed, or the assignee of the lien, and the release may be filed of record as in the case of filing notice of lien. Unless the lien is enforced under subsection (c), the lien may be enforced by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorney's fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate.

All liens arising under this subsection (a) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (c).

If the appropriate official of any municipality determines that any dangerous and unsafe building or uncompleted and abandoned

building within its territory fulfills the requirements for an action by the municipality under the Abandoned Housing Rehabilitation Act, the municipality may petition under that Act in a proceeding brought under this subsection.

(b) Any owner or tenant of real property within 1200 feet in any direction of any dangerous or unsafe building located within the territory of a municipality with a population of 500,000 or more may file with the appropriate municipal authority a request that the municipality apply to the circuit court of the county in which the building is located for an order permitting the demolition, removal of garbage, debris, and other noxious or unhealthy substances and materials from, or repair or enclosure of the building in the manner prescribed in subsection (a) of this Section. If the municipality fails to institute an action in circuit court within 90 days after the filing of the request, the owner or tenant of real property within 1200 feet in any direction of the building may institute an action in circuit court seeking an order compelling the owner or owners of record to demolish, remove garbage, debris, and other noxious or unhealthy substances and materials from, repair or enclose or to cause to be demolished, have garbage, debris, and other noxious or unhealthy substances and materials removed from, repaired, or enclosed the building in question. A private owner or tenant who institutes an action under the preceding sentence shall not be required to pay any fee to the clerk of the circuit court. The cost of repair, removal, demolition, or enclosure shall be borne by the owner or owners of record of the building. In the event the owner or

owners of record fail to demolish, remove garbage, debris, and other noxious or unhealthy substances and materials from, repair, or enclose the building within 90 days of the date the court entered its order, the owner or tenant who instituted the action may request that the court join the municipality as a party to the action. The court may order the municipality to demolish, remove materials from, repair, or enclose the building, or cause that action to be taken upon the request of any owner or tenant who instituted the action or upon the municipality's request. The municipality may file, and the court may approve, a plan for rehabilitating the building in question. A court order authorizing the municipality to demolish, remove materials from, repair, or enclose a building, or cause that action to be taken, shall not preclude the court from adjudging the owner or owners of record of the building in contempt of court due to the failure to comply with the order to demolish, remove garbage, debris, and other noxious or unhealthy substances and materials from, repair, or enclose the building.

If a municipality or a person or persons other than the owner or owners of record pay the cost of demolition, removal of garbage, debris, and other noxious or unhealthy substances and materials, repair, or enclosure pursuant to a court order, the cost, including court costs, attorney's fees, and other costs related to the enforcement of this subsection, is recoverable from the owner or owners of the real estate and is a lien on the real estate; the lien is superior to all prior existing liens and encumbrances, except taxes, if, within 180 days after the repair, removal, demolition, or

enclosure, the municipality or the person or persons who paid the costs of demolition, removal, repair, or enclosure shall file a notice of lien of the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of the county if the real estate affected is registered under the Registered Titles (Torrens) Act. The notice shall be in a form as is provided in subsection (a). An owner or tenant who institutes an action in circuit court seeking an order to compel the owner or owners of record to demolish, remove materials from, repair, or enclose any dangerous or unsafe building, or to cause that action to be taken under this subsection may recover court costs and reasonable attorney's fees for instituting the action from the owner or owners of record of the building. Upon payment of the costs and expenses by the owner of or a person interested in the property after the notice of lien has been filed, the lien shall be released by the municipality or the person in whose name the lien has been filed or his or her assignee, and the release may be filed of record as in the case of filing a notice of lien. Unless the lien is enforced under subsection (c), the lien may be enforced by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorneys' fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate.

All liens arising under the terms of this subsection (b) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (c).

(c) In any case where a municipality has obtained a lien under subsection (a), (b), or (f), the municipality may enforce the lien under this subsection (c) in the same proceeding in which the lien is

authorized.

A municipality desiring to enforce a lien under this subsection (c) shall petition the court to retain jurisdiction for foreclosure proceedings under this subsection. Notice of the petition shall be served, by certified or registered mail, on all persons who were served notice under subsection (a), (b), or (f). The court shall conduct a hearing on the petition not less than 15 days after the notice is served. If the court determines that the requirements of this subsection (c) have been satisfied, it shall grant the petition and retain jurisdiction over the matter until the foreclosure proceeding is completed. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorneys' fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate. If the court denies the petition, the municipality may enforce the lien in a separate action

as provided in subsection (a), (b), or (f).

All persons designated in Section 15-1501 of the Code of Civil Procedure as necessary parties in a mortgage foreclosure action shall be joined as parties before issuance of an order of foreclosure. Persons designated in Section 15-1501 of the Code of Civil Procedure as permissible parties may also be joined as parties in the action.

The provisions of Article XV of the Code of Civil Procedure applicable to mortgage foreclosures shall apply to the foreclosure of a lien under this subsection (c), except to the extent that those provisions are inconsistent with this subsection. For purposes of foreclosures of liens under this subsection, however, the redemption period described in subsection (b) of Section 15-1603 of the Code of Civil Procedure shall end 60 days after the date of entry of the order of foreclosure.

(d) In addition to any other remedy provided by law, the corporate authorities of any municipality may petition the circuit court to have property declared abandoned under this subsection (d) if:

(1) the property has been tax delinquent for 2 or more years or bills for water service for the property have been outstanding for 2 or more years;

(2) the property is unoccupied by persons legally in possession; and

(3) the property contains a dangerous or unsafe building.

All persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, shall be named as defendants in the petition and shall be served with process. In addition, service shall be had under Section 2-206 of the Code of Civil Procedure as in other cases affecting property.

The municipality, however, may proceed under this subsection in a proceeding brought under subsection (a) or (b). Notice of the petition shall be served by certified or registered mail on all persons who were served notice under subsection (a) or (b).

If the municipality proves that the conditions described in this subsection exist and the owner of record of the property does not enter an appearance in the action, or, if title to the property is held by an Illinois land trust, if neither the owner of record nor the owner of the beneficial interest of the trust enters an appearance, the court shall declare the property abandoned.

If that determination is made, notice shall be sent by certified or registered mail to all persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, stating that title

to the property will be transferred to the municipality unless, within 30 days of the notice, the owner of record enters an appearance in the action, or unless any other person having an interest in the property files with the court a request to demolish the dangerous or unsafe building or to put the building in safe condition.

If the owner of record enters an appearance in the action within the 30 day period, the court shall vacate its order declaring the

property abandoned. In that case, the municipality may amend its complaint in order to initiate proceedings under subsection (a).

If a request to demolish or repair the building is filed within the 30 day period, the court shall grant permission to the requesting party to demolish the building within 30 days or to restore the building to safe condition within 60 days after the request is granted. An extension of that period for up to 60 additional days may be given for good cause. If more than one person with an interest in the property files a timely request, preference shall be given to the person with the lien or other interest of the highest priority.

If the requesting party proves to the court that the building has been demolished or put in a safe condition within the period of time granted by the court, the court shall issue a quitclaim judicial deed for the property to the requesting party, conveying only the interest of the owner of record, upon proof of payment to the municipality of all costs incurred by the municipality in connection with the action, including but not limited to court costs, attorney's fees, administrative costs, the costs, if any, associated with building enclosure or removal, and receiver's certificates. The interest in the property so conveyed shall be subject to all liens and encumbrances on the property. In addition, if the interest is conveyed to a person holding a certificate of purchase for the property under the Property Tax Code, the conveyance shall be subject to the rights of redemption of all persons entitled to redeem under that Act, including the original owner of record.

If no person with an interest in the property files a timely request or if the requesting party fails to demolish the building or put the building in safe condition within the time specified by the court, the municipality may petition the court to issue a judicial deed for the property to the municipality. A conveyance by judicial deed shall operate to extinguish all existing ownership interests in, liens on, and other interest in the property, including tax liens.

(e) Each municipality may use the provisions of this subsection to expedite the removal of certain buildings that are a continuing hazard to the community in which they are located.

If a residential or commercial building is 3 stories or less in height as defined by the municipality's building code, and the corporate official designated to be in charge of enforcing the municipality's building code determines that the building is open and vacant and an immediate and continuing hazard to the community in which the building is located, then the official shall be authorized to post a notice not less than 2 feet by 2 feet in size on the front of the building. The notice shall be dated as of the date of the posting and shall state that unless the building is demolished, repaired, or enclosed, and unless any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials are removed so that an immediate and continuing hazard to the community no longer exists, then the building may be demolished, repaired, or enclosed, or any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials may be removed, by the municipality.

Not later than 30 days following the posting of the notice, the municipality shall do both of the following:

(1) Cause to be sent, by certified mail, return receipt requested, a notice to all owners of record of the property, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, stating the intent of the municipality to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if that action is not taken by the owner or owners.

(2) Cause to be published, in a newspaper published or circulated in the municipality where the building is located, a notice setting forth (i) the permanent tax index number and the address of the building, (ii) a statement that the property is open and vacant and constitutes an immediate and continuing hazard to the community, and (iii) a statement that the municipality intends to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if the owner or owners or lienholders of record fail to do so. This notice shall be published for 3 consecutive days.

A person objecting to the proposed actions of the corporate authorities may file his or her objection in an appropriate form in a court of competent jurisdiction.

If the building is not demolished, repaired, or enclosed, or the garbage, debris, or other hazardous, noxious, or unhealthy substances or materials are not removed, within 30 days of mailing the notice to the owners of record, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, or within 30 days of the last day of publication of the notice, whichever is later, the corporate authorities shall have the power to demolish, repair, or enclose the building or to remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials.

The municipality may proceed to demolish, repair, or enclose a building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection within a 120-day period following the date of the mailing of the notice if the appropriate official determines that the demolition, repair, enclosure, or removal of any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials is necessary to remedy the immediate and continuing hazard. If, however, before the municipality proceeds with any of the actions authorized by this subsection, any person has sought a hearing under this subsection before a court and has served a copy of the complaint on the chief executive officer of the municipality, then the municipality shall not proceed with the demolition, repair, enclosure, or removal of garbage, debris, or other substances until the court determines that that action is necessary to remedy the hazard and issues an order authorizing the municipality to do so.

Following the demolition, repair, or enclosure of a building, or the removal of garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection, the municipality may file a notice of lien against the real estate for the cost of the demolition, repair, enclosure, or removal within 180 days after the repair, demolition, enclosure, or removal occurred, for the cost and expense incurred, in the office of the recorder in the county in which the real estate is located or in the office of

the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act. The notice of lien shall consist of a sworn statement setting forth (i) a description of the real estate, such as the address or other description of the property, sufficient for its identification; (ii)

the expenses incurred by the municipality in undertaking the remedial actions authorized under this subsection; (iii) the date or dates the expenses were incurred by the municipality; (iv) a statement by the corporate official responsible for enforcing the building code that the building was open and vacant and constituted an immediate and continuing hazard to the community; (v) a statement by the corporate official that the required sign was posted on the building, that notice was sent by certified mail to the owners of record, and that notice was published in accordance with this subsection; and (vi) a statement as to when and where the notice was published. The lien authorized by this subsection may thereafter be released or enforced by the municipality as provided in subsection (a).

(f) The corporate authorities of each municipality may remove or cause the removal of, or otherwise environmentally remediate hazardous substances and petroleum products on, in, or under any abandoned and unsafe property within the territory of a municipality. In addition, where preliminary evidence indicates the presence or likely presence of a hazardous substance or a petroleum product or a release or a substantial threat of a release of a hazardous substance or a petroleum product on, in, or under the property, the corporate authorities of the municipality may inspect the property and test for the presence or release of hazardous substances and petroleum products. In any county having adopted by referendum or otherwise a county health department as provided by Division 5-25 of the Counties Code or its predecessor, the county board of that county may exercise the above-described powers with regard to property within the territory of any city, village, or incorporated town having less than 50,000 population.

For purposes of this subsection (f):

(1) "property" or "real estate" means all real property, whether or not improved by a structure;

(2) "abandoned" means;

(A) the property has been tax delinquent for 2 or more years;

(B) the property is unoccupied by persons legally in possession; and

(3) "unsafe" means property that presents an actual or imminent threat to public health and safety caused by the release of hazardous substances; and

(4) "hazardous substances" means the same as in Section 3.14 of the Environmental Protection Act.

The corporate authorities shall apply to the circuit court of the county in which the property is located (i) for an order allowing the municipality to enter the property and inspect and test substances on, in, or under the property; or (ii) for an order authorizing the corporate authorities to take action with respect to remediation of the property if conditions on the property, based on the inspection

and testing authorized in paragraph (i), indicate the presence of hazardous substances or petroleum products. Remediation shall be deemed complete for purposes of paragraph (ii) above when the property satisfies Tier I, II, or III remediation objectives for the property's most recent usage, as established by the Environmental Protection Act, and the rules and regulations promulgated thereunder. Where, upon diligent search, the identity or whereabouts of the owner or owners of the property, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed is sufficient notice under this Section.

The court shall grant an order authorizing testing under paragraph (i) above upon a showing of preliminary evidence indicating the presence or likely presence of a hazardous substance or a

petroleum product or a release of or a substantial threat of a release of a hazardous substance or a petroleum product on, in, or under abandoned property. The preliminary evidence may include, but is not limited to, evidence of prior use, visual site inspection, or records of prior environmental investigations. The testing authorized by paragraph (i) above shall include any type of investigation which is necessary for an environmental professional to determine the environmental condition of the property, including but not limited to performance of soil borings and groundwater monitoring. The court shall grant a remediation order under paragraph (ii) above where testing of the property indicates that it fails to meet the applicable remediation objectives. The hearing upon the application to the circuit court shall be expedited by the court and shall be given precedence over all other suits.

The cost of the inspection, testing, or remediation incurred by the municipality or by a lien holder of record, including court costs, attorney's fees, and other costs related to the enforcement of this Section, is a lien on the real estate; except that in any instances where a municipality incurs costs of inspection and testing but finds no hazardous substances or petroleum products on the property that present an actual or imminent threat to public health and safety, such costs are not recoverable from the owners nor are such costs a lien on the real estate. The lien is superior to all prior existing liens and encumbrances, except taxes and any lien obtained under subsection (a) or (e), if, within 180 days after the completion of the inspection, testing, or remediation, the municipality or the lien holder of record who incurred the cost and expense shall file a notice of lien for the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act.

The notice must consist of a sworn statement setting out (i) a description of the real estate sufficient for its identification, (ii) the amount of money representing the cost and expense incurred, and (iii) the date or dates when the cost and expense was incurred by the municipality or the lien holder of record. Upon payment of the lien amount by the owner of or persons interested in the property

after the notice of lien has been filed, a release of lien shall be issued by the municipality, the person in whose name the lien has been filed, or the assignee of the lien, and the release may be filed of record as in the case of filing notice of lien.

The lien may be enforced under subsection (c) or by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures; provided that where the lien is enforced by foreclosure under subsection (c) or under either statute, the municipality may not proceed against the other assets of the owner or owners of the real estate for any costs that otherwise would be recoverable under this Section but that remain unsatisfied after foreclosure except where such additional recovery is authorized by separate environmental laws. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorney's fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate.

All liens arising under this subsection (f) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (c).

(Source: P.A. 89-235, eff. 8-4-95; 89-303, eff. 1-1-96; 90-393, eff. 1-1-98; 90-597, eff. 6-25-98; revised 9-16-98.)".

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

Senators Dillard - Weaver offered the following amendment:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 844, AS AMENDED, by replacing the title with the following:

"AN ACT to amend the Illinois Municipal Code by changing Sections 11-31-1 and 11-31.1-1."; and

in Section 5, in the introductory clause, by replacing "Section 11-31-1" with "Sections 11-31-1 and 11-31.1-1"; and

in Section 5, by inserting below Sec. 11-31-1 the following:

"(65 ILCS 5/11-31.1-1) (from Ch. 24, par. 11-31.1-1)

Sec. 11-31.1-1. Definitions. As used in this Division, unless the context requires otherwise:

(a) "Code" means any municipal ordinance, law, housing or building code or zoning ordinance that establishes construction, plumbing, heating, electrical, fire prevention, sanitation or other health and safety standards that are applicable to structures in a municipality or any municipal ordinance that requires, after notice, the cutting of weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, or the abatement of nuisances from private property;

(b) "Building inspector" means a full time state, county or municipal employee whose duties include the inspection or examination of structures or property in a municipality to determine if zoning or

other code violations exist;

(c) "Property owner" means the legal or beneficial owner of a structure;

(d) "Hearing officer" means a municipal employee or an officer or agent of a municipality, other than a building inspector or law enforcement officer, whose duty it is to:

(1) preside at an administrative hearing called to determine whether or not a code violation exists;

(2) hear testimony and accept evidence from the building inspector, the building owner and all interested parties relevant to the existence of a code violation;

(3) preserve and authenticate the transcript and record of the hearing and all exhibits and evidence introduced at the hearing;

(4) issue and sign a written finding, decision and order stating whether a code violation exists.

(Source: P.A. 89-372, eff. 1-1-96.)

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

Senator Dillard moved the adoption of the foregoing amendment.

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Klemm, **Senate Bill No. 897** was recalled from the order of third reading to the order of second reading.

Senator Klemm offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 897, AS AMENDED, by replacing the title with the following:

"AN ACT in relation to the posting of certain information on the Internet."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by adding Sections 3-6040 and 3-9005.5 as follows:

(55 ILCS 5/3-6040 new)

Sec. 3-6040. Sheriff's office; posting Internet information.

(a) The office of the county sheriff may post on the Internet information about persons who are more than 6 months in arrears in their child support obligations ordered by a court or administrative agency. The county sheriff may post this information on a World Wide Web page created and maintained by his or her office, by another elected officer of the county, or by the clerk of the circuit court.

(b) The information that may be posted, includes but is not limited to, the name and last known address of the person in arrears, the date of birth of the person, and the date and amount of the arrearage in child support payments. The information posted must be the most recent information available from the clerk of the circuit

court or the Illinois Department of Public Aid.

(c) Before posting information under subsection (a), the county sheriff must establish criteria for determining those individual's who will be posted, procedures for ensuring reliability of the information posted, and procedures for an individual to object to the information posted about him or her and to seek modification or deletion of the posted information.

(d) The county sheriff may cooperate with other elected county officers and the clerk of the circuit court relating to posting of the information authorized by this Section.

(e) In this Section:

"Internet" means an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to, a World Wide Web page, newsgroup, message board, mailing list, or chat area on any interactive computer service system or other online service.

"Access" and "computer" have the meanings ascribed to them in Section 16D-2 of the Criminal Code of 1961.

(55 ILCS 5/3-9005.5 new)

Sec. 3-9005.5. State's Attorney's office; posting Internet information.

(a) The office of the State's Attorney may post on the Internet information about persons who are more than 6 months in arrears in their child support obligations ordered by a court or administrative agency. The State's Attorney may post this information on a World Wide Web page created and maintained by his or her office, by another elected officer of the county, or by the clerk of the circuit court.

(b) The information that may be posted, includes but is not limited to, the name and last known address of the person in arrears, the date of birth of the person, and the date and amount of the arrearage in child support payments. The information posted must be the most recent information available from the clerk of the circuit court or the Illinois Department of Public Aid.

(c) Before posting information under subsection (a), the State's Attorney must establish criteria for determining those individual's who will be posted, procedures for ensuring reliability of the

information posted, and procedures for an individual to object to the information posted about him or her and to seek modification or deletion of the posted information.

(d) The State's Attorney may cooperate with other elected county officers and the clerk of the circuit court relating to posting of the information authorized by this Section.

(e) In this Section:

"Internet" means an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network

system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to, a World Wide Web page, newsgroup, message board, mailing list, or chat area on any interactive computer service system or other online service.

"Access" and "computer" have the meanings ascribed to them in Section 16D-2 of the Criminal Code of 1961.

Section 10. The Illinois Municipal Code is amended by adding Division 5.6 to Article 11 as follows:

(65 ILCS 5/Art. 11, Div. 5.6 heading new)

DIVISION 5.6. INTERNET POSTING

(65 ILCS 5/11-5.6-5 new)

Sec. 11-5.6-5. Municipal police department; posting Internet information.

(a) A municipal police department may post on the Internet information about persons who are more than 6 months in arrears in their child support obligations ordered by a court or administrative agency. A municipal police department may post this information on a World Wide Web page created and maintained by the municipal police department, by another elected officer of the county in which the department is located, or by the clerk of the circuit court.

(b) The information that may be posted, includes but is not limited to, the name and last known address of the person in arrears, the date of birth of the person, and the date and amount of the arrearage in child support payments. The information posted must be the most recent information available from the clerk of the circuit court or the Illinois Department of Public Aid.

(c) Before posting information under subsection (a), the municipal police department must establish criteria for determining those individual's who will be posted, procedures for ensuring reliability of the information posted, and procedures for an individual to object to the information posted about him or her and to seek modification or deletion of the posted information.

(d) The municipal police department may cooperate with other elected county officers and the clerk of the circuit court relating to posting of the information authorized by this Section.

(e) In this Section:

"Internet" means an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to, a World Wide Web page, newsgroup, message board, mailing list, or chat area on any interactive computer service system or other online service.

"Access" and "computer" have the meanings ascribed to them in Section 16D-2 of the Criminal Code of 1961.

Section 15. The Illinois Public Aid Code is amended by adding Section 12-12.1 as follows:

(305 ILCS 5/12-12.1 new)

Sec. 12-12.1. World Wide Web page. The Illinois Department of Public Aid may create and maintain or cause to be created and

maintained one or more World Wide Web pages containing information on selected individuals who are in arrears in their child support obligations under an Illinois court order or administrative order for more than 6 months. The information regarding each of the individuals may include the individual's name and last known address, the date and amount of the child support arrearage, and any other information deemed appropriate by the Illinois Department in its discretion. The individuals may be chosen by the Illinois Department using criteria including, but not limited to, the amount of the arrearage, the effect of inclusion of an individual upon the likelihood of the individual's payment of an arrearage, the motivational effect that inclusion of an individual may have on the willingness of other individuals to pay their arrearages, or the need to locate a particular individual. The Illinois Department may make the page or pages accessible to Internet users through the World Wide Web. The Illinois Department, in its discretion, may change the contents of the page or pages from time to time.

The Illinois Department may, upon request, cooperate with and supply information to counties and municipalities wishing to create and maintain World Wide Web pages containing information on individuals who are in arrears in their child support obligations under an Illinois court order or administrative order.

Before including information on the World Wide Web page concerning an individual who owes past due support, the Illinois Department must, pursuant to rule, provide the individual with notice and an opportunity to be heard. Any final administrative decision rendered by the Illinois Department shall be reviewed only under and in accordance with the Administrative Review Law.

Section 20. The Clerks of Courts Act is amended by adding Sections 15.1 and 15.2 as follows:

(705 ILCS 105/15.1 new)

Sec. 15.1. Child support information. The clerks of the circuit courts may, upon request, cooperate with and supply information to counties and municipalities wishing to create and maintain World Wide Web pages containing information on individuals who are in arrears in their child support obligations.

(705 ILCS 105/15.2 new)

Sec. 15.2. Circuit clerk's office; posting Internet information.

(a) The office of the circuit clerk may post on the Internet information about persons who are more than 6 months in arrears in their child support obligations ordered by a court or administrative agency. The circuit clerk may post this information on a World Wide Web page created and maintained by his or her office or by another elected officer of the county.

(b) The information that may be posted, includes but is not limited to, the name and last known address of the person in arrears, the date of birth of the person, and the date and amount of the arrearage in child support payments. The information posted must be the most recent information available from the clerk of the circuit court or the Illinois Department of Public Aid.

(c) Before posting information under subsection (a), the circuit clerk must establish criteria for determining those individual's who will be posted, procedures for ensuring reliability of the information posted, and procedures for an individual to object to the information posted about him or her and to seek modification or deletion of the posted information.

(d) The circuit clerk may cooperate with other elected county

officers relating to posting of the information authorized by this

Section.

(e) In this Section:

"Internet" means an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to, a World Wide Web page, newsgroup, message board, mailing list, or chat area on any interactive computer service system or other online service.

"Access" and "computer" have the meanings ascribed to them in Section 16D-2 of the Criminal Code of 1961.

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

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

Senator Klemm offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 897, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2 on page 2, line 8, by replacing "individual's" with "individuals"; and
on page 3, line 16, by replacing "individual's" with "individuals"; and
on page 4, line 29, by replacing "individual's" with "individuals"; and
on page 7, line 22, by replacing "individual's" with "individuals".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 2 and 3 were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1039** was recalled from the order of third reading to the order of second reading.

Senator Rauschenberger offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1039 on page 4, line 10 by inserting after "employee" the following:
"; however, the policy may not require the employee to pay a portion of the medical care in the case of any accidental injury to which this Act applies"; and
on page 4, lines 23 and 24 by changing "of $100,000 and with" to "and"; and

on page 16, line 9 by inserting after "employee" the following: "; however, the policy may not require the employee to pay a portion of the medical care in the case of any disease or disablement to which this Act applies"; and
on page 16, lines 22 and 23 by changing "of $100,000 and with" to "and".

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendment No. 1

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

On motion of Senator Watson, **Senate Bill No. 1054** was recalled from the order of third reading to the order of second reading.
Senator Watson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1054 as follows:
on page 1, lines 1 and 5, by replacing "21-2" each time it appears with "21-2 and adding Section 21-27"; and
on page 3, by replacing lines 6 through 8 with the following:
"Education. However, each teacher who holds a Master Certificate shall be eligible for a teaching position in this State in the areas for which he or she holds a Master Certificate without satisfying any other requirements of this Code, except for those requirements pertaining to criminal background checks. A teacher who holds a Master Certificate shall be deemed to meet State certification renewal requirements for the 7-year term of the teacher's Master Certificate."; and
on page 3, below line 10, by inserting the following:
"(105 ILCS 5/21-27 new)
Sec. 21-27. The Illinois Teaching Excellence Program. The Illinois Teaching Excellence Program is hereby established to provide categorical funding for monetary incentives and bonuses for teachers who are employed by school districts and who hold a Master Certificate. The State Board of Education shall allocate and distribute to each school district an amount as annually appropriated by the General Assembly for the Illinois Teaching Excellence Program. Unless otherwise provided by appropriation, each school district's annual allocation shall be the sum of the amounts earned for the following incentives and bonuses:
(1) An annual bonus equal to $3,000 to be paid to each teacher who holds a Master Certificate and is employed by a school district. The school district shall distribute the annual bonus to each teacher, and the annual bonus may be paid as a single payment or not more than 3 payments.
(2) An annual bonus equal to $1,000 to be paid to each teacher who holds a Master certificate, is employed by a school district, and agrees, in writing, to provide the equivalent of 10 work days of mentoring and related services to classroom teachers

in this State. The school district shall distribute the annual bonus in a single payment following the completion of all required mentoring and related services for the year. However, credit may not be granted by a school district for mentoring or related services provided during the regular school day or during the total number of days of required service for the school year.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Fawell, **Senate Bill No. 1151** was recalled from the order of third reading to the order of second reading.

Senator Parker offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1151 by replacing the title with the following:

"AN ACT to amend the Illinois Vehicle Code by changing Section 13B-45."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 13B-45 as follows:

(625 ILCS 5/13B-45)

Sec. 13B-45. Contracts.

(a) The Agency may enter into contracts with one or more responsible parties to construct and operate official inspection stations, provide and maintain approved test equipment, administer tests, certify results, issue emission inspection stickers or certificates, maintain records, train personnel, or provide information to the public concerning the program.

These contracts (i) shall be subject to the Illinois Purchasing Act, (ii) may be for a term of up to 9 years, (iii) shall be in writing, and (iv) shall not take effect until a copy of the contract is filed with the State Comptroller.

(b) In preparing its proposals for bidding by potential contractors, the Agency shall endeavor to include provisions relating to the following factors:

(1) The demonstrated financial responsibility of the potential contractor.

(2) The specialized experience and technical competence of the potential contractor in connection with the type of services required and the complexity of the project.

(3) The potential contractor's past record of performance on contracts with the Agency, with other government agencies or public bodies, and with private industry, including such items as cost, quality of work, and ability to meet schedules.

(4) The capacity of the potential contractor to perform the work within the time limitations.

(5) The familiarity of the potential contractor with the types of problems applicable to the project.

(6) The potential contractor's proposed method to accomplish the work required including, where appropriate, any demonstrated capability of exploring and developing innovative or advanced techniques and methods.

(7) Avoidance of personal and organizational conflicts of interest prohibited under federal, State, or local law.

(8) The potential contractor's present and prior involvement in the community and in the State of Illinois.

(c) Any contract for the operation of one or more official inspection stations shall include a provision that the contractor shall not perform emission-related repairs or adjustments to vehicles, other than to the contractor's own vehicles, necessary to enable vehicles to pass Illinois emission inspections.

(d) If a vehicle is damaged by or because of the emission inspection, the owner of the vehicle may bring a civil action in the circuit court of the county in which the inspection occurred and may recover from the contractor treble damages, costs, and attorney's fees.

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

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

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

On motion of Senator Rauschenberger, **Senate Bill No. 1158** was recalled from the order of third reading to the order of second reading.

Senator Rauschenberger offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1158, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 3, line 15, by inserting after "public." the following:

"Based on the submission, the Joint Committee on Administrative Rules shall prepare a second notice text of the rulemaking that includes the text as originally proposed with any modifications made by the agency during the first notice period, and shall submit it, along with a notice page prepared by the agency that indicates the changes made since the beginning of the first notice period, for publication in the Illinois Register."; and

on page 3, by replacing lines 28 through 31 with the following:

"to subsequent extensions not to exceed an additional 60 days each. The written notice to the Joint Committee shall include (i) the text and location"; and

on page 4, line 26, by inserting "and Section 5-70" after "5-65".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Philip, **Senate Bill No. 1172** was recalled from the order of third reading to the order of second reading.

Senator Philip offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1172 by replacing the title with the following:

"AN ACT to amend the Counties Code by changing Section 5-1069."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 5-1069 as follows:

(55 ILCS 5/5-1069) (from Ch. 34, par. 5-1069)

Sec. 5-1069. Group life, health, accident, hospital, and medical insurance.

(a) The county board of any county may arrange to provide, for the benefit of employees of the county, group life, health, accident, hospital, and medical insurance, or any one or any combination of those types of insurance, or the county board may self-insure, for the benefit of its employees, all or a portion of the employees' group life, health, accident, hospital, and medical insurance, or any one or any combination of those types of insurance, including a combination of self-insurance and other types of insurance authorized by this Section, provided that the county board complies with all other requirements of this Section. The insurance may include provision for employees who rely on treatment by prayer or spiritual means alone for healing in accordance with the tenets and practice of a well recognized religious denomination. The county board may

provide for payment by the county of a portion or all of the premium or charge for the insurance with the employee paying the balance of the premium or charge, if any. If the county board undertakes a plan under which the county pays only a portion of the premium or charge, the county board shall provide for withholding and deducting from the compensation of those employees who consent to join the plan the balance of the premium or charge for the insurance.

(b) If the county board does not provide for self-insurance or for a plan under which the county pays a portion or all of the premium or charge for a group insurance plan, the county board may provide for withholding and deducting from the compensation of those employees who consent thereto the total premium or charge for any group life, health, accident, hospital, and medical insurance.

(c) The county board may exercise the powers granted in this Section only if it provides for self-insurance or, where it makes arrangements to provide group insurance through an insurance carrier,

if the kinds of group insurance are obtained from an insurance company authorized to do business in the State of Illinois. The county board may enact an ordinance prescribing the method of operation of the insurance program.

(d) If a county, including a home rule county, is a self-insurer for purposes of providing health insurance coverage for its employees, the insurance coverage shall include screening by low-dose mammography for all women 35 years of age or older for the presence of occult breast cancer unless the county elects to provide mammograms itself under Section 5-1069.1. The coverage shall be as follows:

(1) A baseline mammogram for women 35 to 39 years of age.

(2) An annual mammogram for women 40 years of age or older.

Those benefits shall be at least as favorable as for other radiological examinations and subject to the same dollar limits, deductibles, and co-insurance factors. For purposes of this subsection, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, screens, and image receptors, with an average radiation exposure delivery of less than one rad mid-breast, with 2 views for each breast. The requirement that mammograms be included in health insurance coverage as provided in this subsection (d) is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of home rule county powers. A home rule county to which this subsection applies must comply with every provision of this subsection.

(e) The term "employees" as used in this Section includes elected or appointed officials but does not include temporary employees.

(f) The county board may, by ordinance, arrange to provide group life, health, accident, hospital, and medical insurance, or any one or a combination of those types of insurance, under this Section to retired former employees and retired former elected or appointed officials of the county.

(Source: P.A. 90-7, eff. 6-10-97.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Parker, **Senate Bill No. 29** was recalled from

the order of third reading to the order of second reading.

Senator Parker offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 29, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 6-106.1 as follows:

(625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

Sec. 6-106.1. School bus driver permit.

(a) The Secretary of State shall issue a school bus driver permit to those applicants who have met all the requirements of the application and screening process under this Section to insure the welfare and safety of children who are transported on school buses throughout the State of Illinois. Applicants shall obtain the proper application required by the Secretary of State from their prospective or current employer and submit the completed application to the prospective or current employer along with the necessary fingerprint submission as required by the Department of State Police to conduct fingerprint based criminal background checks on current and future information available in the state system and current information available through the Federal Bureau of Investigation's system. Applicants who have completed the fingerprinting requirements shall not be subjected to the fingerprinting process when applying for subsequent permits or submitting proof of successful completion of the annual refresher course. Individuals who on the effective date of this amendatory Act of 1999 possess a valid school bus driver permit that has been previously issued by the appropriate Regional School Superintendent are ~~not~~ subject to the fingerprinting provisions of this Section. The fingerprinting requirements for these individuals shall be completed by January 1, 2001. ~~as long as the permit remains valid and does not lapse.~~

Both State and federal fingerprint cards of individuals seeking permits as school bus drivers shall be transmitted to the Department of State Police for processing and storage of the fingerprint cards. Applicants shall be electronically fingerprinted by a sheriff's department or by an agent of the Department of State Police or other State agency providing electronic fingerprint services in a form and manner prescribed by the Department of State Police and the Secretary of State through written agreement. The applicant shall be required to pay all related fees as established by rule, including but not limited to the electronic fingerprinting service fee and the fees established by the Department of State Police and Federal Bureau of Investigation for processing fingerprint based criminal history background investigations. However, those school bus drivers required to undergo fingerprinting-based criminal background investigations, required by this amendatory Act of 1999 of the 91st General Assembly, shall not be required to pay the fingerprinting fees. Subject to appropriation, the State Board of Education shall reimburse schools for the cost of the fingerprinting fees. All fingerprinting fees shall be paid by the school district. Both those districts that contract for school bus service and those districts that operate their own school buses shall be eligible for reimbursement. Fees associated with electronic fingerprinting shall be retained by the sheriff's department if it performed the fingerprinting service or deposited in the State Police Services Fund if an agent of the State performed the electronic fingerprinting service.

The applicant shall be required to pay all related application ~~and fingerprinting~~ fees as established by rule. ~~including, but not limited to, the amounts established by the Department of State Police~~

~~and the Federal Bureau of Investigation to process fingerprint based criminal background investigations. All fees paid for fingerprint processing services under this Section shall be deposited into the State Police Services Fund for the cost incurred in processing the fingerprint based criminal background investigations.~~ All other fees paid under this Section shall be deposited into the Road Fund for the purpose of defraying the costs of the Secretary of State in administering this Section. All applicants must:

1. be 21 years of age or older;

2. possess a valid and properly classified driver's license issued by the Secretary of State;

3. possess a valid driver's license, which has not been revoked or suspended, for 3 years immediately prior to the date of application;

4. successfully pass a written test, administered by the Secretary of State, on school bus operation, school bus safety, and special traffic laws relating to school buses and submit to a review of the applicant's driving habits by the Secretary of State at the time the written test is given;

5. demonstrate ability to exercise reasonable care in the operation of school buses in accordance with rules promulgated by the Secretary of State;

6. demonstrate physical fitness to operate school buses by submitting the results of a medical examination, including tests for drug use for each applicant not subject to such testing pursuant to federal law, conducted by a licensed physician within 90 days of the date of application according to standards promulgated by the Secretary of State;

7. affirm under penalties of perjury that he or she has not made a false statement or knowingly concealed a material fact in any application for permit;

8. have completed an initial classroom course, including first aid procedures, in school bus driver safety as promulgated by the Secretary of State; and after satisfactory completion of said initial course an annual refresher course; such courses and the agency or organization conducting such courses shall be approved by the Secretary of State; failure to complete the annual refresher course, shall result in cancellation of the permit until such course is completed;

9. not have been convicted of 2 or more serious traffic offenses, as defined by rule, within one year prior to the date of application that may endanger the life or safety of any of the driver's passengers within the duration of the permit period;

10. not have been convicted of reckless driving, driving while intoxicated, or reckless homicide resulting from the operation of a motor vehicle within 3 years of the date of application;

11. not have been convicted of committing or attempting to commit any one or more of the following offenses: (i) those offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 11-22, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-7.1, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-21.5, 12-21.6, 18-1, 18-2, 18-3, 18-4, 20-1, 20-1.1, 24-1, 24-1.1, 24-1.2, 31A-1, 31A-1.1, and 33A-2,

and in subsection (a) and subsection (b), clause (1), of Section 12-4 of the Criminal Code of 1961; (ii) those offenses defined in the Cannabis Control Act except those offenses defined in subsections (a) and (b) of Section 4, and subsection (a) of Section 5 of the Cannabis Control Act; (iii) those offenses defined in the Illinois Controlled Substances Act; (iv) any

offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State would be punishable as one or more of the foregoing offenses; (v) the offenses defined in Section 4.1 and 5.1 of the Wrongs to Children Act and (vi) those offenses defined in Section 6-16 of the Liquor Control Act of 1934;

12. not have been repeatedly involved as a driver in motor vehicle collisions or been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree which indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

13. not have, through the unlawful operation of a motor vehicle, caused an accident resulting in the death of any person; and

14. not have, within the last 5 years, been adjudged to be afflicted with or suffering from any mental disability or disease.

(b) A school bus driver permit shall be valid for a period specified by the Secretary of State as set forth by rule. It shall not be renewable, but a new permit shall be issued upon compliance with subsection (a) of this Section.

(c) A school bus driver permit shall contain the holder's driver's license number, name, address, zip code, social security number and date of birth, a brief description of the holder and a space for signature. The Secretary of State may require a suitable photograph of the holder.

(d) The employer shall be responsible for conducting a pre-employment interview with prospective school bus driver candidates, distributing school bus driver applications and medical forms to be completed by the applicant, and having the applicant electronically fingerprinted by a sheriff's department or an agent of the Department of State Police or other State agency and insuring electronic transmission ~~submitting the applicant's fingerprint cards~~ to the Department of State Police in a form and manner prescribed by the Department of State Police and the Secretary of State through written agreement as ~~that are~~ required for the criminal background investigations. The employer shall certify in writing to the Secretary of State that all pre-employment conditions have been successfully completed including the successful completion of an Illinois specific criminal background investigation through the Department of State Police and the submission of necessary fingerprints to the Federal Bureau of Investigation for criminal history information available through the Federal Bureau of Investigation system. The applicant shall present the certification

to the Secretary of State at the time of submitting the school bus driver permit application.

(e) Permits shall initially be provisional upon receiving certification from the employer that all pre-employment conditions have been successfully completed, and upon successful completion of all training and examination requirements for the classification of the vehicle to be operated, the Secretary of State shall provisionally issue a School Bus Driver Permit. The permit shall remain in a provisional status pending the completion of the Federal Bureau of Investigation's criminal background investigation based upon fingerprinting specimens submitted to the Federal Bureau of Investigation by the Department of State Police. The Federal Bureau of Investigation shall report the findings directly to the Secretary of State. The Secretary of State shall remove the bus driver permit from provisional status upon the applicant's successful completion of

the Federal Bureau of Investigation's criminal background investigation.

(f) A school bus driver permit holder shall notify the employer and the Secretary of State if he or she is convicted in another state of an offense that would make him or her ineligible for a permit under subsection (a) of this Section. The written notification shall be made within 5 days of the entry of the conviction. Failure of the permit holder to provide the notification is punishable as a petty offense for a first violation and a Class B misdemeanor for a second or subsequent violation.

(g) Cancellation; suspension; notice and procedure.

(1) The Secretary of State shall cancel a school bus driver permit of an applicant whose criminal background investigation discloses that he or she is not in compliance with the provisions of subsection (a) of this Section.

(2) The Secretary of State shall cancel a school bus driver permit when he or she receives notice that the permit holder fails to comply with any provision of this Section or any rule promulgated for the administration of this Section.

(3) The Secretary of State shall cancel a school bus driver permit if the permit holder's restricted commercial or commercial driving privileges are withdrawn or otherwise invalidated.

(4) The Secretary of State may not issue a school bus driver permit for a period of 3 years to an applicant who fails to obtain a negative result on a drug test as required in item 6 of subsection (a) of this Section or under federal law.

(5) The Secretary of State shall forthwith suspend a school bus driver permit for a period of 3 years upon receiving notice that the holder has failed to obtain a negative result on a drug test as required in item 6 of subsection (a) of this Section or under federal law.

The Secretary of State shall notify the State Superintendent of Education and the permit holder's prospective or current employer that the applicant has (1) has failed a criminal background investigation or (2) is no longer eligible for a school bus driver permit; and of the related cancellation of the applicant's provisional school bus driver permit. The cancellation shall remain

in effect pending the outcome of a hearing pursuant to Section 2-118 of this Code. The scope of the hearing shall be limited to the issuance criteria contained in subsection (a) of this Section. A petition requesting a hearing shall be submitted to the Secretary of State and shall contain the reason the individual feels he or she is entitled to a school bus driver permit. The permit holder's employer shall notify in writing to the Secretary of State that the employer has certified the removal of the offending school bus driver from service prior to the start of that school bus driver's next workshift. An employing school board that fails to remove the offending school bus driver from service is subject to the penalties defined in Section 3-14.23 of the School Code. A school bus contractor who violates a provision of this Section is subject to the penalties defined in Section 6-106.11.

All valid school bus driver permits issued under this Section prior to January 1, 1995, shall remain effective until their expiration date unless otherwise invalidated.

(Source: P.A. 88-612, eff. 7-1-95; 89-71, eff. 1-1-96; 89-120, eff. 7-7-95; 89-375, eff. 8-18-95; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 89-626, eff. 8-9-96.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Radogno, **Senate Bill No. 206** was recalled from the order of third reading to the order of second reading.

Senators Radogno - Link - Sullivan offered the following amendment:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 206 by replacing the title with the following:

"AN ACT concerning emergency energy plans, amending named Acts."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Freedom of Information Act is amended by changing Section 7 as follows:

(5 ILCS 140/7) (from Ch. 116, par. 207)

Sec. 7. Exemptions.

(1) The following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations adopted under federal or State law.

(b) Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. The disclosure of information that bears on

the public duties of public employees and officials shall not be considered an invasion of personal privacy. Information exempted under this subsection (b) shall include but is not limited to:

(i) files and personal information maintained with respect to clients, patients, residents, students or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from federal agencies or public bodies;

(ii) personnel files and personal information maintained with respect to employees, appointees or elected officials of any public body or applicants for those positions;

(iii) files and personal information maintained with respect to any applicant, registrant or licensee by any public body cooperating with or engaged in professional or occupational registration, licensure or discipline;

(iv) information required of any taxpayer in connection with the assessment or collection of any tax unless disclosure is otherwise required by State statute; and

(v) information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies; provided, however, that identification of witnesses to traffic accidents, traffic accident reports, and rescue reports may be provided by agencies of local government, except in a case for which a criminal investigation is ongoing, without constituting a clearly unwarranted per se invasion of personal privacy under this subsection.

(c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional

agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;

(ii) interfere with pending administrative enforcement proceedings conducted by any public body;

(iii) deprive a person of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source or confidential information furnished only by the confidential source;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct;

(vi) constitute an invasion of personal privacy under subsection (b) of this Section;

(vii) endanger the life or physical safety of law enforcement personnel or any other person; or

(viii) obstruct an ongoing criminal investigation.

(d) Criminal history record information maintained by State or local criminal justice agencies, except the following which shall be open for public inspection and copying:

(i) chronologically maintained arrest information, such as traditional arrest logs or blotters;

(ii) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;

(iii) court records that are public;

(iv) records that are otherwise available under State or local law; or

(v) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of this Section.

"Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or

information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including all information determined to be confidential under Section 4002 of the Technology Advancement and Development Act. Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person

proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss.

(j) Test questions, scoring keys and other examination data used to administer an academic examination or determined the qualifications of an applicant for a license or employment.

(k) Architects' plans and engineers' technical submissions for projects not constructed or developed in whole or in part with public funds and for projects constructed or developed with public funds, to the extent that disclosure would compromise security.

(l) Library circulation and order records identifying library users with specific materials.

(m) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(n) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(o) Information received by a primary or secondary school, college or university under its procedures for the evaluation of faculty members by their academic peers.

(p) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(q) Documents or materials relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(r) Drafts, notes, recommendations and memoranda pertaining to the financing and marketing transactions of the public body. The records of ownership, registration, transfer, and exchange of municipal debt obligations, and of persons to whom payment with respect to these obligations is made.

(s) The records, documents and information relating to real estate purchase negotiations until those negotiations have been

completed or otherwise terminated. With regard to a parcel

involved in a pending or actually and reasonably contemplated eminent domain proceeding under Article VII of the Code of Civil Procedure, records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.

(t) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool.

(u) Information concerning a university's adjudication of student or employee grievance or disciplinary cases, to the extent that disclosure would reveal the identity of the student or employee and information concerning any public body's adjudication of student or employee grievances or disciplinary cases, except for the final outcome of the cases.

(v) Course materials or research materials used by faculty members.

(w) Information related solely to the internal personnel rules and practices of a public body.

(x) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions or insurance companies, unless disclosure is otherwise required by State law.

(y) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(z) Manuals or instruction to staff that relate to establishment or collection of liability for any State tax or that relate to investigations by a public body to determine violation of any criminal law.

(aa) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(bb) Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.

(cc) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(dd) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(ee) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(ff) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the State of Missouri under the Bi-State Transit Safety Act.

(gg) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(hh) Information the disclosure of which is exempted under

Section 80 of the State Gift Ban Act.

(ii) Beginning July 1, 1999, ~~(hh)~~ information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act.

(jj) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(2) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

(Source: P.A. 90-262, eff. 7-30-97; 90-273, eff. 7-30-97; 90-546, eff. 12-1-97; 90-655, eff. 7-30-98; 90-737, eff. 1-1-99; 90-759, eff. 7-1-99; revised 9-8-98.)

Section 10. The Illinois Municipal Code is amended by adding Division 21.5 to Article 11 as follows:

(65 ILCS 5/Art. 11, Div. 21.5 heading new)

DIVISION 21.5 LOCAL EMERGENCY ENERGY PLANS

(65 ILCS 5/11-21.1-5 new)

Sec. 11-21.1-5. Local emergency energy plans.

(a) Any municipality, including a home rule municipality, may, by ordinance, require any electric utility (i) that serves more than 1,000,000 customers in Illinois and (ii) that is operating within the corporate limits of the municipality to adopt and to provide the municipality with a local emergency energy plan. For the purposes of this Section, (i) "local emergency energy plan" or "plan" means a planned course of action developed by the electric utility that is implemented when the demand for electricity exceeds, or is at significant risk of exceeding, the supply of electricity available to the electric utility and (ii) "local emergency energy plan ordinance" means an ordinance adopted by the corporate authorities of the municipality under this Section that requires local emergency energy plans.

(b) A local emergency energy plan must include the following information:

(1) the circumstances that would require the implementation of the plan;

(2) the levels or stages of the plan;

(3) the approximate geographic limits of each outage area provided for in the plan;

(4) the approximate number of customers within each outage area provided for in the plan;

(5) any police facilities, fire stations, hospitals, nursing homes, schools, day care centers, senior citizens centers, community health centers, dialysis centers, community mental health centers, correctional facilities, stormwater and wastewater treatment or pumping facilities, water-pumping

stations, buildings in excess of 80 feet in height that have been identified by the municipality, and persons on life support systems that are known to the electric utility that could be affected by controlled rotating interruptions of electric service under the plan; and

(6) the anticipated sequence and duration of intentional interruptions of electric service to each outage area under the plan.

(c) A local emergency energy plan ordinance may require that, when an electric utility determines it is necessary to implement a controlled rotating interruption of electric service because the demand for electricity exceeds, or is at significant risk of

exceeding, the supply of electricity available to the electric utility, the electric utility notify a designated municipal officer that the electric utility will be implementing its local emergency energy plan. The notification shall be made pursuant to a procedure approved by the municipality after consultation with the electric utility.

(d) After providing the notice required in subsection (c), an electric utility shall reasonably and separately advise designated municipal officials before it implements each level or stage of the plan, which shall include (i) a request for emergency help from neighboring utilities, (ii) a declaration of a control area emergency, and (iii) a public appeal for voluntary curtailment of electricity use.

(e) The electric utility must give a separate notice to a designated municipal official immediately after it determines that there will be a controlled rotating interruption of electric service under the local emergency energy plan. The notification must include (i) the areas in which service will be interrupted, (ii) the sequence and estimated duration of the service outage for each area, (iii) the affected feeders, and (iv) the number of affected customers in each area. Whenever practical, the notification shall be made at least 2 hours before the time of the outages. If the electric utility is aware that controlled rotating interruptions may be required, the notification may not be made less than 30 minutes before the outages.

(f) A local emergency energy plan ordinance may provide civil penalties for violations of its provisions. The penalties must be permitted under the Illinois Municipal Code.

(g) The notifications required by this Section are in addition to the notification requirements of any applicable franchise agreement or ordinance and to the notification requirements of any applicable federal or State law, rule, and regulation.

(h) Except for any penalties or remedies that may be provided in a local emergency energy plan ordinance, in this Act, or in rules adopted by the Illinois Commerce Commission, nothing in this Section shall be construed to impose liability for or prevent a utility from taking any actions that are necessary at any time, in any order, and with or without notice that are required to preserve the integrity of the electric utility's electrical system and interconnected network.

(i) Nothing in this Section, a local emergency energy plan ordinance, or a local emergency energy plan creates any duty of a

municipality to any person or entity. No municipality may be subject to any claim or cause of action arising, directly or indirectly, from its decision to adopt or to refrain from adopting a local emergency energy plan ordinance. No municipality may be subject to any claim or cause of action arising, directly or indirectly, from any act or omission under the terms of or information provided in a local emergency energy plan filed under a local emergency energy plan ordinance.

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

Senator Radogno moved the adoption of the foregoing amendment.

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Dillard, **Senate Bill No. 230** was recalled from the order of third reading to the order of second reading.

Senator Dillard offered the following amendment and moved its

adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 230 by replacing the title with the following:

"AN ACT concerning year 2000 failure."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Year 2000 Jobs Protection Act.

Section 5. Definitions. In this Act:

"Computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device that performs logical, arithmetic, or memory functions by the manipulations of electronic or magnetic impulses and includes all input, output, processing, storage, or communication facilities that are connected or related to the device. The term includes a component of a computer, such as a microprocessor, embedded chip, memory chip, storage device, or input/output device.

"Computer date statement" means a statement material to a transaction made by a person about a computer product manufactured or sold by the person or about a computer service provided or sold by the person regarding:

(1) the present or future ability of the product or service to process correctly dates of calendar year 1999 or subsequent years; or

(2) the compatibility of the product or service with other computer products, computer services, or electronic data in any form, with respect to the processing of dates of calendar year 1999 or subsequent years.

"Computer network" means the interconnection of 2 or more computers or computer systems by satellite, microwave, line, or other

communication medium with the capability to transmit information among the computers.

"Computer product" includes a computer, a computer network, a computer program, computer software, a computer system, or any component of any of those items, or a product that includes a component of any of those items as a component of the product.

"Computer program" means an ordered set of data representing coded instructions or statements that, when executed by a computer, cause the computer to process data or perform specific functions.

"Computer service" means the product of the use of a computer, the information stored in the computer, or the personnel supporting the computer, including computer time, data processing, and storage functions.

"Computer software" means a set of computer programs, procedures, and associated documentation related to the operation of a computer, computer system, or computer network.

"Computer system" means any combination of a computer or computer network with the documentation, computer software, or physical facilities supporting the computer or computer network.

"Economic loss" means any damages other than damages arising out of personal injury, wrongful death, or damage to tangible property. Economic loss includes, but is not limited to, damages for lost profits or sales, for business interruption, for losses indirectly suffered as a result of the defendant's wrongful act or omission, for losses that arise because of the claims of third parties, for losses that must be pleaded as special damages, and for items defined as consequential damages in the Uniform Commercial Code or an analogous state commercial law.

"Year 2000 action" means any civil action of any kind brought in any adjudicatory forum in which (i) a year 2000 claim is asserted or

(ii) any claim or defense is related, directly or indirectly, to an actual or potential year 2000 failure.

"Year 2000 claim" means any claim or cause of action of any kind, whether asserted by way of claim, counterclaim, cross-claim, third-party claim, or otherwise, in which the plaintiff's alleged loss or harm resulted, directly or indirectly, from an actual or potential year 2000 failure.

"Year 2000 failure" means any failure by any device or system (including, without limitation, any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions, however constructed, in processing, calculating, comparing, sequencing, displaying, storing, transmitting, or receiving date-related data, including, without limitation, (i) failure in accurately dealing with or failure in accurately accounting for transitions or comparisons from, into, and between the 20th and 21st centuries, or during the years 1999 and 2000, (ii) failure to recognize or accurately process any specific date, and (iii) failure accurately to account for the year 2000's status as a leap year.

Section 10. Notice of year 2000 failure.

(a) Except as provided in subsection (b), as a prerequisite to

commencing an action against a person for harm caused by a year 2000 failure, the claimant must give written notice to the person at least 90 days before commencing the action. The written notice must identify the claimant and describe in reasonable detail (i) any symptoms of material defect alleged to have caused a year 2000 failure, (ii) the alleged harm caused by the failure, and (iii) the relief or action sought by the person giving notice.

(b) If giving at least 90 days written notice is rendered impossible by the necessity to commence the action before the expiration of the period of limitations or repose, or if the claimant's claim is asserted against a person by way of a counterclaim or cross-claim, the claimant must give the written notice described in subsection (a) to the person within 30 days after the date the action, counterclaim, or cross-claim was served on the person. The court may not enter a judgment against the person on the claimant's claim for at least 90 days following the date the person received the written notice. The claimant may not request discovery against the person for at least 90 days following the date the person received the written notice.

(c) If the claimant fails to give written notice required by subsection (a) or (b), the court, on motion of the party from whom the claimant seeks damages, shall dismiss the claimant's action against that party.

(d) If a prospective defendant fails to respond to a notice provided pursuant to subsection (a) within the 30 days specified in subsection (b) or does not describe the action, if any, that the prospective defendant will take to address the problem identified by the prospective plaintiff, the 90-day waiting period identified in subsection (a) will terminate at the expiration of the 30-day period as to that prospective defendant, and the prospective plaintiff may commence its action against that prospective defendant immediately.

Section 15. Inspection. Within 60 days after the date a person receives a written notice under Section 10, the person may request in writing to inspect the computer product or the product of the computer service, if it is subject to the claimant's control or supervision, to assess the nature, scope, and consequences of the year 2000 failure. The inspection must be conducted in a reasonable manner at a reasonable time and place.

Section 20. Offer to remedy. During the period of at least 90

days beginning on the date a person receives a written notice under Section 10, the person may offer to remedy the year 2000 failure that is the subject of the claimant's claim, including any remedial measure to correct the year 2000 failure or to mitigate harm caused by the year 2000 failure.

Section 25. Effect of inspection or offer to remedy.

(a) The inspection, and the results of the inspection, as described in Section 15, may be offered as evidence or admitted into evidence.

(b) An offer to remedy a year 2000 failure, and the remedy itself, as described in Section 20, may be offered as evidence or admitted into evidence.

(c) A claimant's decision to accept or to reject an offer to

remedy a year 2000 failure is not an election of remedies and does not affect the claimant's ability to maintain the action unless the claimant agrees otherwise in writing.

Section 30. Action for year 2000 failure.

(a) A person must bring an action for harm caused by a year 2000 failure no later than 2 years from the earlier of:

(1) the date the person discovered that the computer product or computer service processed dates incorrectly or was incompatible with a product, service, or electronic data with respect to processing dates; or

(2) the date the year 2000 failure first caused the person's harm.

(b) This Section does not extend the limitations period within which an action for harm caused by a year 2000 failure may be commenced under any other law.

Section 35. Contract preservation. In any year 2000 action, all written contractual terms, including limitations or exclusions of liability or disclaimers of warranty, shall be enforceable. If the contract is silent or ambiguous as to a particular issue, however, the interpretation of the contract as to that issue shall be determined by applicable law in force at the time that the contract was entered into, provided that the court does not determine that the contract as a whole is unenforceable.

Section 40. Defenses.

(a) Reasonable efforts. In any year 2000 action in which breach of contract is alleged, in addition to any other rights provided by applicable law, the party against whom the claim of breach of contract is asserted shall be allowed to offer evidence that its implementation of the contract, or its efforts to implement the contract, were reasonable in light of the circumstances for the purpose of limiting or eliminating the defendant's liability.

(b) Impossibility or commercial impracticability. In any year 2000 action in which breach of contract is alleged, applicability of the doctrines of impossibility and commercial impracticability shall be determined by applicable law in effect on January 1, 1999, and nothing in this Act shall be construed as limiting or impairing a party's right to assert defenses based on those doctrines.

Section 45. Affirmative defense; notice and repair.

(a) It is an affirmative defense to liability for harm caused by a year 2000 failure if the court determines that:

(1) the defendant timely notified buyers of the computer product or computer service that the product or service may manifest the year 2000 failure; and

(2) the defendant offered to correct the year 2000 failure in the product or service (such as an offer to repair, replace, upgrade, or update the product or service or the component that would manifest the year 2000 failure or to provide a substitute product or service) at no additional charge by the defendant

other than reasonable and customary charges for delivering the product or items needed to make the correction; and

(3) the offered correction would have avoided the harm caused by the year 2000 failure.

(b) The notice issued under subsection (a) must:

(1) identify the product or service supplied by the defendant that manifests or may manifest the year 2000 failure;

(2) explain how the buyer may obtain a correction to the product or service; and

(3) state the cost the buyer must pay to the defendant to obtain the correction.

(c) The notice issued under subsection (a) is timely if it is sent or published before the longer of the following periods:

(1) three months before the date the claimant suffers harm from the year 2000 failure; or

(2) the time needed to order, deliver, and install the correction to the product or service before the claimant suffers harm from the year 2000 failure.

(d) A defendant satisfies the requirement of subdivision (a)(1) if the defendant:

(1) timely delivers the notice to the claimant;

(2) timely sends the notice to all buyers known to the defendant, such as registered buyers, by mail, courier, electronic mail, or telephonic document transfer to the last address or telecopier number provided by the buyer to the defendant; or

(3) timely publishes an advertisement that:

(A) discloses a toll-free telephone number, and, if the defendant has an Internet site, the address of the defendant's internet site, through which consumers of the defendant's product or service may obtain the information described in subsection (b); and

(B) is published in at least 2 newspapers of general, statewide circulation or is published in at least one newspaper of general circulation in each of the regions in this State where the defendant sold the product or service.

Section 50. Affirmative defense; reliance.

(a) In an action for fraud, misrepresentation, disparagement, libel, or other similar action based on the alleged falsity or misleading character of a computer date statement or an express warranty, it is an affirmative defense to liability for harm caused by a year 2000 failure if the court determines that the defendant:

(1) reasonably relied on the computer date statement or express warranty of an independent, upstream vendor or supplier of the computer product or computer service that the product or service would not manifest the year 2000 failure; and

(2) the defendant did not have actual knowledge that the statement or warranty was not true.

(b) In this Section, a statement that a computer product or computer service is "Year 2000 Compliant", complies with a computer date standard established by a State or federal regulatory agency or by a national or international service organization, or a similar representation constitutes a computer date statement.

Section 55. Affirmative defense; compliance testing.

(a) It is an affirmative defense to liability for harm allegedly caused by a year 2000 failure if the court determines that before the claimant suffered harm as a result of the year 2000 failure:

(1) the defendant examined the product or service to determine whether it would manifest a year 2000 failure; and

(2) if the product or service manifested a year 2000 failure, the defendant corrected the product or service or the

component of the product or service identified in the examination as manifesting the year 2000 failure (such as by repairing, replacing, upgrading, or updating the produce or service or providing a substitute product or service); and

(3) the defendant tested the product or service or the component of the product or service after necessary corrections, to determine whether it would manifest the year 2000 failure, and the product or service successfully passed the test; and

(4) the product or service that allegedly harmed the claimant was materially the same as the product or service that successfully passed the year 2000 failure test or examination.

(b) A defendant performs any task described in subdivisions (a) (1) through (a) (3) if the task is performed by the defendant, by an agent of the defendant, or by an independent contractor hired by the defendant to perform the task.

Section 60. Offset.

(a) If the defendant provided a remedy for the year 2000 failure, as described in Section 20, the court shall deduct from the damages recoverable by the claimant an amount equal to the value the claimant received from the remedy.

(b) If the claimant unreasonably refused the defendant's offer to remedy the year 2000 failure, the court shall deduct from the damages recoverable by the claimant an amount equal to the value the claimant would have received from the remedy.

(c) The defendant bears the burden of proving by a preponderance of the evidence the value the claimant received or would have received from the remedy.

Section 65. Duty to mitigate damages. In an action to recover damages for harm caused by a year 2000 failure, a claimant may not recover damages for harm the claimant, in the exercise of reasonable care, could have avoided or mitigated.

Section 70. Punitive damages.

(a) In any year 2000 action in which punitive damages may be awarded under applicable law, except as to a claim for personal injury or wrongful death, the defendant shall not be liable for punitive damages unless the plaintiff proves by clear and convincing evidence that the defendant acted with fraud or malice with respect to the plaintiff.

(b) In any year 2000 action, except with respect to a claim for personal injury or wrongful death, if a defendant is found liable for punitive damages, the amount of punitive damages that may be awarded to a claimant may not exceed the greater of:

(1) 3 times the amount awarded to the claimant for actual damages; or

(2) $250,000.

(c) Notwithstanding subsection (b), in any year 2000 action, except with respect to a claim for personal injury or wrongful death, if the defendant is found liable for punitive damages and the defendant is an individual whose net worth does not exceed $500,000, is an owner of an unincorporated business that has fewer than 25 full-time employees, or is any partnership, corporation, association, unit of local government, or organization that has fewer than 25

full-time employees, the amount of punitive damages may not exceed the lesser of:

(1) 3 times the amount awarded to the claimant for actual damages; or

(2) $250,000.

For purposes of determining the applicability of this subsection (c) to a corporation, the number of employees of a subsidiary of a wholly owned corporation shall include all employees of a parent corporation or any subsidiary of that parent corporation.

(d) The limitations contained in subsections (b) and (c) shall be applied by the court and shall not be disclosed to the jury.

Section 75. Attorney's fees. In any year 2000 action in which attorney's fees are awarded to a party, those fees may not be awarded at a rate greater than $500 per hour.

Section 80. Exclusivity of contract remedies. A party to a year 2000 action making a tort claim may not recover economic losses unless the party is able to show that at least one of the following circumstances exists:

(1) The recovery of the losses is provided for in a contract to which the party seeking to recover the losses is a party.

(2) The losses are incidental to a claim in the year 2000 action based on personal injury or wrongful death caused by a year 2000 failure.

(3) The losses are incidental to a claim in the year 2000 action based on damage to tangible property caused by a year 2000 failure (other than damage to property that is the subject of the contract). Economic losses shall be recoverable in a year 2000 action, however, only if applicable federal law, or applicable State law embodied in statute or controlling judicial precedent in effect on January 1, 1999, permits the recovery of the losses in the action.

Section 85. Liability of officers and directors.

(a) A director, officer, or trustee of a business or other organization (including a corporation, unincorporated association, partnership, or nonprofit organization) shall not be personally liable in any year 2000 action in his or her capacity as a director or officer of the business or organization for an aggregate amount greater than the greater of (i) $100,000 or (ii) the amount of cash compensation received by the director or officer from the business or organization during the 12 months immediately preceding the act or omission for which liability was imposed.

(b) Nothing in this Section shall be deemed to impose, or to permit the imposition of, personal liability on any director, officer, or trustee in excess of the aggregate amount of liability to which the director, officer, or trustee would be subject under applicable State law in effect on January 1, 1999 (including any bylaw authorized by that State law).

Section 97. Application and effect of Act.

(a) Except as provided in this Section, this Act applies to any action in which a claimant seeks recovery of damages for harm caused by a year 2000 failure, regardless of the legal theory or statute on which the action is based, including an action based in tort,

contract, or breach of an express or implied warranty. It applies also to any action based on an alleged failure to properly detect, disclose, prevent, report, or remediate a year 2000 failure.

(b) This Act does not apply to an action to collect workers' compensation benefits under the Workers' Compensation Act.

(c) This Act does not create a duty. This Act does not create a cause of action.

(d) This Act does not limit a person's right to enter into written agreements on the issues of liability and damages for a year 2000 failure. This Act does not limit the right of parties to those written agreements to enforce the terms of those written agreements.

(e) This Act does not affect the rights or obligations of parties under a contract of insurance.

(f) This Act does not waive sovereign immunity of the State or of a political subdivision of the State.

(g) This Act does not expand or limit the immunity of a person under any other law or statute providing immunity.

Section 98. Application to pending matters. This Act applies

only to actions commenced and complaints filed on or after its effective date.

Section 900. The Illinois Income Tax Act is amended by adding Section 211 as follows:

(35 ILCS 5/211 new)

Sec. 211. Year 2000 failure tax credit. A taxpayer who is (i) a self-employed taxpayer and employs 25 or fewer employees, (ii) a corporation that employs 25 or fewer employees, or (iii) a partnership that employs 25 or fewer employees is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201, for taxable year 1999 only, in an amount equal to 25% of the total, cumulative cost paid by the taxpayer to remedy an actual or potential year 2000 failure as that term is defined in the Year 2000 Jobs Protection Act. A taxpayer claiming the credit provided by this Section shall maintain and record the information required by the Department by rule concerning amounts paid by the taxpayer to remedy the actual or potential year 2000 failure.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Floor Amendment No. 2 was adopted earlier today.

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

On motion of Senator Molaro, **Senate Bill No. 272** was recalled from the order of third reading to the order of second reading.

Senator Molaro offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend Senate Bill 272, AS AMENDED, in Section 5

of the bill by inserting immediately below the last of line of Sec. 2JJ the following:

"(a) Sales of telecommunications calling time by means of a prepaid calling card may not include, as a condition of the sale or contract for sale, that the consumer must use the prepaid calling time within a specified time period unless the usage period is calculated from the date of first use or unless the specific expiration date is disclosed on the face of the card. This Section does not apply to calling time sold for use by means of cellular telephones or to prepaid calling cards provided on a promotional basis to consumers without charge.

(b) As used in this Section, "prepaid calling card" means an instrument or device issued for the use of the cardholder in obtaining telecommunications calling time.

(c) A person who violates the provisions of this Section commits an unlawful practice within the meaning of this Act. A person who violates the provisions of this Section commits a business offense may be fined not less than $501 nor more than $5,000 for each offense.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 4 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 311** was recalled from

the order of third reading to the order of second reading.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 311, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Civil Administrative Code of Illinois is amended by changing Section 49.13 as follows:

(20 ILCS 2705/49.13) (from Ch. 127, par. 49.13)

Sec. 49.13. Lease of property. From time to time to lease any land or property, with or without appurtenances, of which the department has jurisdiction, and which are not immediately to be used or developed by the State; provided that no such lease be for a longer period of time than that in which it can reasonably be expected the State will not have use for such property, and further provided that no such lease be for a longer period of time than 5 years.

(Source: Laws 1953, p. 1443.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Fawell, **Senate Bill No. 468** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was tabled in the Committee on Revenue by the sponsor.

Senator Fawell offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 468 by replacing everything after the enacting clause with the following:

"Section 5. The Use Tax Act is amended by changing Section 3-55 and adding Section 3-61 as follows:

(35 ILCS 105/3-55) (from Ch. 120, par. 439.3-55)

Sec. 3-55. Multistate exemption. ~~To prevent actual or likely multistate taxation,~~ The tax imposed by this Act does not apply to the use of tangible personal property in this State under the following circumstances:

(a) The use, in this State, of tangible personal property acquired outside this State by a nonresident individual and brought into this State by the individual for his or her own use while temporarily within this State or while passing through this State.

(b) The use, in this State, of tangible personal property by an interstate carrier for hire as rolling stock moving in interstate commerce or by lessors under a lease of one year or longer executed or in effect at the time of purchase of tangible personal property by interstate carriers for-hire for use as rolling stock moving in interstate commerce as long as so used by the interstate carriers for-hire, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(c) The use, in this State, by owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce as long as so used by the interstate carriers for hire, and equipment

operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(d) The use, in this State, of tangible personal property that is acquired outside this State and caused to be brought into this State by a person who has already paid a tax in another State in respect to the sale, purchase, or use of that property, to the extent of the amount of the tax properly due and paid in the other State.

(e) The temporary storage, in this State, of tangible personal property that is acquired outside this State and that, after being brought into this State and stored here temporarily, is used solely outside this State or is physically attached to or incorporated into other tangible personal property that is used solely outside this State, or is altered by converting, fabricating, manufacturing, printing, processing, or shaping, and, as altered, is used solely

outside this State.

(f) The temporary storage in this State of building materials and fixtures that are acquired either in this State or outside this State by an Illinois registered combination retailer and construction contractor, and that the purchaser thereafter uses outside this State by incorporating that property into real estate located outside this State.

(g) The use or purchase of tangible personal property by a common carrier by rail or motor that receives the physical possession of the property in Illinois, and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(h) The use, in this State, of a motor vehicle that was sold in this State to a nonresident, even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a driveaway decal permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the driveaway decal permit or having the out-of-state registration plates to be transferred shall be prima facie evidence that the motor vehicle will not be titled in this State.

(Source: P.A. 90-519, eff. 6-1-98; 90-552, eff. 12-12-97.)

(35 ILCS 105/3-61 new)

Sec. 3-61. Use as rolling stock definition. "Use as rolling stock moving in interstate commerce" in subsections (b) and (c) of Section 3-55 means for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, and trailers, as defined in Section 1-209 of the Illinois Vehicle Code, when on 15 or more occasions in a calendar year the motor vehicle and trailer has carried persons or property for hire in interstate commerce, even just between points in Illinois, if the motor vehicle and trailer transports persons whose journeys or property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof.

Section 10. The Service Use Tax Act is amended by changing Section 3-45 and adding Section 3-51 as follows:

(35 ILCS 110/3-45) (from Ch. 120, par. 439.33-45)

Sec. 3-45. Multistate exemption. ~~To prevent actual or likely multistate taxation,~~ The tax imposed by this Act does not apply to the use of tangible personal property in this State under the

following circumstances:

(a) The use, in this State, of property acquired outside this State by a nonresident individual and brought into this State by the individual for his or her own use while temporarily within this State or while passing through this State.

(b) The use, in this State, of property that is acquired outside this State and that is moved into this State for use as rolling stock

moving in interstate commerce.

(c) The use, in this State, of property that is acquired outside this State and caused to be brought into this State by a person who has already paid a tax in another state in respect to the sale, purchase, or use of that property, to the extent of the amount of the tax properly due and paid in the other state.

(d) The temporary storage, in this State, of property that is acquired outside this State and that after being brought into this State and stored here temporarily, is used solely outside this State or is physically attached to or incorporated into other property that is used solely outside this State, or is altered by converting, fabricating, manufacturing, printing, processing, or shaping, and, as altered, is used solely outside this State.

(Source: P.A. 86-44; 86-244; 86-252; 86-820; 86-905; 86-928; 86-1028; 86-1475.)

(35 ILCS 110/3-51 new)

Sec. 3-51. Use as rolling stock definition. "Use as rolling stock moving in interstate commerce" in subsection (b) of Section 3-45 means for motor vehicles, as defined in Section 1-46 of the Illinois Vehicle Code, and trailers, as defined in Section 1-209 of the Illinois Vehicle Code, when on 15 or more occasions in a calendar year the motor vehicle and trailer has carried persons or property for hire in interstate commerce, even just between points in Illinois, if the motor vehicle and trailer transports persons whose journeys or property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof.

Section 15. The Service Occupation Tax Act is amended by adding Section 2d as follows:

(35 ILCS 115/2d new)

Sec. 2d. Use as rolling stock definition. "Use as rolling stock moving in interstate commerce" in subsections (d) and (d-1) of the definition of "sale of service" in Section 2 means for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, and trailers, as defined in Section 1-209 of the Illinois Vehicle Code, when on 15 or more occasions in a calendar year the motor vehicle and trailer has carried persons or property for hire in interstate commerce, even just between points in Illinois, if the motor vehicle and trailer transports persons whose journeys or property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof.

Section 20. The Retailers' Occupation Tax Act is amended by adding Section 2-51 as follows:

(35 ILCS 120/2-51 new)

Sec. 2-51. Use as rolling stock definition. "Use as rolling stock moving in interstate commerce" in paragraphs (12) and (13) of Section 2-5 means for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, and trailers, as defined in Section 1-209 of the Illinois Vehicle Code, when on 15 or more occasions in a calendar year the motor vehicle and trailer has carried persons or property for hire in interstate commerce, even just between points in Illinois, if the motor vehicle and trailer transports persons whose

journeys or property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 527** was recalled from the order of third reading to the order of second reading.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 527, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1 on page 5, by replacing lines 9 through 34 with the following:

"(f) Notification for applications of pesticides to school grounds other than school structures. School districts must maintain a registry of parents and guardians of students who have registered to receive written notification prior to the application of pesticides to school grounds or provide written notification to all parents and guardians of students before such pesticide application. Written notification may be included in newsletters, bulletins, calendars, or other correspondence currently published by the school district. The written notification must be given at least 2 business days before application of the pesticide and should identify the intended date of the application of the pesticide and the name and telephone contact number for the school personnel responsible for the pesticide application program. Prior written notice shall not be required if there is imminent threat to health or property. If such a situation arises, the appropriate school personnel must sign a statement describing the circumstances that gave rise to the health threat and ensure that written notice is provided as soon as practicable."; and

by deleting all of page 6 and lines 1 through 14 on page 7.

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 529** was recalled from the order of third reading to the order of second reading.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 529, AS AMENDED, by replacing

everything after the enacting clause with the following:

"Section 5. The Structural Pest Control Act is amended by changing Sections 2, 3, and 10.2 and adding Sections 3.26 and 10.3 as follows:

(225 ILCS 235/2) (from Ch. 111 1/2, par. 2202)

Sec. 2. Legislative intent. It is declared that there exists

and may in the future exist within the State of Illinois locations where pesticides are received, stored, formulated or prepared and subsequently used for the control of structural pests, and improper selection, formulation and application of pesticides may adversely affect the public health and general welfare.

It is further established that the use of certain pesticides is restricted or may in the future be restricted to use only by or under the supervision of persons certified in accordance with this Act.

It is recognized that pests can best be controlled through an integrated pest management program that combines preventive techniques, nonchemical pest control methods, and the appropriate use of pesticides with preference for products that are the least harmful to human health and the environment. Integrated pest management is a good practice in the management of pest populations, and it is prudent to employ pest control strategies that are the least hazardous to human health and the environment.

Therefore, the purpose of this Act is to protect, promote and preserve the public health and general welfare by providing for the establishment of minimum standards for selection, formulation and application of restricted pesticides and to provide for the licensure of commercial structural pest control businesses, the registration of persons who own or operate non-commercial structural pest control locations where restricted pesticides are used, and the certification of pest control technicians.

It is also the purpose of this Act to reduce economic, health, and environmental risks by promoting ~~encourage~~ the use of integrated pest management for structural pest control in schools, by making guidelines on integrated pest management available to schools.
(Source: P.A. 87-1106.)

(225 ILCS 235/3) (from Ch. 111 1/2, par. 2203)

Sec. 3. Definitions.) As used in this Act, unless the context otherwise requires, the terms specified in Sections 3.01 through 3.26 ~~3.24~~ have the meanings ascribed to them in those Sections.
(Source: P.A. 83-825.)

(225 ILCS 235/3.26 new)

Sec. 3.26. "School" means any structure used as a public school in this State.

(225 ILCS 235/10.2) (from Ch. 111 1/2, par. 2210.2)

Sec. 10.2. Integrated pest management guidelines.

(a) The Department shall prepare guidelines for an integrated pest management program for structural pest control practices at school buildings and other school facilities. Such guidelines shall be made available to schools and the public upon request.

(b) When economically feasible, each school is required ~~encouraged~~ to adopt an integrated pest management program that incorporates the guidelines developed by the Department. If adopting

an integrated pest management program would not be economically feasible because it would result in an increase in the school's pest control cost, the school district must provide written notification to the Department. The notification must include projected pest control costs for the term of the pest control program and projected costs for implementing integrated pest management for that same time period. The Department shall make this notification available to the general public upon request. ~~In implementing an integrated pest management program, a pest control specialist should be designated and that person should assume responsibility for the oversight of pest management practices in that school and for recordkeeping requirements.~~

(c) The Structural Pest Control Advisory Council shall assist the Department in developing the guidelines for integrated pest management programs. In developing the guidelines, the Council shall

consult with individuals knowledgeable in the area of integrated pest management.

(d) The Department, with the assistance of the Cooperative Extension Service and other relevant agencies, may prepare a training program for school pest control specialists.

(Source: P.A. 87-1106.)

(225 ILCS 235/10.3 new)

Sec. 10.3. Notification. School districts must maintain a registry of parents and guardians of students who have registered to receive written notification prior to application of pesticides to school property or provide written notification to all parents and guardians of students before such pesticide application. Written notification may be included in newsletters, bulletins, calendars, or other correspondence currently published by the school district. The written notification must be given at least 2 business days before application of the pesticide application and should identify the intended date of the application of the pesticide and the name and telephone contact number for the school personnel responsible for the pesticide application program. Prior written notice shall not be required if there is an imminent threat to health or property. If such a situation arises, the appropriate school personnel must sign a statement describing the circumstances that gave rise to the health threat and ensure that written notice is provided as soon as practicable. For purposes of this Section, pesticides subject to notification requirements shall not include (i) an antimicrobial agent, such as disinfectant, sanitizer, or deodorizer, or (ii) insecticide and rodenticide baits.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Sieben, **Senate Bill No. 578** was recalled

from the order of third reading to the order of second reading.

Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 578, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 11-501.4-1 as follows:

(625 ILCS 5/11-501.4-1)

Sec. 11-501.4-1. Reporting of test results of blood or urine conducted in the regular course of providing emergency medical treatment.

(a) Notwithstanding any other provision of law, the results of blood or urine tests performed for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, in an individual's blood or urine conducted upon persons receiving medical treatment in a hospital emergency room for injuries resulting from a motor vehicle accident shall ~~may~~ be disclosed ~~reported~~ to the Department of State Police or local law enforcement agencies of jurisdiction, upon request. Such blood or urine tests are admissible in evidence as a business record exception to the hearsay rule only in prosecutions for any violation of Section 11-501 of this Code or a similar

provision of a local ordinance, or in prosecutions for reckless homicide brought under the Criminal Code of 1961.

(b) The confidentiality provisions of law pertaining to medical records and medical treatment shall not be applicable with regard to tests performed upon an individual's blood or urine under the provisions of subsection (a) of this Section. No person shall be liable for civil damages or professional discipline as a result of the disclosure or reporting of the tests or the evidentiary use of an individual's blood or urine test results under this Section or Section 11-501.4 or as a result of that person's testimony made available under this Section or Section 11-501.4, except for willful or wanton misconduct.

(Source: P.A. 89-517, eff. 1-1-97; 90-779, eff. 1-1-99.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Bomke, **Senate Bill No. 721** was recalled from the order of third reading to the order of second reading.

Senator Bomke offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 721 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Dental Care Patient Protection Act.

Section 5. Purpose; dental care patient rights.

(a) The purpose of this Act is to provide fairness and choice to dental patients and dentists under managed care dental benefit plans.

(b) Dental care patients have the following rights:

(1) A patient has the right to care consistent with professional standards of practice to assure quality dental care, to choose the participating dentist responsible for providing his or her care, to receive information concerning his or her condition and proposed treatment, to refuse any treatment to the extent permitted by law, and to privacy and confidentiality of records except as otherwise provided by law.

(2) A patient has the right, regardless of source of payment, to examine and to receive a reasonable explanation of his or her total bill for services rendered by his or her dentist. A dentist shall be responsible only for a reasonable explanation of those specific dental care services provided by the dentist.

(3) A patient has the right to timely prior notice of the termination in the event a plan cancels or refuses to renew an enrollee's participation in the plan except when the termination is for non-payment of premium or termination of the plan by the group.

(4) A patient has the right to privacy and confidentiality. This right may be expressly waived in writing by the patient or the patient's guardian.

(5) A patient has the right to purchase any dental care services with that patient's own funds.

Section 10. Definitions. As used in this Act:

"Dental care services" means services permitted to be performed by a licensed dentist or any person working under the dentist's supervision as permitted by law.

"Dentist" means a person licensed to practice dentistry in any state.

"Department" means the Department of Insurance.

"Director" means the Director of Insurance.

"Emergency dental services" means the provision of dental care for a sudden, acute dental condition that would lead a prudent layperson, who possesses an average knowledge of dentistry, to reasonably expect the absence of immediate care to result in serious impairment to the dentition or would place the person's oral health in serious jeopardy.

"Enrollee" means an individual and his or her dependents who are enrolled in a managed care dental plan.

"Managed care dental plan" or "plan" means a plan that establishes, operates, or maintains a network of dentists that have entered into agreements with the plan to provide dental care services to enrollees to whom the plan has the obligation to arrange for the provision of or payment for services through organizational arrangements for ongoing quality assurance, utilization review programs, or dispute resolution.

For the purpose of this Act, "managed care dental plans" do not include employee or employer self-insured dental benefit plans under the federal ERISA Act of 1974.

"Point-of-service plan" means a plan or plans that includes both in-plan covered services and out-of-plan covered services as well as managed dental care plan arrangements in which the risk for out-of-plan covered services is borne through reinsurance. The term also includes indemnity benefits that are underwritten in whole by a licensed insurance carrier or a self-funded employer group. For purposes of this Section, "out-of-plan services" means those services which are obtained from providers who do not have a contract, or any other arrangements, with a managed care dental plan or services obtained without a referral from providers who have contracted to provide services to the enrollees on behalf of the managed care dental plan.

"Primary care provider (dentist)" means a dentist, having an arrangement with a managed care dental plan, selected by an enrollee or assigned to an enrollee by a plan to provide dental care services under a managed care dental plan.

"Prospective enrollee" means an individual eligible for enrollment in a managed care dental plan offered by that individual's employer.

"Provider" means either a general dentist or a dentist who is a licensed specialist.

Section 15. Rules. The Department may promulgate such rules as it deems reasonably necessary to implement the terms of this Act. The Department shall establish an advisory committee made up of representatives from the dental profession to provide clinical advice and counsel to the Department regarding dental managed care issues for which a dentist's professional training is relevant in the course of administering this Act. The advisory committee shall be comprised of dentists licensed to practice in Illinois, appointed by the Director as follows: 2 dental directors or their dentist designee from managed care dental plans which are subject to this Act, 2 general dentists, and the dental director of the Illinois Department of Public Health. The advisory committee shall meet as reasonably determined by the Director. Nothing in this Section shall be deemed as authorizing or permitting the Department to delegate any authority to enforce the provisions of this Act to the advisory committee and any such delegation is expressly prohibited hereunder.

Section 25. Provision of information.

(a) A managed care dental plan shall provide upon request to

prospective enrollees a written summary description of all of the following terms of coverage:

(1) Information about the dental plan, including how the plan operates and what general types of financial arrangements exist between dentists and the plan. Nothing in this Section shall require disclosure of any specific financial arrangements between providers and the plan.

(2) The service area.

(3) Covered benefits, exclusions, or limitations.

(4) Pre-certification requirements including any

requirements for referrals made by primary care dentists to specialists, and other preauthorization requirements.

(5) A list of participating primary care dentists in the plan's service area, including provider address and phone number, for an enrollee to evaluate the managed care dental plan's network access, as well as a phone number by which the prospective enrollee may obtain additional information regarding the provider network including participating specialists. However, a managed care dental plan offering a preferred provider organization ("PPO") product that does not require the enrollee to select a primary care dentist shall only be required to make available for inspection to enrollees and prospective enrollees a list of participating dentists in the plan's service area.

(6) Emergency coverage and benefits.

(7) Out-of-area coverages and benefits, if any.

(8) The process about how participating dentists are selected.

(9) The grievance process, including the telephone number to call to receive information concerning grievance procedures.

An enrollee shall be provided with an evidence of coverage as required under the Illinois Insurance Code provisions applicable to the managed care dental plan.

(b) An enrollee or prospective enrollee has the right to the most current financial statement filed by the managed care dental plan by contacting the Department of Insurance. The Department may charge a reasonable fee for providing such information.

(c) The managed care dental plan shall provide to the Department, on an annual basis, a list of all participating dentists. Nothing in this Section shall require a particular ratio for any type of provider.

(d) If the managed care dental plan uses a capitation method of compensation to its primary care providers (dentists), the plan must establish and follow procedures that ensure that:

(1) the plan application form includes a space in which each enrollee selects a primary care provider (dentist);

(2) if an enrollee who fails to select a primary care provider (dentist) is assigned a primary care provider (dentist), the enrollee shall be notified of the name and location of that primary care provider (dentist); and

(3) primary care provider (dentist) to whom an enrollee is assigned, pursuant to item (2), is physically located within a reasonable travel distance, as established by rule adopted by the Director, from the residence or place of employment of the enrollee.

(e) Nothing in this Act shall be deemed to require a plan to assign an enrollee to a primary care provider (dentist).

Section 35. Credentialing; utilization review; provider input.

(a) Participating dentists shall be given an opportunity to comment on the plan's policies affecting their services to include the plan's dental policy, including coverage of a new technology and procedures, utilization review criteria and procedures, quality and

credentialing criteria, and dental management procedures provided,

however, a plan shall not be required to release any information which it deems confidential or proprietary.

(b) Upon request, managed care dental plans shall disclose to prospective purchasers the process about how participating dentists are selected for the plan.

(c) A dentist under consideration for inclusion in a managed care dental plan that requires the enrollee to select a primary care provider (dentist) shall be subject to the managed care dental plan's credentialing policy, which shall be overseen by the dental director of the managed care dental plan.

(d) Credentialing of dentists who will participate in a managed care dental plan that requires its enrollees to select a primary care provider (dentist) shall be based on identified guidelines that have been adopted by the plan. The managed care dental plan shall make the credentialing guidelines available to applicants, upon request.

(e) A managed care dental plan shall have a dental director who is a licensed dentist. The dental director shall ultimately be responsible for the benefit coverage decisions made by the plan which require professional dental training and clinical judgement. Decisions made by the plan to deny coverage for a procedure, based primarily upon clinical judgment, or that a payment for an alternative procedure should be considered must be made by the dental director or a licensed dentist acting under the supervision of the dental director. Nothing in this Section prohibits a benefit coverage decision that does not require a dentist's professional judgment from being denied without a dentist's involvement.

A provider advocating on behalf of a patient who has had a claim denied, the basis of which requires professional dental training and judgment, or was offered an alternative benefit for payment by the plan has an opportunity to appeal to the dental director by submitting a written appeal and providing information that is reasonably needed to consider the appeal. The dental director or a licensed dentist acting under the supervision of the dental director shall respond to the provider's appeal. Enrollees shall be afforded appeal rights as specified in the benefits contract or as otherwise provided by law.

(h) A managed care dental plan may not exclude a provider solely because of the anticipated characteristics of the patients of that provider.

(i) Before terminating a contract with a provider for cause, the managed care dental plan shall provide a written explanation of the reasons for termination. The provider shall be given an opportunity for discussion with the dental director or his dentist designee. If a managed care dental plan conducts or uses utilization profiling as the primary basis for terminating the provider contract for cause, the managed care dental plan shall make available the utilization data relevant to that provider in advance of the termination.

(j) A communication relating to the subject matter provided for under subsection (a) or (i) of this Section may not be the basis for a cause of action for libel or slander, except for disclosures or communications with parties other than the plan or provider.

(k) The managed care dental plan shall establish reasonable procedures for assuring a transition of enrollees of the plan to new providers.

(l) This Act does not prohibit a managed care dental plan from rejecting an application from a provider based on the plan's

determination that the plan has sufficient qualified providers or if the plan reasonably determines that inclusion of the provider is not in the best interest of the managed care dental plan and its

enrollees. Nothing in this Act shall be construed as requiring a managed care dental plan to contract with a dentist who has not agreed to the terms of participation as specified by the plan.

(m) No contractual provision shall in any way prohibit a dentist from discussing all clinical options for treatment with a patient.

(n) A managed care dental plan shall submit for the Director's approval, and thereafter maintain, a system for the resolution of grievances concerning the provision of dental care services or other matters concerning operation of the managed care dental plan.

Section 40. Coverage; prior authorization. A managed care dental plan shall:

(1) cover palliative treatment for emergency dental services, as included in its certificate of coverage, without regard to whether the provider furnishing the services has a contractual or other arrangement with the entity to provide items or services to covered individuals, provided that the enrollee has made a reasonable attempt to first obtain service through the appropriate primary care dentist; and

(2) if an enrollee suffers trauma to the mouth, teeth or oral cavity that results in a need for emergency dental services, as included in the certificate of coverage, provide that the prior authorization requirement for emergency dental is waived.

Nothing in this Section shall be deemed as requiring managed care dental plans to provide coverage for emergency dental services in excess of that required in the Illinois Insurance Code.

Section 45. Prior authorization; consent forms. A plan for which prior authorization is a condition to coverage of a service must clearly disclose this provision in the evidence of coverage.

Section 50. Point-of-service plans.

(a) If an employer who has 25 or more employees and contributes 25% or more to the cost of the dental benefit plan coverage to employees and the only dental plan coverage being offered requires enrollees to select a primary care provider (dentist) and has no out-of-plan covered services option, the managed care dental plan with which the employer is contracting for the coverage shall offer a dental point-of-service ("POS") option to the employee.

(b) An employer may require an employee who accepts the POS option to be responsible for the payment of a premium over the amount of the premium for the coverage provided to employees under the dental benefit plan offered which requires enrollees to select a primary care provider (dentist) and has no out-of-plan covered services option. The enrollee may pay any additional premium either directly or by payroll deduction in the same manner in which the other premium is paid. The premium for the POS option shall be as established by the managed care dental plan using its underwriting guidelines for establishing rates to be charged for products which it offers.

(c) Different cost-sharing provisions may be imposed for the POS option.

(d) An employer may charge an employee who accepts the POS option a reasonable administrative fee for costs associated with the employer's reasonable administration of the POS option.

(e) The POS option to be offered pursuant to this Section may be satisfied by the plan by allowing prospective enrollees to elect the POS option during the employer's enrollment period, and remaining in the POS option until the next open enrollment period, or any other basis reasonably determined by the plan to satisfy the requirements of this Section.

(f) A managed care dental plan required to offer a POS option pursuant to this Act shall be subject to those rules for POS products as set by the Department.

Section 55. Private cause of action; existing remedies. This Act and rules adopted under this Act do not:

(1) provide a private cause of action for damages or create a standard of care, obligation, or duty that provides a basis for a private cause of action for damages; or

(2) abrogate a statutory or common law cause of action, administrative remedy, or defense otherwise available and existing before the effective date of this Act.

Section 60. Record of complaints.

(a) The Department shall maintain records concerning the complaints filed against the plan with the Department. The Department shall make a summary of all data collected available upon request and publish the summary on the World Wide Web.

(b) The Department shall maintain records on the number of complaints filed against each plan.

(c) The Department shall maintain records classifying each complaint by whether the complaint was filed by:

(1) a consumer or enrollee;

(2) a provider; or

(3) any other individual.

(e) The Department shall maintain records classifying each complaint according to the nature of the complaint as it pertains to a specific function of the plan. The complaints shall be classified under the following categories:

(1) denial of care or treatment;

(2) denial of a diagnostic procedure;

(3) denial of a referral request;

(4) sufficient choice and accessibility of dentists;

(5) underwriting;

(6) marketing and sales

(7) claims and utilization review;

(8) member services;

(9) provider relations; and

(10) miscellaneous.

(f) The Department shall maintain records classifying the disposition of each complaint. The disposition of the complaint shall be classified in one of the following categories:

(1) complaint referred to the plan and no further action necessary by the Department;

(2) no corrective action deemed necessary by the

Department; or

(3) corrective action taken by the Department.

(g) No Department publication or release of information shall identify any enrollee, dentist, or individual complainant.

Section 65. Administration of Act. The Director may adopt rules necessary to implement the Department's responsibility under this Act. To enforce the provisions of this Act, the director may issue a cease and desist order or require a managed care dental plan to submit a plan of correction for violations of this Act, or both. Subject to the provisions of the Illinois Administrative Procedure Act, the Director may impose an administrative fine, not to exceed $1,000, for failure to submit a requested plan of correction, failure to comply with its plan of correction, or repeated violations of the Act. All final decisions regarding the imposition of a fine shall be subject to review under the Illinois Administrative Review Law.

Section 70. Retaliation prohibited. A managed care dental plan may not take any retaliatory actions, including cancellation or refusal to renew a policy, against an employer or enrollee solely because the employer or enrollee has filed complaints with the plan or appealed a decision of the plan.

Section 75. Application of other law.

(a) All provisions of this Act and other applicable law that are not in conflict with this Act shall apply to managed care dental plans and other persons subject to this Act.

(b) Solicitation of enrollees by a managed care entity granted a certificate of authority or its representatives shall not be construed to violate any provision of law relating to solicitation or advertising by health professionals.

Section 80. Limitations on indemnification provisions. No contract between a managed care dental plan and a provider may require that the provider indemnify the managed care dental plan for the Plan's, or its officers, employees, or agents, negligence, willful misconduct, or breach of contract, if any, provided nothing herein shall relieve the provider for such obligations that have been delegated to the provider pursuant to written agreement. The delegation of functions agreed to between the plan and the provider shall be identified in the written agreement.

Section 85. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator W. Jones, **Senate Bill No. 729** was recalled from the order of third reading to the order of second reading.

Senator W. Jones offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 729, on page 1, by replacing lines 16 and 17 with the following:
"the conveyance, unless the offender is a parent or guardian of a student present in the building, on the grounds or in the conveyance or unless the offender has permission to be present from the superintendent or the school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Notification includes the nature of the sex offender's visit and the hours in which the sex offender will be present in the school. The sex offender is responsible for notifying the principal's office when he or she arrives on school property and when he or she departs from school property. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official. A child sex offender who violates this provision is guilty of a Class 4 felony.÷"; and
on page 1, by replacing lines 28 and 29 with the following:
"unless the offender is a parent or guardian of a student present in the building or on the grounds or has permission to be present from the superintendent or the school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Notification includes the nature of the sex offender's visit and the hours in which the sex offender will be present in the school. The sex offender is responsible for notifying the principal's office when he or she arrives on school property and when he or she departs from school property. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to

remain under the direct supervision of a school official. A child sex offender who violates this provision is guilty of a Class 4 felony.÷"; and
on page 5, by replacing lines 20 and 21 with the following:
"means the principal, a teacher, or any other certified employee of the school, the superintendent of schools or a member of the school board.".

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

On motion of Senator Fawell, **Senate Bill No. 734** was recalled from the order of third reading to the order of second reading.
Senator Fawell offered the following amendment and moved its adoption:

AMENDMENT NO. 2
AMENDMENT NO. 2. Amend Senate Bill 734, AS AMENDED, by replacing the title with the following:

"AN ACT to amend the General Not For Profit Corporation Act of 1986 by changing Sections 107.03, 107.05, 107.15, 107.75, and 108.21 and by adding Section 107.90."; and

by replacing everything after the enacting clause with the following:

"Section 5. The General Not For Profit Corporation Act of 1986 is amended by changing Sections 107.03, 107.05, 107.15, 107.75, and 108.21 and by adding Section 107.90 as follows:

(805 ILCS 105/107.03) (from Ch. 32, par. 107.03)

Sec. 107.03. Members.

(a) A corporation may have one or more classes of members or may have no members.

(b) If the corporation has one or more classes of members, the designation of the class or classes and the qualifications and rights of the members of each class shall be set forth in the articles of incorporation or the bylaws. The articles of incorporation or the bylaws may provide for representatives or delegates of members and may establish their qualifications and rights.

(c) If the corporation is to have no members, that fact shall be set forth in the articles of incorporation or the bylaws.

(d) A corporation may issue certificate evidencing membership therein.

(e) The transfer of a certificate of membership in a not-for-profit corporation in which assets are held for a charitable, religious, eleemosynary, benevolent or educational purpose, shall be without payment of any consideration of money or property of any kind or value to the transferor in respect to such transfer. Any transfer in violation of this Section shall be void.

(f) Where the articles of incorporation or bylaws provide that a corporation shall have no members, or where a corporation has under its articles of incorporation, bylaws or in fact no members entitled to vote on a matter, any provision of this Act requiring notice to, the presence of, or the vote, consent or other action by members of the corporation in connection with such matter shall be satisfied by notice to, the presence of, or the vote, consent or other action of the directors of the corporation.

(g) A residential cooperative not-for-profit corporation containing 50 or more single family units and located in a county with a population between 780,000 and 3,000,000 shall specifically set forth the qualifications and rights of its members in the

Articles of Incorporation and the bylaws.

(Source: P.A. 87-854.)

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

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

(b) An annual meeting of the members entitled to vote may be held at such time as may be provided in the bylaws or in a resolution of the board of directors pursuant to authority granted in the bylaws. Failure to hold the annual meeting at the designated time

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

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

(d) Unless specifically prohibited by the articles of incorporation or bylaws, members entitled to vote may participate in and act at any meeting through the use of a conference telephone or other communications equipment by means of which all persons participating in the meeting can communicate with each other. Participation in such meeting shall constitute attendance and presence in person at the meeting of the person or persons so participating.

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

(Source: P.A. 84-1423.)

(805 ILCS 105/107.15) (from Ch. 32, par. 107.15)

Sec. 107.15. Notice of members' meetings. Written notice stating the place, day, and hour of the meeting and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than 5 nor more than 60 days before the date of the meeting, or in the case of a removal of one or more directors, a merger, consolidation, dissolution or sale, lease

or exchange of assets not less than 20 nor more than 60 days before the date of the meeting, by or at the direction of the president, or the secretary, or the officer or persons calling the meeting, to each member of record entitled to vote at such meeting. A residential

cooperative not-for-profit corporation containing 50 or more single family units and located in a county with a population between 780,000 and 3,000,000 shall, in addition to the other requirements of this Section, post notice of member's meetings in conspicuous places in the residential cooperative at least 48 hours prior to the meeting of the members.

(Source: P.A. 84-1423.)

(805 ILCS 105/107.75) (from Ch. 32, par. 107.75)

Sec. 107.75. Books and records.

(a) Each corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, board of directors and committees having any of the authority of the board of directors; and shall keep at its registered office or principal office a record giving the names and addresses of its members entitled to vote. All books and records of a corporation may be inspected by any member entitled to vote, or that member's agent or attorney, for any proper purpose at any reasonable time.

(b) A residential cooperative not-for-profit corporation containing 50 or more single family units and located in a county with a population between 780,000 and 3,000,000 shall keep an accurate and complete account of all transfers of membership and shall, on a quarterly basis, record all transfers of membership with the county clerk of the county in which the residential cooperative is located. Additionally, a list of all transfers of membership shall be available for inspection by any member of the corporation.

(Source: P.A. 84-1423.)

(805 ILCS 105/107.90 new)

Sec. 107.90. Not-for-profit residential cooperative.

(a) As used in this Section:

"Member" includes the plural "members", where a membership is jointly held.

"Membership agreement" means the contract and other documents that define the rights of the member to occupy, use, or possess a portion or all of a parcel of real estate exclusively.

"Class of membership" means a grouping of members based on the same privileges, rights, and manner of treatment by the corporation.

(b) The provisions of this Section apply only to a not-for-profit corporation organized for the purpose of residential cooperative housing consisting of 50 or more single family dwellings, located in a county containing a population between 780,000 and 3,000,000 inhabitants, and for which the title to one or more member's parcels is held by the corporation.

(c) If (i) title for real property occupied or controlled by a member under a membership agreement is held by or is transferred to that member; (ii) more than one class of membership exists; or (iii) the corporation fails to obtain recognition or loses recognition as a Cooperative Housing Corporation under Section 216 of the Internal Revenue Code of 1954, as amended, then:

(1) The board of directors shall issue notice to the members within 10 days after obtaining knowledge of (i), (ii), or (iii), or within 10 days after the effective date of this amendatory Act of the 91st General Assembly, if the board obtained such knowledge before the effective date of this amendatory Act of the 91st General Assembly.

(2) At the member's option, any member may receive a warranty deed for full title to the real property that he or she

occupies issued by the not-for-profit corporation, upon presentation of a notarized and written request to the corporation, provided that the corporation holds the title.

(3) The member may withdraw from the corporation, at the member's option. The member shall retain his or her interest in any common property held by the corporation or may transfer his or her interest to the corporation for fair value, at the member's option.

(805 ILCS 105/108.21) (from Ch. 32, par. 108.21)

Sec. 108.21. Meetings of the board of directors of a residential cooperative not-for-profit corporation containing 24 or more units and located in a city containing more than 1,000,000 inhabitants or containing 50 or more single family units and located in a county with a population between 780,000 and 3,000,000 inhabitants shall be open to any member, except for the portion of any meeting held (i) to discuss litigation when an action against or on behalf of the corporation has been filed and is pending in a court or administrative tribunal, or when the board of directors finds that such an action is probable or imminent, (ii) to consider information regarding appointment, employment or dismissal of an employee, or (iii) to discuss violations of rules and regulations of the corporation by a residential shareholder. Any member may record by tape, film or other means the proceedings at such meetings or portions thereof required to be open by this Section. The board may prescribe reasonable rules and regulations to govern the right to make such recordings. Notice of such meetings shall be mailed or delivered at least 48 hours prior thereto, unless a written waiver of such notice is signed by the person or persons entitled to such notice pursuant to the articles of incorporation, bylaws, other instrument before the meeting is convened. Copies of notices of meetings of the board of directors shall be posted in entranceways, elevators, or other conspicuous places in the residential cooperative at least 48 hours prior to the meeting of the board of directors. If there is no common entranceway for 7 or more apartments, the board of directors may designate one or more locations in the proximity of such units where the notices of meetings shall be posted. For purposes of this Section, "meeting of the board of directors" means any gathering of a quorum of the members of the board of directors of the residential cooperative held for the purpose of discussing business of the cooperative. The provisions of this Section shall apply to any residential cooperative containing 24 or more units and located in a city containing more than 1,000,000 inhabitants or containing 50 or more single family units and located in a county with a population between 780,000 and 3,000,000 inhabitants situated in the State of Illinois regardless of where such cooperative may be incorporated.

(Source: P.A. 84-1423.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 759** was recalled from the order of third reading to the order of second reading.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 759 on page 1, line 16, by replacing "or within 1,000 feet of" with the following:
", boarding, or departing from"; and
on page 13, line 18, by replacing "or within 1,000 feet of" with the following:
", boarding, or departing from".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

At the hour of 8:47 o'clock p.m., Senator Maitland presiding.

On motion of Senator Parker, **Senate Bill No. 839** was recalled from the order of third reading to the order of second reading.

Senator Parker offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 839 by replacing the title with the following:

"AN ACT to amend the Local Governmental and Governmental Employees Tort Immunity Act by adding Section 3-106.1."; and
by replacing everything after the enacting clause with the following:

"Section 5. The Local Governmental and Governmental Employees Tort Immunity Act is amended by adding Section 3-106.1 as follows:

(745 ILCS 10/3-106.1 new)

Sec. 3-106.1. Property used by bicyclists. Neither a local public entity nor a public employee shall be liable for an injury to a bicyclist where the liability is based on the existence of a condition of any street or highway, bike lane, bike route, or bike path unless the local public entity or public employee is guilty of willful and wanton misconduct proximately causing the injury.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Noland, **Senate Bill No. 867** was recalled

from the order of third reading to the order of second reading.

Senator Noland offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 867, AS AMENDED, in subsection (k) of Sec. 14-3, by inserting ": (1)" after "determines"; and

in subsection (k) of Sec. 14-3, by inserting "(2)" after "present,"; and

by inserting after "the imminent use of force" the following:

", or (3) that the location is occupied by force or the threat of imminent use of force and the occupant either is threatening suicide or the occupant has committed a felony outside the location and in fresh pursuit by a law enforcement officer has barricaded himself or herself in the location".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Lauzen, **Senate Bill No. 880** was recalled from the order of third reading to the order of second reading.

Senator Lauzen offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 880, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, by replacing lines 18 and 19 with the following:

"collection of all taxes imposed and administered by local governments of this"; and

on page 2, by replacing lines 17 and 18 with the following:

"any provision of any tax ordinance imposed by a unit of local government, as defined in this Act, in Illinois."; and

on page 2, line 28, by inserting after "Code" the following: "or fees collected by a unit of local government other than infrastructure maintenance fees"; and

on page 3, by inserting below line 6 the following:

""Tax Appeal Officer" means an existing employee of the unit of local government or an individual appointed by the unit of local government who reviews appeals resulting from an audit of a taxpayer's books and records conducted by the local tax administrator."; and

on page 3, by replacing lines 8 through 10 with the following:

"county, or a home rule unit of this State, but does not include (i) home rule municipalities with a population greater than 1,000,000 and (ii) home rule counties with a population greater than 3,000,0000 that have locally administered departments or bureaus of revenue."; and

on page 3, line 23, by inserting "covered by this Act" after

"remittances"; and
on page 4, line 10, by replacing "tax," with "taxes covered by this Act,"; and
on page 5, line 17, by inserting "locally administered" before "tax"; and
on page 7, by replacing lines 24 and 25 with "or written advice given by the local tax administrator."; and
on page 8, by replacing lines 5 through 20 with the following:

"Section 90. Tax Appeal Officers. Units of local government must appoint one or more Tax Appeal Officers. A Tax Appeal Officer shall review requests for abatement of taxes, interest, or penalties resulting from an audit of a taxpayer's books and records based on collectability, equity, or hardship. A Tax Appeal Officer has the power to abate, in whole or in part, any tax, interest, or penalty with the approval of the local tax administrator. A taxpayer may apply to a Tax Appeal Officer for an abatement before, during, or after any administrative hearing or judicial process.

Appeal to the Tax Appeal Officer is a process separate and distinct from any administrative hearing, if available, or judicial process in which a taxpayer is protesting or challenging any tax, interest, or penalty on factual or legal grounds."; and
on page 9, line 24, by replacing "intentionally or recklessly" with "willfully or wantonly"; and
on page 10, line 5, by replacing "taxes or fees" with "locally administered taxes"; and

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on page 10, line 11, by deleting "or fee"; and
on page 10, lines 15 and 16, by deleting "or fees" each time it appears.

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 890** was recalled from the order of third reading to the order of second reading.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 890 on page 3, line 1, by changing "15" to "10"; and
on page 5 by replacing lines 17 through 23 with the following:

"Section 15. Action for damages. An Illinois financial institution shall not be directly or indirectly liable in a Year 2000 action for damages incurred by persons not in privity of contract with the Illinois financial institution in connection with the transaction that gave rise to the Year 2000 claim.

Section 20. Notice of claim. No person shall bring a Year 2000 action or make a Year 2000 claim against an Illinois financial institution unless the person has given written notice to the

Illinois financial institution of the person's Year 2000 claim and the Illinois financial institution has been afforded at least 30 days after receipt of the notice to resolve the claim."; and
on page 5, line 24, by changing "20" to "25"; and
on page 5, line 28, by replacing "fraud" with "fraud; provided that this Section shall not preclude a Year 2000 action against an Illinois financial institution that is otherwise permitted by law"; and
on page 5, line 29, by changing "25" to "30"; and
on page 6 by inserting immediately below line 8 the following:

"Section 92. The Consumer Deposit Account Act is amended by adding Section 6 as follows:

(205 ILCS 605/6 new)

Sec. 6. Charges on customer's account resulting from a Year 2000 failure. If a Year 2000 failure, as defined in Section 10 of the Illinois Financial Institutions Year 2000 Safety and Soundness Act, causes a financial institution or credit union to assess a charge or fee against the account of any deposit customer for having insufficient funds on deposit to pay a check drawn on that account by that customer or for having insufficient funds on deposit to satisfy any minimum balance requirement pertaining to that account, such charge or fee shall be rescinded if (i) sufficient funds were in the account at the relevant time, (ii) the charge or fee was attributable to the Year 2000 failure and would not otherwise have been authorized, and (iii) the financial institution or credit union is notified of and verifies the imposition of the charge or fee.

Section 93. The Interest Act is amended by changing Section 6 as follows:

(815 ILCS 205/6) (from Ch. 17, par. 6413)

Sec. 6. (a) If any person or corporation knowingly contracts for or receives, directly or indirectly, by any device, subterfuge or other means, unlawful interest, discount or charges for or in connection with any loan of money, the obligor may, recover by means of an action or defense an amount equal to twice the total of all

interest, discount and charges determined by the loan contract or paid by the obligor, whichever is greater, plus such reasonable attorney's fees and court costs as may be assessed by a court against the lender. The payments due and to become due including all interest, discount and charges included therein under the terms of the loan contract, shall be reduced by the amount which the obligor is thus entitled to recover. Recovery by means of a defense may be had at any time after the loan is transacted. Recovery by means of an action may be had at any time after the loan is transacted and prior to the expiration of 2 years after the earlier of (1) the date of the last scheduled payment of the loan after giving effect to all renewals or extensions thereof, if any, or (2) the date on which the total amount due under the terms of the loan contract is fully paid. A bona fide error in connection with a loan shall not be a violation under this section if the lender corrects the error within a reasonable time.

(b) If a Year 2000 failure, as defined in Section 10 of the Illinois Financial Institutions Year 2000 Safety and Soundness Act,

at or attributable to a lender or the lender's agent or service provider causes that lender to assess a charge or fee against its loan customer for non-payment or delinquent payment of a loan or of any payment due under the terms of a loan agreement, such charge or fee shall be rescinded if (i) the payment on the loan was timely made, (ii) the charge or fee was attributable to the Year 2000 failure and would not otherwise have been authorized, and (iii) the lender is notified of and verifies the imposition of the charge or fee.

(c) No person shall be liable under this Act for any act done or omitted in good faith in conformity with any rule, regulation, interpretation, or opinion issued by the Commissioner of Banks and Real Estate or the Department of Financial Institutions or any other department or agency of the State, notwithstanding that after such act or omission has occurred, such rule, regulation, interpretation, or opinion is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.
(Source: P.A. 90-161, eff. 7-23-97.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Radogno, **Senate Bill No. 968** was recalled from the order of third reading to the order of second reading.

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 968, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997 is amended by changing 6-6 as follows:

(20 ILCS 687/6-6)

(Section scheduled to be repealed on December 16, 2007)

Sec. 6-6. Energy efficiency program.

(a) For the year beginning January 1, 1999 ~~1998~~, and thereafter as provided in this Section, each electric utility as defined in Section 3-105 of the Public Utilities Act and each alternative retail electric supplier as defined in Section 16-102 of the Public

Utilities Act supplying electric power and energy to retail customers located in the State of Illinois shall contribute annually a pro rata share of a total amount of $10,000,000 ~~$3,000,000~~ based upon the number of kilowatt-hours sold by each such entity in the 12 months preceding the year of contribution. On or before May 1 of each year, the Illinois Commerce Commission shall determine and notify the Department of Commerce and Community Affairs of the pro rata share owed by each electric utility and each alternative retail electric supplier based upon information supplied annually to the Illinois

Commerce Commission. On or before June 1 of each year, the Department of Commerce and Community Affairs shall send written notification to each electric utility and each alternative retail electric supplier of the amount of pro rata share they owe. These contributions shall be remitted to the Department of Revenue on or before June 30 of each year the contribution is due on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require. The funds received pursuant to this Section shall be subject to the appropriation of funds by the General Assembly. The Department of Revenue shall place the funds remitted under this Section in a trust fund, that is hereby created in the State Treasury, called the Energy Efficiency Trust Fund. If an electric utility or alternative retail electric supplier does not remit its pro rata share to the Department of Revenue, the Department of Revenue must inform the Illinois Commerce Commission of such failure. The Illinois Commerce Commission may then revoke the certification of that electric utility or alternative retail electric supplier. The Illinois Commerce Commission may not renew the certification of any electric utility or alternative retail electric supplier that is delinquent in paying its pro rata share.

(b) The Department of Commerce and Community Affairs shall disburse the moneys in the Energy Efficiency Trust Fund to residential electric customers to fund projects which the Department of Commerce and Community Affairs has determined will promote energy efficiency in the State of Illinois. The Department of Commerce and Community Affairs shall establish a list of projects eligible for grants from the Energy Efficiency Trust Fund including, but not limited to, supporting energy efficiency efforts for low-income households, replacing energy inefficient windows with more efficient windows, replacing energy inefficient appliances with more efficient appliances, replacing energy inefficient lighting with more efficient lighting, insulating dwellings and buildings, and such other projects which will increase energy efficiency in homes and rental properties.

(c) The Department of Commerce and Community Affairs shall establish criteria and an application process for this grant program.

(d) The Department of Commerce and Community Affairs shall conduct a study of other possible energy efficiency improvements and evaluate methods for promoting energy efficiency and conservation, especially for the benefit of low-income customers.

(e) The Department of Commerce and Community Affairs shall submit an annual report to the General Assembly evaluating the effectiveness of the projects and programs provided in this Section, and recommending further legislation which will encourage additional development and implementation of energy efficiency projects and programs in Illinois and other actions that help to meet the goals of this Section.

(Source: P.A. 90-561, eff. 12-16-97; 90-624, eff. 7-10-98.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Dudycz, **Senate Bill No. 989** was recalled from the order of third reading to the order of second reading.

Senator Dudycz offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 989 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5.490 as follows:

(30 ILCS 105/5.490 new)

Sec. 5.490. Motor Carrier Safety Inspection Fund.

Section 10. The Illinois Vehicle Code is amended by changing Sections 2-119 and 6-118 as follows:

(625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

Sec. 2-119. Disposition of fees and taxes.

(a) All moneys received from Salvage Certificates shall be deposited in the Common School Fund in the State Treasury.

(b) Beginning January 1, 1990 and concluding December 31, 1994, of the money collected for each certificate of title, duplicate certificate of title and corrected certificate of title, $0.50 shall be deposited into the Used Tire Management Fund. Beginning January 1, 1990 and concluding December 31, 1994, of the money collected for each certificate of title, duplicate certificate of title and corrected certificate of title, $1.50 shall be deposited in the Park and Conservation Fund. Beginning January 1, 1995, of the money collected for each certificate of title, duplicate certificate of title and corrected certificate of title, $2 shall be deposited in the Park and Conservation Fund. The moneys deposited in the Park and Conservation Fund pursuant to this Section shall be used for the acquisition and development of bike paths as provided for in Section 63a36 of the Civil Administrative Code of Illinois. Except as otherwise provided in this Code, all remaining moneys collected for certificates of title, and all moneys collected for filing of security interests, shall be placed in the General Revenue Fund in the State Treasury.

(c) All moneys collected for that portion of a driver's license fee designated for driver education under Section 6-118 shall be placed in the Driver Education Fund in the State Treasury.

(d) Beginning January 1, 1999, of the monies collected as a registration fee for each motorcycle, motor driven cycle and motorized pedalcycle, 27% of each annual registration fee for such vehicle and 27% of each semiannual registration fee for such vehicle is deposited in the Cycle Rider Safety Training Fund.

(e) Of the monies received by the Secretary of State as registration fees or taxes or as payment of any other fee, as provided in this Act, except fees received by the Secretary under paragraph (7) of subsection (b) of Section 5-101 and Section 5-109 of this Code, 37% shall be deposited into the State Construction Fund.

(f) Of the total money collected for a CDL instruction permit or original or renewal issuance of a commercial driver's license (CDL) pursuant to the Uniform Commercial Driver's License Act (UCDLA):~~,~~ (i)

$6 of the total fee for an original or renewal CDL, and $6 of the total CDL instruction permit fee when such permit is issued to any person holding a valid Illinois driver's license, shall be paid into the CDLIS/AAMVAnet Trust Fund (Commercial Driver's License

Information System/American Association of Motor Vehicle Administrators network Trust Fund) and shall be used for the purposes provided in Section 6z-23 of the State Finance Act and (ii) $20 of the total fee for an original or renewal CDL or commercial driver instruction permit shall be paid into the Motor Carrier Safety Inspection Fund, which is hereby created as a special fund in the State Treasury, to be used by the Department of State Police, subject to appropriation, to hire additional officers to conduct motor carrier safety inspections pursuant to Chapter 18b of this Code.

(g) All remaining moneys received by the Secretary of State as registration fees or taxes or as payment of any other fee, as provided in this Act, except fees received by the Secretary under paragraph (7) of subsection (b) of Section 5-101 and Section 5-109 of this Code, shall be deposited in the Road Fund in the State Treasury. Moneys in the Road Fund shall be used for the purposes provided in Section 8.3 of the State Finance Act.

(h) (Blank).

(i) (Blank).

(j) (Blank).

(k) There is created in the State Treasury a special fund to be known as the Secretary of State Special License Plate Fund. Money deposited into the Fund shall, subject to appropriation, be used by the Office of the Secretary of State (i) to help defray plate manufacturing and plate processing costs for the issuance and, when applicable, renewal of any new or existing special registration plates authorized under this Code and (ii) for grants made by the Secretary of State to benefit Illinois Veterans Home libraries.

On or before October 1, 1995, the Secretary of State shall direct the State Comptroller and State Treasurer to transfer any unexpended balance in the Special Environmental License Plate Fund, the Special Korean War Veteran License Plate Fund, and the Retired Congressional License Plate Fund to the Secretary of State Special License Plate Fund.

(l) The Motor Vehicle Review Board Fund is created as a special fund in the State Treasury. Moneys deposited into the Fund under paragraph (7) of subsection (b) of Section 5-101 and Section 5-109 shall, subject to appropriation, be used by the Office of the Secretary of State to administer the Motor Vehicle Review Board, including without limitation payment of compensation and all necessary expenses incurred in administering the Motor Vehicle Review Board under the Motor Vehicle Franchise Act.

(m) Effective July 1, 1996, there is created in the State Treasury a special fund to be known as the Family Responsibility Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Office of the Secretary of State for the purpose of enforcing the Family Financial Responsibility Law.

(n) The Illinois Fire Fighters' Memorial Fund is created as a special fund in the State Treasury. Moneys deposited into the Fund

shall, subject to appropriation, be used by the Office of the State Fire Marshal for construction of the Illinois Fire Fighters' Memorial to be located at the State Capitol grounds in Springfield, Illinois. Upon the completion of the Memorial, the Office of the State Fire Marshal shall certify to the State Treasurer that construction of the Memorial has been completed.

(o) Of the money collected for each certificate of title for all-terrain vehicles and off-highway motorcycles, $17 shall be deposited into the Off-Highway Vehicle Trails Fund.

(Source: P.A. 89-92, eff. 7-1-96; 89-145, eff. 7-14-95; 89-282, eff. 8-10-95; 89-612, eff. 8-9-96; 89-626, eff. 8-9-96; 89-639, eff. 1-1-97; 90-14, eff. 7-1-97; 90-287, eff. 1-1-98; 90-622, eff. 1-1-99.)

(625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)

(Text of Section before amendment by P.A. 90-622)

Sec. 6-118. Fees.

(a) The fee for licenses and permits under this Article is as follows:

Original driver's license	$10
Original or renewal driver's license issued to 18, 19 and 20 year olds	5
All driver's licenses for persons age 69 through age 80	5
All driver's licenses for persons age 81 through age 86	2
All driver's licenses for persons age 87 or older	0
Renewal driver's license (except for applicants ages 18, 19 and 20 or age 69 and older)	10
Original instruction permit issued to persons (except those age 69 and older) who do not hold or have not previously held an Illinois instruction permit or driver's license	20
Instruction permit issued to any person holding an Illinois driver's license who wishes a change in classifications, other than at the time of renewal	5
Any instruction permit issued to a person age 69 and older	5
Instruction permit issued to any person, under age 69, not currently holding a valid Illinois driver's license or instruction permit but who has previously been issued either document in Illinois	10
Restricted driving permit	8
Duplicate or corrected driver's license or permit	5
Duplicate or corrected restricted driving permit	5

SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

The fees for commercial driver licenses and permits under Article V shall be as follows:

Commercial driver's license:

$6 for the CDLIS/AAMVAnet Fund (Commercial Driver's License Information System/American Association of Motor Vehicle Administrators network Trust Fund);

$20 for the Motor Carrier Safety Inspection Fund;

$10 for the driver's license;

and $24 for the CDL:.....$60 ~~$40~~

Renewal commercial driver's license:

$6 for the CDLIS/AAMVAnet Trust Fund;

$20 for the Motor Carrier Safety Inspection Fund;

$10 for the driver's license; and

$24 for the CDL:.....$60 ~~$40~~

Commercial driver instruction permit issued to any person holding a valid Illinois driver's license for the purpose of changing to a CDL classification: $6 for the CDLIS/AAMVAnet Trust Fund;

$20 for the Motor Carrier Safety Inspection Fund; and

$24 for the CDL classification.....$50 ~~$30~~

Commercial driver instruction permit issued to any person holding a valid Illinois CDL for the purpose of making a change in a classification, endorsement or restriction.....$5

CDL duplicate or corrected license.....$5

In order to ensure the proper implementation of the Uniform Commercial Driver License Act, Article V of this Chapter, the Secretary of State is empowered to pro-rate the $24 fee for the commercial driver's license proportionate to the expiration date of the applicant's Illinois driver's license.

The fee for any duplicate license or permit shall be waived for any person age 60 or older who presents the Secretary of State's office with a police report showing that his license or permit was stolen.

No additional fee shall be charged for a driver's license, or for a commercial driver's license, when issued to the holder of an instruction permit for the same classification or type of license who becomes eligible for such license.

(b) Any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked under any provision of Chapter 6, Chapter 11, or Section 7-702 of the Family Financial Responsibility Law of this Code, shall in addition to any other fees required by this Code, pay a reinstatement fee as follows:

Summary suspension under Section 11-501.1.....$60

Other suspension.....$30

Revocation.....$60

However, any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501 or 11-501.1 of this Code or a similar provision of a local ordinance or Section 9-3 of the Criminal Code of 1961 and each suspension or revocation was for a violation of Section 11-501 or 11-501.1 of this Code or a similar provision of a local ordinance or Section 9-3 of the Criminal Code of 1961 shall pay, in addition to any other fees required by this Code, a reinstatement fee as follows:

Summary suspension under Section 11-501.1.....$250

Revocation.....$250

(c) All fees collected under the provisions of this Chapter 6 shall be paid into the Road Fund in the State Treasury except as follows:

1. The following amounts shall be paid into the Driver Education Fund:

(A) $16 of the $20 fee for an original driver's instruction permit;

(B) $5 of the $10 fee for an original driver's license;

(C) $5 of the $10 fee for a 4 year renewal driver's license; and

(D) $4 of the $8 fee for a restricted driving permit.

2. $30 of the $60 fee for reinstatement of a license summarily suspended under Section 11-501.1 shall be deposited into the Drunk and Drugged Driving Prevention Fund. However, for a person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501 or 11-501.1 of this Code or Section 9-3 of the Criminal Code of 1961, $190 of the $250 fee for reinstatement of a license summarily suspended

under Section 11-501.1, and $190 of the $250 fee for reinstatement of a revoked license shall be deposited into the Drunk and Drugged Driving Prevention Fund.

3. $6 of such original or renewal fee for a commercial driver's license and $6 of the commercial driver instruction permit fee when such permit is issued to any person holding a valid Illinois driver's license, shall be paid into the CDLIS/AAMVAnet Trust Fund.

4. The fee for reinstatement of a license suspended under the Family Financial Responsibility Law shall be paid into the Family Responsibility Fund.

5. $20 of any original or renewal fee for a commercial driver's license or commercial driver instruction permit shall be paid into the Motor Carrier Safety Inspection Fund.

(Source: P.A. 89-92, eff. 7-1-96; 90-738, eff. 1-1-99; revised 9-21-98.)

(Text of Section after amendment by P.A. 90-622)

Sec. 6-118. Fees.

(a) The fee for licenses and permits under this Article is as follows:

Original driver's license.....$10

Original or renewal driver's license
issued to 18, 19 and 20 year olds.....5
All driver's licenses for persons
age 69 through age 80.....5
All driver's licenses for persons
age 81 through age 86.....2
All driver's licenses for persons
age 87 or older.....0
Renewal driver's license (except for
applicants ages 18, 19 and 20 or
age 69 and older).....10
Original instruction permit issued to
persons (except those age 69 and older)
who do not hold or have not previously
held an Illinois instruction permit or
driver's license.....20
Instruction permit issued to any person
holding an Illinois driver's license
who wishes a change in classifications,
other than at the time of renewal.....5
Any instruction permit issued to a person
age 69 and older.....5
Instruction permit issued to any person,
under age 69, not currently holding a
valid Illinois driver's license or
instruction permit but who has
previously been issued either document
in Illinois.....10
Restricted driving permit.....8
Duplicate or corrected driver's license
or permit.....5
Duplicate or corrected restricted
driving permit.....5
Original or renewal M or L endorsement.....5

SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

The fees for commercial driver licenses and permits under Article V shall be as follows:

Commercial driver's license:
$6 for the CDLIS/AAMVAnet Fund
(Commercial Driver's License Information

System/American Association of Motor Vehicle
Administrators network Trust Fund);
$20 for the Motor Carrier Safety Inspection Fund;
$10 for the driver's license;
and $24 for the CDL:.....$60 ~~$40~~
Renewal commercial driver's license:
$6 for the CDLIS/AAMVAnet Trust Fund;
$20 for the Motor Carrier Safety Inspection Fund;
$10 for the driver's license; and
$24 for the CDL:.....$60 ~~$40~~
Commercial driver instruction permit
issued to any person holding a valid

Illinois driver's license for the purpose of changing to a CDL classification: $6 for the CDLIS/AAMVAnet Trust Fund; $20 for the Motor Carrier Safety Inspection Fund; and $24 for the CDL classification.....$50 ~~$30~~

Commercial driver instruction permit issued to any person holding a valid Illinois CDL for the purpose of making a change in a classification, endorsement or restriction.....$5

CDL duplicate or corrected license.....$5

In order to ensure the proper implementation of the Uniform Commercial Driver License Act, Article V of this Chapter, the Secretary of State is empowered to pro-rate the $24 fee for the commercial driver's license proportionate to the expiration date of the applicant's Illinois driver's license.

The fee for any duplicate license or permit shall be waived for any person age 60 or older who presents the Secretary of State's office with a police report showing that his license or permit was stolen.

No additional fee shall be charged for a driver's license, or for a commercial driver's license, when issued to the holder of an instruction permit for the same classification or type of license who becomes eligible for such license.

(b) Any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked under any provision of Chapter 6, Chapter 11, or Section 7-702 of the Family Financial Responsibility Law of this Code, shall in addition to any other fees required by this Code, pay a reinstatement fee as follows:

Summary suspension under Section 11-501.1.....$60

Other suspension.....$30

Revocation.....$60

However, any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501 or 11-501.1 of this Code or a similar provision of a local ordinance or Section 9-3 of the Criminal Code of 1961 and each suspension or revocation was for a violation of Section 11-501 or 11-501.1 of this Code or a similar provision of a local ordinance or Section 9-3 of the Criminal Code of 1961 shall pay, in addition to any other fees required by this Code, a reinstatement fee as follows:

Summary suspension under Section 11-501.1.....$250

Revocation.....$250

(c) All fees collected under the provisions of this Chapter 6 shall be paid into the Road Fund in the State Treasury except as follows:

1. The following amounts shall be paid into the Driver

Education Fund:

(A) $16 of the $20 fee for an original driver's instruction permit;

(B) $5 of the $10 fee for an original driver's license;

(C) $5 of the $10 fee for a 4 year renewal driver's license; and

(D) $4 of the $8 fee for a restricted driving permit.

2. $30 of the $60 fee for reinstatement of a license summarily suspended under Section 11-501.1 shall be deposited into the Drunk and Drugged Driving Prevention Fund. However, for a person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501 or 11-501.1 of this Code or Section 9-3 of the Criminal Code of 1961, $190 of the $250 fee for reinstatement of a license summarily suspended under Section 11-501.1, and $190 of the $250 fee for reinstatement of a revoked license shall be deposited into the Drunk and Drugged Driving Prevention Fund.

3. $6 of such original or renewal fee for a commercial driver's license and $6 of the commercial driver instruction permit fee when such permit is issued to any person holding a valid Illinois driver's license, shall be paid into the CDLIS/AAMVAnet Trust Fund.

4. The fee for reinstatement of a license suspended under the Family Financial Responsibility Law shall be paid into the Family Responsibility Fund.

5. The $5 fee for each original or renewal M or L endorsement shall be deposited into the Cycle Rider Safety Training Fund.

6. $20 of any original or renewal fee for a commercial driver's license or commercial driver instruction permit shall be paid into the Motor Carrier Safety Inspection Fund.

(Source: P.A. 89-92, eff. 7-1-96; 90-622, eff. 3-1-99; 90-738, eff. 1-1-99; revised 9-21-98.)

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

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator L. Madigan, **Senate Bill No. 1042** was recalled from the order of third reading to the order of second reading.

Senator L. Madigan offered the following amendment:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 1042, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle code is amended by adding Section 12-612 as follows:

(625 ILCS 5/12-612 new)

Sec. 12-612. False or secret compartment in a motor vehicle.

(a) Offenses. It is unlawful for any person to own or operate any motor vehicle he or she knows to contain a false or secret compartment. It is unlawful for any person to knowingly install, create, build, or fabricate in any motor vehicle a false or secret compartment.

(b) Definitions. For purposes of this Section, a "false or secret compartment" means any enclosure that is intended or designed to be used to conceal, hide, and prevent discovery by law enforcement officers of the false or secret compartment, or its contents, and which is integrated into a vehicle. For purpose of this Section, a person's intention to use a false or secret compartment to conceal the contents of the compartment from a law enforcement officer may be inferred from factors including, but not limited to, the discovery of a person, firearm, controlled substance, or other contraband within the false or secret compartment, or from the discovery of evidence of the previous placement of a person, firearm, controlled substance, or other contraband within the false or secret compartment.

(c) Forfeiture. Any motor vehicle containing a false or secret compartment, as well as any items within that compartment, shall be subject to seizure by the Department of State Police or by any municipal or other local law enforcement agency within whose jurisdiction that property is found as provided in Sections 36-1 and 36-2 of the Criminal Code of 1961 (720 ILCS 5/36-1 and 5/36-2).

(d) Sentence. A violation of this Section is a Class C misdemeanor.".

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

The motion to table prevailed.

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

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend Senate Bill 1042, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle code is amended by adding Section 12-612 as follows:

(625 ILCS 5/12-612 new)

Sec. 12-612. False or secret compartment in a motor vehicle.

(a) Offenses. It is unlawful for any person to own or operate any motor vehicle he or she knows to contain a false or secret compartment. It is unlawful for any person to knowingly install, create, build, or fabricate in any motor vehicle a false or secret compartment.

(b) Definitions. For purposes of this Section, a "false or secret compartment" means any enclosure that is intended and designed to be used to conceal, hide, and prevent discovery by law enforcement officers of the false or secret compartment, or its contents, and which is integrated into a vehicle. For purpose of this Section, a person's intention to use a false or secret compartment to conceal

the contents of the compartment from a law enforcement officer may be inferred from factors including, but not limited to, the discovery of a person, firearm, controlled substance, or other contraband within the false or secret compartment, or from the discovery of evidence of the previous placement of a person, firearm, controlled substance, or other contraband within the false or secret compartment.

(c) Forfeiture. Any motor vehicle containing a false or secret compartment, as well as any items within that compartment, shall be subject to seizure by the Department of State Police or by any municipal or other local law enforcement agency within whose

jurisdiction that property is found as provided in Sections 36-1 and 36-2 of the Criminal Code of 1961 (720 ILCS 5/36-1 and 5/36-2).

(d) Sentence. A violation of this Section is a Class C misdemeanor.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 4 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 1112** was recalled from the order of third reading to the order of second reading.

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

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1112 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Sections 8-1.1, 8-1.2, 9-1.2, 10-2, 12-4.1, 12-4.3, 12-4.6, 12-11, 12-13, 12-14, 12-14.1, 18-2, 18-4, and 33A-2 and adding Sections 2-3.5, 2-7.5, and 2-15.5 as follows:

(720 ILCS 5/2-3.5 new)

Sec. 2-3.5. "Armed with a firearm". Except as otherwise provided in a specific Section, a person is considered "armed with a firearm" when he or she carries on or about his or her person or is otherwise armed with a firearm.

(720 ILCS 5/2-7.5 new)

Sec. 2-7.5. "Firearm". Except as otherwise provided in a specific Section, "firearm" shall have the meaning ascribed to it in Section 1.1 of the Firearm Owners Identification Card Act.

(720 ILCS 5/2-15.5 new)

Sec. 2-15.5. "Personally discharged a firearm". A person is considered to have "personally discharged a firearm" when he or she, while armed with a firearm, knowingly and intentionally fires a firearm causing the ammunition projectile to be forcefully expelled from the firearm.

(720 ILCS 5/8-1.1) (from Ch. 38, par. 8-1.1)

Sec. 8-1.1. Solicitation of Murder.

(a) A person commits solicitation of murder when, with the

intent that the offense of first degree murder be committed, he commands, encourages or requests another to commit that offense.

(b) Penalty. Solicitation of murder is a Class X felony and a person convicted of solicitation of murder shall be sentenced to a term of imprisonment for a period of not less than 15 years and not more than 30 years, except that:

(1) in cases where the person solicited was a person under the age of 17 years, the person convicted of solicitation of murder shall be sentenced to a term of imprisonment for a period of not less than 20 years and not more than 60 years;~~.~~

(2) if the person committed the offense while armed with a firearm, 15 years of imprisonment shall be added to the term of imprisonment imposed by the court;

(3) if, during the commission of the offense, the person personally discharged a firearm, 20 years of imprisonment shall be added to the term of imprisonment imposed by the court;

(4) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or

death to any person, 25 years to life of imprisonment shall be added to the term of imprisonment imposed by the court.

(Source: P.A. 89-688, eff. 6-1-97; 89-689, eff. 12-31-96.)

(720 ILCS 5/8-1.2) (from Ch. 38, par. 8-1.2)

Sec. 8-1.2. Solicitation of Murder for Hire. (a) A person commits solicitation of murder for hire when, with the intent that the offense of first degree murder be committed, he procures another to commit that offense pursuant to any contract, agreement, understanding, command or request for money or anything of value.

(b) Penalty. Solicitation of murder for hire is a Class X felony and a person convicted of solicitation of murder for hire shall be sentenced to a term of imprisonment of not less than 20 years and not more than 40 years, except that:~~.~~

(1) if the person committed the offense while armed with a firearm, 15 years of imprisonment shall be added to the term of imprisonment imposed by the court;

(2) if, during the commission of the offense, the person personally discharged a firearm, 20 years of imprisonment shall be added to the term of imprisonment imposed by the court;

(3) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to any person, 25 years to life of imprisonment shall be added to the term of imprisonment imposed by the court.

(Source: P.A. 85-1003; 85-1030; 85-1440.)

(720 ILCS 5/9-1.2) (from Ch. 38, par. 9-1.2)

Sec. 9-1.2. Intentional Homicide of an Unborn Child. (a) A person commits the offense of intentional homicide of an unborn child if, in performing acts which cause the death of an unborn child, he without lawful justification:

(1) either intended to cause the death of or do great bodily harm to the pregnant woman or her unborn child or knew that such acts would cause death or great bodily harm to the pregnant woman or her

unborn child; or

(2) he knew that his acts created a strong probability of death or great bodily harm to the pregnant woman or her unborn child; and

(3) he knew that the woman was pregnant.

(b) For purposes of this Section, (1) "unborn child" shall mean any individual of the human species from fertilization until birth, and (2) "person" shall not include the pregnant woman whose unborn child is killed.

(c) This Section shall not apply to acts which cause the death of an unborn child if those acts were committed during any abortion, as defined in Section 2 of the Illinois Abortion Law of 1975, as amended, to which the pregnant woman has consented. This Section shall not apply to acts which were committed pursuant to usual and customary standards of medical practice during diagnostic testing or therapeutic treatment.

(d) Penalty. The sentence for intentional homicide of an unborn child shall be the same as for first degree murder, except that:

(1) the death penalty may not be imposed;

(2) if the person committed the offense while armed with a firearm, 15 years of imprisonment shall be added to the term of imprisonment imposed by the court;

(3) if, during the commission of the offense, the person personally discharged a firearm, 20 years of imprisonment shall be added to the term of imprisonment imposed by the court;

(4) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to any person, 25 years to life of imprisonment shall be

added to the term of imprisonment imposed by the court.

(e) The provisions of this Act shall not be construed to prohibit the prosecution of any person under any other provision of law.

(Source: P.A. 85-293.)

(720 ILCS 5/10-2) (from Ch. 38, par. 10-2)

Sec. 10-2. Aggravated kidnaping.

(a) A kidnaper within the definition of paragraph (a) of Section 10-1 is guilty of the offense of aggravated kidnaping when he:

(1) Kidnaps for the purpose of obtaining ransom from the person kidnaped or from any other person, or

(2) Takes as his victim a child under the age of 13 years, or an institutionalized severely or profoundly mentally retarded person, or

(3) Inflicts great bodily harm or commits another felony upon his victim, or

(4) Wears a hood, robe or mask or conceals his identity, or

(5) Commits the offense of kidnaping while armed with a dangerous weapon, as defined in Section 33A-1 of the "Criminal Code of 1961".

As used in this Section, "ransom" includes money, benefit or other valuable thing or concession.

(b) Sentence. Aggravated kidnaping is a Class X felony, except that:

(1) if the person committed the offense while armed with a firearm, 15 years of imprisonment shall be added to the term of imprisonment imposed by the court;

(2) if, during the commission of the offense, the person personally discharged a firearm, 20 years of imprisonment shall be added to the term of imprisonment imposed by the court;

(3) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to any person, 25 years to life of imprisonment shall be added to the term of imprisonment imposed by the court.

A person who is convicted of a second or subsequent offense of aggravated kidnaping shall be sentenced to a term of natural life imprisonment; provided, however, that a sentence of natural life imprisonment shall not be imposed under this Section unless the second or subsequent offense was committed after conviction on the first offense.

(Source: P.A. 89-707, eff. 6-1-97.)

(720 ILCS 5/12-4.1) (from Ch. 38, par. 12-4.1)

Sec. 12-4.1. Heinous Battery.

(a) A person who, in committing a battery, knowingly causes severe and permanent disability or disfigurement by means of a caustic or flammable substance commits heinous battery.

(b) Sentence. Heinous battery is a Class X felony, except that:~~.~~

(1) if the person committed the offense while armed with a firearm, 15 years of imprisonment shall be added to the term of imprisonment imposed by the court;

(2) if, during the commission of the offense, the person personally discharged a firearm, 20 years of imprisonment shall be added to the term of imprisonment imposed by the court;

(3) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to any person, 25 years to life of imprisonment shall be added to the term of imprisonment imposed by the court.

(Source: P.A. 88-285.)

(720 ILCS 5/12-4.3) (from Ch. 38, par. 12-4.3)

Sec. 12-4.3. Aggravated battery of a child.

(a) Any person of the age 18 years and upwards who intentionally or knowingly, and without legal justification and by any means, causes great bodily harm or permanent disability or disfigurement to any child under the age of 13 years or to any institutionalized severely or profoundly mentally retarded person, commits the offense of aggravated battery of a child.

(b) Aggravated battery of a child is a Class X felony, except that:~~.~~

(1) if the person committed the offense while armed with a firearm, 15 years of imprisonment shall be added to the term of imprisonment imposed by the court;

(2) if, during the commission of the offense, the person personally discharged a firearm, 20 years of imprisonment shall be added to the term of imprisonment imposed by the court;

(3) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to any person, 25 years to life of imprisonment shall be added to the term of imprisonment imposed by the court.

(Source: P.A. 89-313, eff. 1-1-96.)

(720 ILCS 5/12-4.6) (from Ch. 38, par. 12-4.6)

Sec. 12-4.6. Aggravated Battery of a Senior Citizen. (a) A person who, in committing battery, intentionally or knowingly causes great bodily harm or permanent disability or disfigurement to an individual of 60 years of age or older commits aggravated battery of a senior citizen.

(b) Sentence. Aggravated battery of a senior citizen is a Class 2 felony, except that:-

(1) if the person committed the offense while armed with a firearm, 15 years of imprisonment shall be added to the term of imprisonment imposed by the court;

(2) if, during the commission of the offense, the person personally discharged a firearm, 20 years of imprisonment shall be added to the term of imprisonment imposed by the court;

(3) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to any person, 25 years to life of imprisonment shall be added to the term of imprisonment imposed by the court.

(Source: P.A. 85-1177.)

(720 ILCS 5/12-11) (from Ch. 38, par. 12-11)

Sec. 12-11. Home Invasion.

(a) A person who is not a peace officer acting in the line of duty commits home invasion when without authority he or she knowingly enters the dwelling place of another when he or she knows or has reason to know that one or more persons is present or he or she knowingly enters the dwelling place of another and remains in such dwelling place until he or she knows or has reason to know that one or more persons is present and

(1) While armed with a dangerous weapon uses force or threatens the imminent use of force upon any person or persons within such dwelling place whether or not injury occurs, or

(2) Intentionally causes any injury to any person or persons within such dwelling place.

(b) It is an affirmative defense to a charge of home invasion that the accused who knowingly enters the dwelling place of another and remains in such dwelling place until he or she knows or has reason to know that one or more persons is present either immediately leaves such premises or surrenders to the person or persons lawfully present therein without either attempting to cause or causing serious

bodily injury to any person present therein.

(c) Sentence. Home invasion is a Class X felony, except that:-

(1) if the person committed the offense while armed with a firearm, 15 years of imprisonment shall be added to the term of imprisonment imposed by the court;

(2) if, during the commission of the offense, the person

personally discharged a firearm, 20 years of imprisonment shall be added to the term of imprisonment imposed by the court;

(3) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to any person, 25 years to life of imprisonment shall be added to the term of imprisonment imposed by the court.

(d) For purposes of this Section, "dwelling place of another" includes a dwelling place where the defendant maintains a tenancy interest but from which the defendant has been barred by a divorce decree, judgment of dissolution of marriage, order of protection, or other court order.

(Source: P.A. 90-787, eff. 8-14-98.)

(720 ILCS 5/12-13) (from Ch. 38, par. 12-13)

Sec. 12-13. Criminal Sexual Assault.

(a) The accused commits criminal sexual assault if he or she:

(1) commits an act of sexual penetration by the use of force or threat of force; or

(2) commits an act of sexual penetration and the accused knew that the victim was unable to understand the nature of the act or was unable to give knowing consent; or

(3) commits an act of sexual penetration with a victim who was under 18 years of age when the act was committed and the accused was a family member; or

(4) commits an act of sexual penetration with a victim who was at least 13 years of age but under 18 years of age when the act was committed and the accused was 17 years of age or over and held a position of trust, authority or supervision in relation to the victim.

(b) Sentence.

(1) Criminal sexual assault is a Class 1 felony.

(2) A person who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted of the offense of criminal sexual assault, or who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 30 years and not more than 60 years. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply.

(3) A person who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted of the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of aggravated criminal sexual assault or the offense of criminal predatory sexual assault shall be sentenced to a term of natural life imprisonment. The commission

of the second or subsequent offense is required to have been after the initial conviction for this paragraph (3) to apply.

(4) A second or subsequent conviction for a violation of paragraph (a)(3) or (a)(4) or under any similar statute of this State or any other state for any offense involving criminal sexual assault that is substantially equivalent to or more serious than the sexual assault prohibited under paragraph (a)(3) or (a)(4) is a Class X felony.

(5) When a person has any such prior conviction, the information or indictment charging that person shall state such prior conviction so as to give notice of the State's intention to treat the charge as a Class X felony. The fact of such prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.

(6) (i) If the person committed the offense while armed with a firearm, 15 years of imprisonment shall be added to the term of imprisonment imposed by the court.

(ii) If, during the commission of the offense, the person personally discharged a firearm, 20 years of imprisonment shall be added to the term of imprisonment imposed by the court.

(iii) If, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to any person, 25 years to life of imprisonment shall be added to the term of imprisonment imposed by the court.

(Source: P.A. 90-396, eff. 1-1-98.)

(720 ILCS 5/12-14) (from Ch. 38, par. 12-14)

Sec. 12-14. Aggravated Criminal Sexual Assault.

(a) The accused commits aggravated criminal sexual assault if he or she commits criminal sexual assault and any of the following aggravating circumstances existed during, or for the purposes of paragraph (7) of this subsection (a) as part of the same course of conduct as, the commission of the offense:

(1) the accused displayed, threatened to use, or used a dangerous weapon or any object fashioned or utilized in such a manner as to lead the victim under the circumstances reasonably to believe it to be a dangerous weapon; or

(2) the accused caused bodily harm to the victim; or

(3) the accused acted in such a manner as to threaten or endanger the life of the victim or any other person; or

(4) the criminal sexual assault was perpetrated during the course of the commission or attempted commission of any other felony by the accused; or

(5) the victim was 60 years of age or over when the offense was committed; or

(6) the victim was a physically handicapped person; or

(7) the accused delivered (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without his or her consent, or by threat or deception, and for other than medical purposes, any controlled substance.

(b) The accused commits aggravated criminal sexual assault if

the accused was under 17 years of age and (i) commits an act of sexual penetration with a victim who was under 9 years of age when the act was committed; or (ii) commits an act of sexual penetration with a victim who was at least 9 years of age but under 13 years of age when the act was committed and the accused used force or threat of force to commit the act.

(c) The accused commits aggravated criminal sexual assault if he

or she commits an act of sexual penetration with a victim who was an institutionalized severely or profoundly mentally retarded person at the time the act was committed.

(d) Sentence.

(1) Aggravated criminal sexual assault is a Class X felony.

(2) A person who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply.

(3) (i) If the person committed the offense while armed with a firearm, 15 years of imprisonment shall be added to the term of imprisonment imposed by the court.

(ii) If, during the commission of the offense, the person personally discharged a firearm, 20 years of imprisonment shall be added to the term of imprisonment imposed by the court.

(iii) If, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to any person, 25 years to life of imprisonment shall be added to the term of imprisonment imposed by the court.

(Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 90-396, eff. 1-1-98; 90-735, eff. 8-11-98.)

(720 ILCS 5/12-14.1)

Sec. 12-14.1. Predatory criminal sexual assault of a child.

(a) The accused commits predatory criminal sexual assault of a child if:

(1) the accused was 17 years of age or over and commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed; or

(2) the accused was 17 years of age or over and commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed and the accused caused great

bodily harm to the victim that:

(A) resulted in permanent disability; or

(B) was life threatening; or

(3) the accused was 17 years of age or over and commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed and the accused delivered (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without his or her consent, or by threat or deception, and for other than medical purposes, any controlled substance.

(b) Sentence.

(1) A person convicted of a violation of subsection (a)(1) commits a Class X felony. A person convicted of a violation of subsection (a)(2) or (a) (3) commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 50 years and not more than 60 years.

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(2) A person who is convicted of a second or subsequent offense of predatory criminal sexual assault of a child, or who is convicted of the offense of predatory criminal sexual assault of a child after having previously been convicted of the offense of criminal sexual assault or the offense of aggravated criminal sexual assault, or who is convicted of the offense of predatory criminal sexual assault of a child after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of predatory criminal sexual assault of a child, the offense of aggravated criminal sexual assault or the offense of criminal sexual assault, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply.

(3) (i) If the person committed the offense while armed with a firearm, 15 years of imprisonment shall be added to the term of imprisonment imposed by the court.

(ii) If, during the commission of the offense, the person personally discharged a firearm, 20 years of imprisonment shall be added to the term of imprisonment imposed by the court.

(iii) If, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to any person, 25 years to life of imprisonment shall be added to the term of imprisonment imposed by the court.

(Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 90-396, eff. 1-1-98; 90-735, eff. 8-11-98.)

(720 ILCS 5/18-2) (from Ch. 38, par. 18-2)

Sec. 18-2. Armed robbery. (a) A person commits armed robbery when he or she violates Section 18-1 while he or she carries on or about his or her person, or is otherwise armed with a dangerous weapon.

(b) Sentence.

Armed robbery is a Class X felony, except that:~~.~~

(1) if the person committed the offense while armed with a firearm, 15 years of imprisonment shall be added to the term of imprisonment imposed by the court;

(2) if, during the commission of the offense, the person personally discharged a firearm, 20 years of imprisonment shall be added to the term of imprisonment imposed by the court;

(3) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to any person, 25 years to life of imprisonment shall be added to the term of imprisonment imposed by the court.

(Source: P.A. 80-1099.)

(720 ILCS 5/18-4)

Sec. 18-4. Aggravated vehicular hijacking.

(a) A person commits aggravated vehicular hijacking when he or she violates Section 18-3; and

(1) the person from whose immediate presence the motor vehicle is taken is a physically handicapped person or a person 60 years of age or over; or

(2) a person under 16 years of age is a passenger in the motor vehicle at the time of the offense; or

(3) he or she carries on or about his or her person, or is otherwise armed with a dangerous weapon.

(b) Sentence.

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(1) Aggravated vehicular hijacking in violation of subsections (a)(1) or (a)(2) is a Class X felony. Aggravated vehicular hijacking in violation of subsection (a)(3) is a Class X felony for which a term of imprisonment of not less than 7 years shall be imposed.

(2) (i) If the person committed the offense while armed with a firearm, 15 years of imprisonment shall be added to the term of imprisonment imposed by the court.

(ii) If, during the commission of the offense, the person personally discharged a firearm, 20 years of imprisonment shall be added to the term of imprisonment imposed by the court.

(iii) If, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to any person, 25 years to life of imprisonment shall be added to the term of imprisonment imposed by the court.

(Source: P.A. 88-351.)

(720 ILCS 5/33A-2) (from Ch. 38, par. 33A-2)

Sec. 33A-2. Armed violence-Elements of the offense. A person commits armed violence when, while armed with a dangerous weapon, he commits any felony defined by Illinois Law, except first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, heinous battery, aggravated

battery of a senior citizen, aggravated battery of a child, armed robbery, aggravated vehicular hijacking, home invasion, a violation of the Cannabis Control Act to which Section 7.5 of that Act applies, or a violation of the Illinois Controlled Substances Act to which Section 408.1 of that Act applies.

(Source: P.A. 80-1099.)

Section 10. The Cannabis Control Act is amended by adding Section 7.5 as follows:

(720 ILCS 550/7.5 new)

Sec. 7.5. (a) Any person who violates subsection (g) of Section 5 or Section 5.1 while armed with a firearm shall have 15 years of imprisonment added to the sentence imposed by the court.

(b) Any person who violates subsection (g) of Section 5 or Section 5.1 shall have 20 years of imprisonment added to the sentence imposed by the court if, during the commission of the offense, the person personally discharged a firearm.

(c) Any person who violates subsection (g) of Section 5 or Section 5.1 shall have 25 years to life of imprisonment added to the sentence imposed by the court if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to any person.

Section 15. The Illinois Controlled Substances Act is amended by adding Section 408.1 as follows:

(720 ILCS 570/408.1 new)

Sec. 408.1. (a) Any person who violates subparagraph (a) of Section 401, Section 401.1 involving a Class X felony amount of controlled substance under Section 401, Section 405, or Section 405.2 while armed with a firearm shall have 15 years of imprisonment added to the sentence imposed by the court.

(b) Any person who violates subsection (a) of Section 401, Section 401.1 involving a Class X felony amount of controlled substance under Section 401, Section 405, or Section 405.2 shall have 20 years of imprisonment added to the sentence imposed by the court

if, during the commission of the offense, the person personally discharged a firearm.

(c) Any person who violates subsection (a) of Section 401, Section 401.1 involving a Class X felony amount of controlled substance under Section 401, Section 405, or Section 405.2 shall have 25 years to life imprisonment added to the sentence imposed by the court if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to any person.

Section 20. The Unified Code of Corrections is amended by changing Section 5-8-1 as follows:

(730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

Sec. 5-8-1. Sentence of Imprisonment for Felony.

(a) Except as otherwise provided in the statute defining the offense, a sentence of imprisonment for a felony shall be a determinate sentence set by the court under this Section, according to the following limitations:

(1) for first degree murder,

(a) a term shall be not less than 20 years and not more than 60 years, or

(b) if the court finds that the murder was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty or, except as set forth in subsection (a)(1)(c) of this Section, that any of the aggravating factors listed in subsection (b) of Section 9-1 of the Criminal Code of 1961 are present, the court may sentence the defendant to a term of natural life imprisonment, or

(c) the court shall sentence the defendant to a term of natural life imprisonment when the death penalty is not imposed if the defendant,

(i) has previously been convicted of first degree murder under any state or federal law, or

(ii) is a person who, at the time of the commission of the murder, had attained the age of 17 or more and is found guilty of murdering an individual under 12 years of age; or, irrespective of the defendant's age at the time of the commission of the offense, is found guilty of murdering more than one victim, or

(iii) is found guilty of murdering a peace officer or fireman when the peace officer or fireman was killed in the course of performing his official duties, or to prevent the peace officer or fireman from performing his official duties, or in retaliation for the peace officer or fireman performing his official duties, and the defendant knew or should have known that the murdered individual was a peace officer or fireman, or

(iv) is found guilty of murdering an employee of an institution or facility of the Department of Corrections, or any similar local correctional agency, when the employee was killed in the course of performing his official duties, or to prevent the employee from performing his official duties, or in retaliation for the employee performing his official duties, or

(v) is found guilty of murdering an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical

assistance or first aid person while employed by a municipality or other governmental unit when the person was killed in the course of performing official duties or to prevent the person from performing official duties or in retaliation for performing official duties and the defendant knew or should have known that the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic,

ambulance driver, or other medical assistant or first aid personnel, or

(vi) is a person who, at the time of the commission of the murder, had not attained the age of 17, and is found guilty of murdering a person under 12 years of age and the murder is committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping, or

(vii) is found guilty of first degree murder and the murder was committed by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 1961, or~~.~~

(d) (i) if the person committed the offense while armed with a firearm, 15 years of imprisonment shall be added to the term of imprisonment imposed by the court;

(ii) if, during the commission of the offense, the person personally discharged a firearm, 20 years of imprisonment shall be added to the term of imprisonment imposed by the court;

(iii) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to any person, 25 years to life of imprisonment shall be added to the term of imprisonment imposed by the court.

For purposes of clause (v), "emergency medical technician - ambulance", "emergency medical technician - intermediate", "emergency medical technician - paramedic", have the meanings ascribed to them in the Emergency Medical Services (EMS) Systems Act.

(1.5) for second degree murder, a term shall be not less than 4 years and not more than 20 years;

(2) for a person adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, as amended, the sentence shall be a term of natural life imprisonment;

(2.5) for a person convicted under the circumstances described in paragraph (3) of subsection (b) of Section 12-13, paragraph (2) of subsection (d) of Section 12-14, or paragraph (2) of subsection (b) of Section 12-14.1 of the Criminal Code of 1961, the sentence shall be a term of natural life imprisonment;

(3) except as otherwise provided in the statute defining the offense, for a Class X felony, the sentence shall be not less than 6 years and not more than 30 years;

(4) for a Class 1 felony, other than second degree murder, the sentence shall be not less than 4 years and not more than 15 years;

(5) for a Class 2 felony, the sentence shall be not less than 3 years and not more than 7 years;

(6) for a Class 3 felony, the sentence shall be not less than 2 years and not more than 5 years;

(7) for a Class 4 felony, the sentence shall be not less than 1 year and not more than 3 years.

(b) The sentencing judge in each felony conviction shall set forth his reasons for imposing the particular sentence he enters in the case, as provided in Section 5-4-1 of this Code. Those reasons may include any mitigating or aggravating factors specified in this Code, or the lack of any such circumstances, as well as any other such factors as the judge shall set forth on the record that are consistent with the purposes and principles of sentencing set out in this Code.

(c) A motion to reduce a sentence may be made, or the court may reduce a sentence without motion, within 30 days after the sentence is imposed. A defendant's challenge to the correctness of a sentence or to any aspect of the sentencing hearing shall be made by a written motion filed within 30 days following the imposition of sentence. However, the court may not increase a sentence once it is imposed.

If a motion filed pursuant to this subsection is timely filed within 30 days after the sentence is imposed, the proponent of the motion shall exercise due diligence in seeking a determination on the motion and the court shall thereafter decide such motion within a reasonable time.

If a motion filed pursuant to this subsection is timely filed within 30 days after the sentence is imposed, then for purposes of perfecting an appeal, a final judgment shall not be considered to have been entered until the motion to reduce a sentence has been decided by order entered by the trial court.

A motion filed pursuant to this subsection shall not be considered to have been timely filed unless it is filed with the circuit court clerk within 30 days after the sentence is imposed together with a notice of motion, which notice of motion shall set the motion on the court's calendar on a date certain within a reasonable time after the date of filing.

(d) Except where a term of natural life is imposed, every sentence shall include as though written therein a term in addition to the term of imprisonment. For those sentenced under the law in effect prior to February 1, 1978, such term shall be identified as a parole term. For those sentenced on or after February 1, 1978, such term shall be identified as a mandatory supervised release term. Subject to earlier termination under Section 3-3-8, the parole or mandatory supervised release term shall be as follows:

(1) for first degree murder or a Class X felony, 3 years;

(2) for a Class 1 felony or a Class 2 felony, 2 years;

(3) for a Class 3 felony or a Class 4 felony, 1 year.

(e) A defendant who has a previous and unexpired sentence of imprisonment imposed by another state or by any district court of the United States and who, after sentence for a crime in Illinois, must return to serve the unexpired prior sentence may have his sentence by the Illinois court ordered to be concurrent with the prior sentence in the other state. The court may order that any time served on the unexpired portion of the sentence in the other state, prior to his return to Illinois, shall be credited on his Illinois sentence. The other state shall be furnished with a copy of the order imposing sentence which shall provide that, when the offender is released from confinement of the other state, whether by parole or by termination of sentence, the offender shall be transferred by the Sheriff of the

committing county to the Illinois Department of Corrections. The court shall cause the Department of Corrections to be notified of such sentence at the time of commitment and to be provided with copies of all records regarding the sentence.

(f) A defendant who has a previous and unexpired sentence of imprisonment imposed by an Illinois circuit court for a crime in this State and who is subsequently sentenced to a term of imprisonment by another state or by any district court of the United States and who has served a term of imprisonment imposed by the other state or district court of the United States, and must return to serve the unexpired prior sentence imposed by the Illinois Circuit Court may apply to the court which imposed sentence to have his sentence reduced.

The circuit court may order that any time served on the sentence imposed by the other state or district court of the United States be credited on his Illinois sentence. Such application for reduction of a sentence under this subsection (f) shall be made within 30 days after the defendant has completed the sentence imposed by the other state or district court of the United States.
(Source: P.A. 89-203, eff. 7-21-95; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 90-396, eff. 1-1-98; 90-651, eff. 1-1-99.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Lauzen, **Senate Bill No. 1148** was recalled from the order of third reading to the order of second reading.

Senator Lauzen offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1148 by replacing everything after the enacting clause with the following:

"Section 5. The Civil Administrative Code of Illinois is amended by adding Section 46.5b as follows:

(20 ILCS 605/46.5b new)

Sec. 46.5b. Report. The Department of Commerce and Community Affairs shall report, on or before March 31 of each year, to the Governor and the General Assembly with respect to all economic development programs administered by the Department. The report shall evaluate the effectiveness of each program and make recommendations for legislative changes.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Sieben, **Senate Bill No. 1183** was recalled from the order of third reading to the order of second reading.

Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1183 on page 1, line 20 by changing "the" to "such"; and
on page 1, line 29 by changing "that the" to "that such"; and
on page 2, line 15 by changing "the" to "a"; and
on page 2, line 31 by changing "with" to "with,"; and
on page 3, line 11 by changing "tobacco;" to "tobacco; or"; and
on page 3, line 14 by changing "packaging or" to "packaging and"; and

on page 5, line 20 by deleting "on and"; and
by replacing line 33 on page 5 and lines 1 through 10 on page 6 with the following:

"(ii) For 2000: $0.0104712 per unit sold;

(iii) For each of 2001 and 2002: $0.0136125 per unit sold;

(iv) For each of 2003 through 2006: $0.0167539 per unit sold;

(v) For each of 2007 and each year thereafter: $0.0188482 per unit sold."; and

on page 7, by replacing lines 31 and 32 with the following:
"into the General Revenue Fund in an amount not to exceed 5% of"; and
on page 8, by replacing lines 9 and 10 with the following:
"into the General Revenue Fund in an amount not to exceed 15%".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

COMMITTEE MEETING ANNOUNCEMENT

Senator Klemm, Chairperson of the Committee on Executive announced that the Executive Committee will meet Thursday, March 25, 1999 in Room 212, Capitol Building, at 9:00 o'clock a.m.

PRESENTATION OF RESOLUTION

Senators Watson - Maitland - Bowles - Clayborne - Petka and Luechtefeld offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 29

WHEREAS, Mark McGwire has brought the St. Louis Cardinals fame and honor with his record setting 70 home runs; and

WHEREAS, Mark McGwire made certain that the 1998 baseball season would be one the fans of the St. Louis Cardinals would certainly remember; in June, he tied Reggie Jackson's record of 37 home runs

before the All-Star break; in August, he became the only player in history to hit 50 home runs in 3 consecutive seasons; in September, he became the third player ever to hit 60 home runs in a season; on September 8, 1998, he broke the record of 61 home runs and went on to set a new record of 70 home runs in a season; and

WHEREAS, The Poplar Street Bridge carries Interstates 55, 70, and 64 across the Mississippi River; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we proclaim the Poplar Street Bridge be renamed the Mark McGwire Bridge and that we respectfully request the Department of Transportation to erect, at suitable locations, appropriate signs, markers, or plaques giving notice of the name; and be it further

RESOLVED, That suitable copies of this resolution be presented to Mark McGwire and the Secretary of Transportation.

SENATE BILLS TABLED

Senator Geo-Karis moved that **Senate Bills Numbered 2 and 267,** which were referred to the Committee on Rules, be ordered to lie on the table.

The motion to table prevailed.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 17, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 107, sponsored by Senator Clayborne was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 157, sponsored by Senator Lightford was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 286, sponsored by Senator Shaw was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 382, sponsored by Senator Parker was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 386, sponsored by Senator Smith was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 442, sponsored by Senator Burzynski was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 540, sponsored by Senator Lauzen was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 562, sponsored by Senator Rea was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 567, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 854, sponsored by Senator Geo-Karis was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 873, sponsored by Senator Munoz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 928, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1097, sponsored by Senator Dudycz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1098, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1099, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1155, sponsored by Senator Lauzen was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1193, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1194, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1207, sponsored by Senator Lightford was taken up,

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

House Bill No. 1274, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1294, sponsored by Senator DeLeo was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1305, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1321, sponsored by Senator Munoz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1501, sponsored by Senators Lightford - del Valle was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1538, sponsored by Senator L. Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1676, sponsored by Senator Fawell was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 924, sponsored by Senator Sieben was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1712, sponsored by Senator Syverson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1728, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1812, sponsored by Senator Lauzen was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1878, sponsored by Senator del Valle was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1896, sponsored by Senator Klemm was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1905, sponsored by Senators Clayborne - W. Jones was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1962, sponsored by Senator R. Madigan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1987, sponsored by Senator Clayborne was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2011, sponsored by Senator Clayborne was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2035, sponsored by Senator L. Madigan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2085, sponsored by Senator Burzynski was taken up,

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

House Bill No. 2125, sponsored by Senator Burzynski was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2180, sponsored by Senator Peterson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2216, sponsored by Senator Obama was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2243, sponsored by Senator Cronin was taken up,

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

House Bill No. 2310, sponsored by Senator Lightford was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2326, sponsored by Senator R. Madigan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2333, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2589, sponsored by Senator Obama was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2640, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2680, sponsored by Senator Clayborne was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2686, sponsored by Senator Clayborne was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2726, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2727, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2841, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

At the hour of 9:00 o'clock p.m., Senator Karpiel presiding.

LEGISLATIVE MEASURE FILED

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

Senate Amendment No. 3 to Senate Bill 276

At the hour of 9:02 o'clock p.m., on motion of Senator Fawell, the Senate stood adjourned until Thursday, March 25, 1999 at 10:00 o'clock a.m.