State of Illinois
91st General Assembly
Final Senate Journal

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

43RD LEGISLATIVE DAY

WEDNESDAY, MAY 12, 1999

10:00 O'CLOCK A.M.

The Senate met pursuant to adjournment.
Senator Stanley B. Weaver, Urbana, Illinois, presiding.
Prayer by Reverend Joseph Eby, Chatham Presbyterian Church, Chatham, Illinois.
Senator Sieben led the Senate in the Pledge of Allegiance.

Senator Myers moved that reading and approval of the Journals of Thursday, May 6, 1999, Friday, May 7, 1999 and Tuesday, May 11, 1999 be postponed pending arrival of the printed Journals.
The motion prevailed.

LEGISLATIVE MEASURES FILED

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

Senate Amendment No. 5 to House Bill 619
Senate Amendment No. 2 to House Bill 839
Senate Amendment No. 2 to House Bill 1117
Senate Amendment No. 3 to House Bill 1177

Senate Amendment No. 1 to House Bill 1274
Senate Amendment No. 2 to House Bill 1464
Senate Amendment No. 2 to House Bill 1959
Senate Amendment No. 3 to House Bill 1959
Senate Amendment No. 2 to House Bill 2031
Senate Amendment No. 2 to House Bill 2163
Senate Amendment No. 2 to House Bill 2166
Senate Amendment No. 2 to House Bill 2271
Senate Amendment No. 2 to House Bill 2713

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed

below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 13
Motion to Concur in House Amendment 1 to Senate Bill 1107
Motion to Concur in House Amendment 1 to Senate Bill 1116

REPORT FROM STANDING COMMITTEE

Senator Cronin, Chairperson of the Committee on Education, to which was referred **Senate Joint Resolution No. 17** reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution 17** was placed on the Secretary's Desk.

MESSAGE FROM THE GOVERNOR

A Message for the Governor by Charles Woodward
Director, Legislative Affairs

May 7, 1999

Mr. President,

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

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT

To The Honorable
Members of the Senate
Ninety-First General Assembly:

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and

confirmation of these appointments of your Honorable Body:

ILLINOIS CIVIL SERVICE COMMISSION

To be a member of the Illinois Civil Service Commission
for a term ending March 1, 2005.

William Stratton of Chicago
Salaried

AGRICULTURAL EXPORT ADVISORY COMMITTEE

To be members of the Agricultural Export Advisory
Committee for terms ending January 15, 2001.

Bruce Leman of Roanoke
Non-Salaried

Heather Hampton Knoodle of Irving
Non-Salaried

Paul Van Halteren of Chicago
Non-Salaried

Stanley Heitz of Normal
Non-Salaried

Tom Bressner of Moweaqua
Non-Salaried

Cornelis Touw of Champaign
Non-Salaried

David Lucas of Naperville
Non-Salaried

BI-STATE DEVELOPMENT AGENCY

To be a member of the Bi-State Development
Agency for a term ending January 20, 2003.

Lionel Settles of East St. Louis
Non-Salaried

BOARD OF HIGHER EDUCATION

To be a member of the Board of Higher Education
for a term ending January 31, 2003.

Lourdes Monteagudo of Chicago
Non-Salaried

BOARD OF NATURAL RESOURCES AND CONSERVATION

To be a member of the Board of Natural Resources and Conservation for a term ending January 15, 2001.

Robert F. Inger of Chicago
Non-Salaried

CENTRAL MIDWEST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMMISSION

To be a member of the Central Midwest Interstate Low-Level Radioactive Waste Commission for a term ending January 15, 2001.

Thomas Ortciger of Springfield
Non-Salaried

CHICAGO STATE UNIVERSITY BOARD OF TRUSTEES

To be a member of the Chicago State University Board of Trustees for a term ending January 17, 2005.

Mary Denson of Chicago
Non-Salaried

Dr. Niva Lubin of Chicago
Non-Salaried

GUARDIANSHIP AND ADVOCACY COMMISSION

To be a member of the Guardianship and Advocacy Commission for a term ending June 30, 2001.

Joseph Lassner of Park Forest
Non-Salaried

To be a member of the Guardianship and Advocacy Commission for a term ending June 30, 1999.

Todd Sieben of Geneseo
Non-Salaried

To be a member of the Guardianship and Advocacy Commission for a term ending June 30, 2002.

Todd Sieben of Geneseo
Non-Salaried

HEALTH FACILITIES PLANNING BOARD

To be a member of the Health Facilities Planning Board for a term ending June 30, 2000.

William A. Marovitz of Chicago

Non-Salaried

ILLINOIS COMPREHENSIVE HEALTH INSURANCE PLAN

To be members of the Illinois Comprehensive Health Insurance Plan for terms ending July 1, 2002.

Howard J. Bolnick of Chicago
Non-Salaried

Janis M. Ortlowski of River Forest
Non-Salaried

Bryan W. Swank of Grayslake
Non-Salaried

To be members of the Illinois Comprehensive Health Insurance Plan for terms ending July 1, 2001.

James M. Meyer of Naperville
Non-Salaried

Jay Naftzger of Naperville
Non-Salaried

ILLINOIS DEVELOPMENT FINANCE AUTHORITY

To be members of the Illinois Development Finance Authority for terms ending January 20, 2003.

Michael Zavis of Northbrook
Non-Salaried

Diane Cullinan of Peoria
Non-Salaried

Peter O'Brien of Chicago
Non-Salaried

Terrence M. O'Brien of Northfield

Non-Salaried

ILLINOIS HEALTH FACILITIES AUTHORITY

To be a member of the Illinois Health Facilities Authority for a term ending June 30, 2005.

James P. Hamilton of Rockford
Non-Salaried

JOLIET ARSENAL DEVELOPMENT AUTHORITY

To be a member of the Joliet Arsenal Development Authority for a term ending January 20, 2003.

William Weidling of Wilmington
Non-Salaried

STATE POLICE MERIT BOARD

To be a member of the State Police Merit Board for a term ending March 21, 2005.

John Rednour of DuQuoin
Non-Salaried

GEORGE H. RYAN

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

SENATE BILL NO. 74
A bill for AN ACT in relation to the Department of Agriculture.

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

House Amendment No. 1 to SENATE BILL NO. 74

Passed the House, as amended, May 11, 1999.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 74
AMENDMENT NO. 1. Amend Senate Bill 74 as follows:
by replacing the title with the following:
"AN ACT to create the Illinois Farm Economic Development and Renewable Fuel Act."; and
by replacing everything after the enacting clause with the following:
"Section 1. Short title. This Act may be cited as the Illinois Farm Economic Development and Renewable Fuel Act.
Section 5. Findings. The legislature finds and declares that it

is in the interest of the people of this State that the establishment of local grain processing centers be encouraged in order to augment local agricultural markets, promote agricultural diversification,

expand rural employment opportunities, promote economic activity, enhance the environment, and protect and better use the land and agricultural resources of the State.

The legislature finds that grain processing shall be considered an agricultural pursuit for the purposes of any laws that apply to or provide for the advancement, benefit, or protection of the agriculture industry of the State.

Section 10. Purpose. The purpose of the Act is to improve the environment, create jobs and rural economic growth, and encourage energy self-reliance through the establishment of community-sized grain processing centers which produce ethyl alcohol and other grain products, encourage the establishment of associated industries, and assist Illinois farmers in expanding local markets for their grain production.

Section 15. Definitions. For the purpose of this Act:

(a) "Associated industry" means an industry using the by-products of a processing center, including, but not limited to, ethyl alcohol, fermented grains, liquid feeds, carbon dioxide, heat, or any other product resulting from the processing of agricultural products and located in proximity to the processing center.

(b) "Corn means Illinois produced corn used in a processing center to make ethyl alcohol, fermented grains, solubles, and carbon dioxide.

(c) "Department" means the Department of Agriculture.

(d) "Director" means the Director of Agriculture.

(e) "Ethyl alcohol" means fermentation ethyl alcohol having a purity of at least 95% (190 proof) and derived from agricultural products, including potatoes, cereal grains, cheese, whey, and sugar beets; forest products; or other renewable resources, including residue and waste generated from the production, processing, and marketing of agricultural products, forest products, and other renewable resources.

(f) "Processing center" means a grain processing center at which ethyl alcohol is produced by fermenting corn or other organic materials and which is owned by a governmental unit or a private entity that provides Illinois farmers the opportunity to invest.

Section 20. Grain processing payments.

(a) Subject to appropriation, the Director shall make cash payments to processors in this State that use corn to make ethyl alcohol and other products. These payments shall apply only to corn used to make ethyl alcohol and other products in this State at a processing center that begins production after January 1, 1998. For the purpose of this Section, an entity that holds a controlling interest in more than one processing center shall be considered a single processor. The amount of the payment for each processor's annual consumption shall be 30 cents per bushel of corn for each bushel of corn used to produce ethyl alcohol and other products in a grain processing center that began production after January 1, 1998. Payment shall be made only during the 5-year period beginning at the same time as the start of production. Payment shall be made only on the first 5,000,000 bushels of corn consumed annually at each processing center.

(b) The Director shall make payments to processors of corn in the amount of 1.5 cents for each kilowatt hour of electricity generated using closed-loop biomass, coal mine methane gas from abandoned mines, or methane from waste disposal, including but not limited to, sanitary landfills, animal manures, or food processing,

in a cogeneration facility serving a processing center or associated

industry located in this State. Payments under this subsection (b) shall be made only for electricity generated at cogeneration facilities serving processing centers that begin operation after January 1, 1998. The payments shall apply to electricity generated on or before the date 5 years after the processor first qualifies for payment under this Act. Total payments to processors under this Section in any fiscal year may not exceed $750,000. For the purposes of this Section:

(i) "closed-loop biomass" means any organic material from a plant that is planted for the purpose of being used to generate electricity or for multiple purposes that include being used to generate electricity; and

(ii) "cogeneration" means the combined generation of:

(1) electrical or mechanical power; and

(2) steam or forms of useful energy, including, but not limited to heat, that are used for industrial, commercial, heating, or cooling purposes.

(c) The total payments under subsections (a) and (b) to all processors may not exceed $4,500,000 in a fiscal year. Total payments under subsections (a) and (b) to a processor in a fiscal year may not exceed $2,250,000.

(d) By the last day of September, December, March, and June of each year, each processor shall file a claim for payment for the bushels of corn used in a grain processing center during the preceding 3 calendar months. A processor with more than one processing center shall file a separate claim for each such processing center. A processor who files a claim under this Section shall include a statement of the processor's total corn consumption and total ethyl alcohol production during the quarter covered by the claim. A processor shall file a separate claim for any amount claimed under subsection (b). For each claim and statement of production filed under this Act, the volumes and amounts claimed must be examined by an independent certified public accountant in accordance with standards established by the American Institute of Certified Public Accountants.

(e) Subject to appropriation, payments under this Section shall be made October 15, January 15, April 15, and July 15 of each year. Subject to appropriation, a separate payment shall be made for each claim filed. The total quarterly payment to a processor under this Act may not exceed $562,500. If the total amount for which all processors are eligible in a quarter under subsections (a) and (b) exceeds $1,125,000, the Director shall make payments, subject to appropriation, in the order in which the portion of production capacity covered by each claim went into production. Only those processors who receive payments for the quarter or received payments under subsections (a) or (b) in an earlier quarter will be eligible for corn payments under this Act.

(f) If the total amount for which all processors are eligible in a quarter under Section 20(b) exceeds the amount available for payments, subject to appropriation, the Director shall make payments in the order in which the processing centers covered by the claims

began generating electricity using closed-loop biomass, coal mine methane gas from abandoned mines, or methane from waste disposal, including, but not limited to, sanitary landfills, animal manures, or food processing.

Section 25. Rule making. The Director shall adopt emergency and permanent rules to implement this Act.

Section 30. Partial invalidity. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of that provision to other persons or circumstances shall not be affected

thereby.

Section 35. Expiration. This Act expires December 31, 2005, and the unobligated balance of each appropriation under this Act on that date shall revert to the General Revenue Fund.

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

Under the rules, the foregoing **Senate Bill No. 74**, with House Amendment No. 1, was referred to the Secretary's Desk.

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

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

SENATE BILL NO. 331

A bill for AN ACT to create the Illinois Equal Justice Assistance Act, amending named Acts.

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

House Amendment No. 1 to SENATE BILL NO. 331
House Amendment No. 2 to SENATE BILL NO. 331

Passed the House, as amended, May 11, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 331

AMENDMENT NO. 1. Amend Senate Bill 331 on page 13, line 11, after "dispute.", by inserting the following:
"A recipient may not use funds received under this Act to file an individual action or class action under the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 and following) or other labor laws.".

AMENDMENT NO. 2 TO SENATE BILL 331

AMENDMENT NO. 2. Amend Senate Bill 331 on page 1, line 1, by deleting "Assistance"; and
on page 1, line 14, by replacing "Assistance" with "~~Assistance~~"; and

on page 5, line 11, by deleting "or traffic"; and
by deleting all of pages 14 and 15; and
on page 16, by deleting lines 1 through 20.

Under the rules, the foregoing **Senate Bill No. 331**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

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

SENATE BILL NO. 423

A bill for AN ACT to amend the Public Utilities Act by adding Section 8-505.1.

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

Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 423
House Amendment No. 2 to SENATE BILL NO. 423

Passed the House, as amended, May 11, 1999.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 423

AMENDMENT NO. 1. Amend Senate Bill 423 on page 1, line 11, by changing "a public" to "an electric public"; and
on page 1, line 15, by changing "OSHA or ANSI" to "Occupational Safety and Health Administration or American National Standards Institute"

AMENDMENT NO. 2 TO SENATE BILL 423

AMENDMENT NO. 2. Amend Senate Bill 423 on page 2 by inserting immediately below line 10 the following:

"(c) By January 1, 2001, the Commerce Commission shall establish by rule statewide standards for tree trimming activities performed by electric public utilities. The standards shall be based upon the guidelines set forth by the International Society of Arboriculture and any applicable standards established by the Occupational Safety and Health Administration and the American National Standards Institute.".

Under the rules, the foregoing **Senate Bill No. 423**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

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

of a bill of the following title, to-wit:

SENATE BILL NO. 805

A bill for AN ACT concerning grants to fire protection districts, amending named Acts.

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

House Amendment No. 3 to SENATE BILL NO. 805

Passed the House, as amended, May 11, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 3 TO SENATE BILL 805

AMENDMENT NO. 3. Amend Senate Bill 805 on page 1, line 25, by replacing "$20,000,000" with "an amount, not to exceed $20,000,000, equal to the amount appropriated by the General Assembly for grants under this Section"; and

on page 2, lines 1 and 2, by replacing "subject to appropriations for those grants" with "in an amount not to exceed the amount transferred to the Fund".

Under the rules, the foregoing **Senate Bill No. 805**, with House Amendment No. 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO 276

A bill for AN ACT to amend the Illinois Vehicle Code by changing Sections 6-109 and 6-508.

SENATE BILL NO 566

A bill for AN ACT to amend the Business Corporation Act of 1983 by changing certain Sections.

SENATE BILL NO 1042

A bill for AN ACT to amend the Illinois Vehicle Code by adding Section 12-612.

SENATE BILL NO 1071

A bill for AN ACT to amend the Public Officer Prohibited Activities Act by changing Section 3.1.

Passed the House, May 11, 1999.

ANTHONY D. ROSSI, Clerk of the House

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 127

Offered by Senator E. Jones and all Senators:

Mourns the death of Sheldon R. Goldstein, formerly of Chicago.

The foregoing resolution was referred to the Resolutions Consent Calendar.

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

SENATE JOINT RESOLUTION NO. 38
CONSTITUTIONAL AMENDMENT

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Sections 1, 2, and 3 of Article IV and Section 1 of Article XIV of the Illinois Constitution as follows:

ARTICLE IV

THE LEGISLATURE

(ILCON Art. IV, Sec. 1)

SECTION 1. LEGISLATURE - POWER AND STRUCTURE

The legislative power is vested in a General Assembly consisting of a Senate and a House of Representatives, elected by the electors from 59 Senatorial ~~Legislative~~ Districts and 119 ~~118~~ Representative Districts.

(Source: Amendment adopted at general election November 4, 1980.)

(ILCON Art. IV, Sec. 2)

SECTION 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Senatorial ~~Legislative~~ District. Immediately following each decennial redistricting, the General Assembly by law shall divide the Senatorial ~~Legislative~~ Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senators from the

third group, for terms of two years, four years and four years. The Senatorial ~~Legislative~~ Districts in each group shall be distributed substantially equally over the State.

(b) ~~Each Legislative District shall be divided into two Representative Districts. In 1982 and every two years thereafter~~ One Representative shall be elected from each Representative District for a term of two years.

(c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to

reelection.

(d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial office with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative office or in any other Senatorial office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

(e) No member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a member of the General Assembly.

No member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term.

(Source: Amendment adopted at general election November 4, 1980.)

(ILCON Art. IV, Sec. 3)

SECTION 3. LEGISLATIVE REDISTRICTING

(a) Senatorial ~~Legislative~~ Districts shall be compact, contiguous and substantially equal in population. Representative Districts shall be compact, contiguous, and substantially equal in population. A Representative District need not be entirely within a single Senatorial District.

(b) By April 15 of the year following each Federal decennial census year, the State Board of Elections, by a record vote of a majority of the total number of members authorized by law as provided in Section 5 of Article III, shall designate a computer program for redistricting the Senate and House of Representatives that meets the requirements of this Section. The designation shall include detailed specifications of the computer program.

Any computer program designated by the State Board of Elections under this Section shall embody the following standards and criteria, as defined by Common Law, in this order of priority:

(1) contiguity;

(2) substantial equality of population;

(3) compactness;

(4) minimization of the number of districts that cross county or municipal boundaries; and

(5) a fair reflection of minority voting strength.

Any computer program designated by the State Board of Elections under this Section shall not consider the following data:

(1) residency of incumbent legislators;

(2) political affiliations of registered voters;

(3) previous election results; and

(4) demographic information not required to be used by this Section or by the United States Constitution or federal law.

Except as specified in this Section, the computer program shall produce districts in a random manner.

The Senate, by resolution adopted by a record vote of

three-fifths of the members elected, may by June 15 of that year designate a different computer program for redistricting the Senate. The House of Representatives, by a resolution adopted by a record vote of three-fifths of the members elected, may by June 15 of that year designate a different computer program for redistricting the House of Representatives.

(c) ~~(b)~~ In the year following each Federal decennial census year, (i) the Senate, by resolution adopted by a record vote of three-fifths of the members elected, ~~General Assembly by law~~ shall redistrict the Senatorial ~~Legislative~~ Districts and (ii) the House of Representatives, by resolution adopted by a record vote of three-fifths of the members elected, shall redistrict the Representative Districts. Each adopted redistricting resolution shall be filed with the Secretary of State by the presiding officer of the house that adopted the resolution.

(d) If a Senatorial or Representative redistricting resolution is not adopted and effective by June 15 of that year, the State Board of Elections, as soon thereafter as is practicable, shall produce a Senatorial or Representative redistricting plan, or both as the case may be, through the use of the computer program designated by the affected chamber, if it made a designation under subsection (b), or else through the use of the computer program designated by the State Board of Elections under that subsection. The State Board of Elections shall file the redistricting plan with the Secretary of State.

~~If no redistricting plan becomes effective by June 30 of that year, a Legislative Redistricting Commission shall be constituted not later than July 10. The Commission shall consist of eight members, no more than four of whom shall be members of the same political party. The Speaker and Minority Leader of the House of Representatives shall each appoint to the Commission one Representative and one person who is not a member of the General Assembly. The President and Minority Leader of the Senate shall each appoint to the Commission one Senator and one person who is not a member of the General Assembly. The members shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made the original appointment. A Chairman and Vice Chairman shall be chosen by a majority of all members of the Commission. Not later than August 10, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.~~

~~If the Commission fails to file an approved redistricting plan, the Supreme Court shall submit the names of two persons, not of the same political party, to the Secretary of State not later than September 1.~~

~~Not later than September 5, the Secretary of State publicly shall draw by random selection the name of one of the two persons to serve as the ninth member of the Commission.~~

~~Not later than October 5, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.~~

(e) A ~~An approved~~ redistricting plan, adopted by redistricting resolution or produced by the State Board of Elections, that is filed with the Secretary of State shall be presumed valid, shall have the same force and effect as a ~~of~~ law, and shall be published promptly by

the Secretary of State.

(f) The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the House and Senate~~, which shall be initiated in the name of the People of the State by the Attorney General~~.

(Source: Amendment adopted at general election November 4, 1980.)

ARTICLE XIV

CONSTITUTIONAL REVISION

(ILCON Art. XIV, Sec. 1)

SECTION 1. CONSTITUTIONAL CONVENTION

(a) Whenever three-fifths of the members elected to each house of the General Assembly so direct, the question of whether a Constitutional Convention should be called shall be submitted to the electors at the general election next occurring at least six months after such legislative direction.

(b) If the question of whether a Convention should be called is not submitted during any twenty-year period, the Secretary of State shall submit such question at the general election in the twentieth year following the last submission.

(c) The vote on whether to call a Convention shall be on a separate ballot. A Convention shall be called if approved by three-fifths of those voting on the question or a majority of those voting in the election.

(d) The General Assembly, at the session following approval by the electors, by law shall provide for the Convention and for the election of two delegates from each Senatorial ~~Legislative~~ District; designate the time and place of the Convention's first meeting which shall be within three months after the election of delegates; fix and provide for the pay of delegates and officers; and provide for expenses necessarily incurred by the Convention.

(e) To be eligible to be a delegate a person must meet the same eligibility requirements as a member of the General Assembly. Vacancies shall be filled as provided by law.

(f) The Convention shall prepare such revision of or amendments to the Constitution as it deems necessary. Any proposed revision or amendments approved by a majority of the delegates elected shall be submitted to the electors in such manner as the Convention determines, at an election designated or called by the Convention occurring not less than two nor more than six months after the Convention's adjournment. Any revision or amendments proposed by the Convention shall be published with explanations, as the Convention provides, at least one month preceding the election.

(g) The vote on the proposed revision or amendments shall be on a separate ballot. Any proposed revision or amendments shall become effective, as the Convention provides, if approved by a majority of those voting on the question.

(Source: Illinois Constitution.)

SCHEDULE

This Constitutional Amendment takes effect beginning with redistricting in 2001 and applies to the election of members of the General Assembly in 2002 and thereafter.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

ON SECRETARY'S DESK

On motion of Senator Peterson, **Senate Bill No. 128**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Peterson moved that the Senate non-concur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 128**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hawkinson, **Senate Bill No. 147**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Hawkinson moved that the Senate non-concur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 147**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Syverson, **Senate Bill No. 487**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Syverson moved that the Senate non-concur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 487**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Rauschenberger, **Senate Bill No. 1158**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Rauschenberger moved that the Senate non-concur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1158**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Myers, **Senate Bill No. 1202**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Myers moved that the Senate non-concur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1202**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Dillard, **Senate Bill No. 834**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Dillard moved that the Senate non-concur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 834**.

Ordered that the Secretary inform the House of Representatives thereof.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Donahue, **House Bill No. 2217** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Mahar	Shadid
Bomke	Halvorson	Maitland	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, L.	Rauschenberger	Weaver
Fawell	Madigan, R.	Rea	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 in the Senate Amendment adopted thereto.

At the hour of 10:34 o'clock a.m., Senator Donahue presiding.

On motion of Senator Sullivan, **House Bill No. 2272** having been

printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

On motion of Senator Petka, **House Bill No. 2287** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

On motion of Senator Hawkinson, **House Bill No. 2303** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Mahar	Shadid
Bomke	Halvorson	Maitland	Shaw
Bowles	Hawkinson	Molaro	Sieben
Burzynski	Hendon	Munoz	Silverstein
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.	Rauschenberger	Weaver
Fawell	Madigan, R.	Rea	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.

On motion of Senator Munoz, **House Bill No. 2351** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

On motion of Senator Dillard, **House Bill No. 2492** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

On motion of Senator T. Walsh, **House Bill No. 2494** having been printed as received from the House of Representatives, together with

all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 32; Nays 12; Present 11.

The following voted in the affirmative:

Berman	Karpiel	O'Malley	Sullivan
Clayborne	Klemm	Parker	Syverson
del Valle	Lightford	Peterson	Trotter
Dudycz	Mahar	Petka	Walsh, L.
Geo-Karis	Maitland	Radogno	Walsh, T.
Hendon	Munoz	Rea	Watson
Jacobs	Noland	Shaw	Weaver
Jones, W.	O'Daniel	Silverstein	Mr. President

The following voted in the negative:

Bomke	Donahue	Hawkinson	Shadid
Bowles	Fawell	Lauzen	Smith
Demuzio	Halvorson	Luechtefeld	Welch

The following voted present:

Burzynski	DeLeo	Madigan, R.	Rauschenberger
Cronin	Link	Myers	Viverito
Cullerton	Madigan, L.	Obama	

This roll call verified.

Following the verification of the roll call, the Chair directed that the name of Senator Sieben, having voted in the affirmative, be removed, as he was absent from the floor at the time of the verification.

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hawkinson, **House Bill No. 2616** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays 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	Petka	Walsh, T.
Dudycz	Luechtefeld	Radogno	Watson
Fawell	Madigan, L.	Rauschenberger	Weaver
			Welch
			Mr. President

The following voted in the negative:

Peterson

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Burzynski, **House Bill No. 2644** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 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, 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 in the Senate Amendment adopted thereto.

On motion of Senator Burzynski, **House Bill No. 2645** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Berman	Halvorson	Maitland	Shadid
Bomke	Hawkinson	Molaro	Shaw
Bowles	Hendon	Munoz	Sieben
Burzynski	Jacobs	Myers	Silverstein
Clayborne	Jones, W.	Noland	Smith
Cronin	Karpiel	Obama	Sullivan
Cullerton	Klemm	O'Daniel	Syverson
DeLeo	Lauzen	O'Malley	Trotter
del Valle	Lightford	Parker	Viverito
Demuzio	Link	Peterson	Walsh, L.
Donahue	Luechtefeld	Petka	Walsh, T.
Dudycz	Madigan, L.	Radogno	Watson
Fawell	Madigan, R.	Rauschenberger	Weaver
Geo-Karis	Mahar	Rea	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 in the Senate Amendment adopted thereto.

On motion of Senator Hawkinson, **House Bill No. 2676** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays 1.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, L.	Petka
Bomke	Halvorson	Madigan, R.	Radogno
Bowles	Hawkinson	Mahar	Rauschenberger
Burzynski	Hendon	Maitland	Rea
Clayborne	Jacobs	Molaro	Shadid
Cronin	Jones, E.	Munoz	Shaw
Cullerton	Jones, W.	Myers	Sieben
DeLeo	Karpiel	Noland	Silverstein
del Valle	Klemm	Obama	Smith
Demuzio	Lauzen	O'Daniel	Sullivan
Donahue	Lightford	O'Malley	Trotter

Dudycz	Link	Parker	Viverito
Fawell	Luechtefeld	Peterson	Walsh, L.
			Watson
			Welch

The following voted in the negative:

Weaver

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hawkinson, **House Bill No. 2748** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 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
Demuzio	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 in the Senate Amendment adopted thereto.

On motion of Senator Maitland, **House Bill No. 2767** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in

the affirmative by the following vote: Yeas 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.

On motion of Senator Myers, **House Bill No. 2792** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 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 in the Senate Amendment adopted thereto.

On motion of Senator Jacobs, **House Bill No. 137** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 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	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 in the Senate Amendment adopted thereto.

On motion of Senator Lauzen, **House Bill No. 240** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

On motion of Senator Peterson, **House Bill No. 402** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays 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	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
			Mr. President

The following voted in the negative:

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 in the Senate Amendment adopted thereto.

On motion of Senator W. Jones, **House Bill No. 521** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays 1; Present 1.

The following voted in the affirmative:

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

The following voted in the negative:

Demuzio

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 in the Senate Amendment adopted thereto.

On motion of Senator Burzynski, **House Bill No. 534** having been

printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Berman	Halvorson	Maitland	Shadid
Bomke	Hawkinson	Molaro	Shaw
Bowles	Hendon	Munoz	Sieben
Burzynski	Jacobs	Myers	Silverstein
Clayborne	Jones, E.	Noland	Smith
Cronin	Jones, W.	Obama	Sullivan
Cullerton	Karpiel	O'Daniel	Syverson
DeLeo	Klemm	O'Malley	Trotter
del Valle	Lauzen	Parker	Viverito
Demuzio	Lightford	Peterson	Walsh, L.
Donahue	Link	Petka	Walsh, T.
Dudycz	Madigan, L.	Radogno	Watson
Fawell	Madigan, R.	Rauschenberger	Weaver
Geo-Karis	Mahar	Rea	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.

On motion of Senator Burzynski, **House Bill No. 553** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

On motion of Senator Syverson, **House Bill No. 555** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 55; Nays None; Present 4.

The following voted in the affirmative:

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

The following voted present:

Cronin
Lightford
Madigan, L.
Silverstein

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Petka, **House Bill No. 583** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

On motion of Senator Silverstein, **House Bill No. 668** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

On motion of Senator Karpiel, **House Bill No. 731** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Petka, **House Bill No. 774** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

On motion of Senator Parker, **House Bill No. 1102** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

At the hour of 11:29 o'clock a.m., Senator Maitland presiding.

On motion of Senator Watson, **House Bill No. 1163** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rauschenberger
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

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

Ordered that the Secretary inform the House of Representatives thereof.

REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its May 12, 1999 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Commerce and Industry: **Senate Amendments numbered 2 and 3 to House Bill 1959.**

Education: **Senate Amendment No. 2 to House Bill 17; Senate Amendment No. 1 to House Bill 230; Senate Amendment No. 2 to House Bill 878; Senate Amendment No. 1 to House Bill 1274; Senate Amendment No. 2 to House Bill 1670; Senate Amendment No. 2 to House Bill 1812; Senate Amendment No. 2 to House Bill 2733.**

Environment and Energy: **Senate Amendment No. 1 to House Bill 287; Senate Amendment No. 1 to House Bill 379; Senate Amendment No. 1 to House Bill 1409; Senate Amendment No. 2 to House Bill 2031.**

Executive: **Senate Amendment No. 2 to House Bill 452; Senate Amendment No. 2 to House Bill 702; Senate Amendment No. 2 to House Bill 953; Senate Amendment No. 2 to House Bill 1464; Senate Amendment No. 2 to House Bill 2283.**

Insurance and Pensions: **Senate Amendment No. 1 to House Bill 1348; Senate Amendments numbered 1 and 2 to House Bill 1697; Senate Amendment No. 2 to House Bill 2166; Senate Amendment No. 2 to House Bill 2271; Senate Amendment No. 2 to House Bill 2713.**

Judiciary: **Senate Amendment No. 2 to House Bill 31; Senate Amendment No. 2 to House Bill 90; Senate Amendment No. 1 to House Bill 105; Senate Amendment No. 1 to House Bill 526; Senate Amendment No. 2 to House Bill 777; Senate Amendments numbered 1 and 2 to House Bill 839; Senate Amendment No. 1 to House Bill 934; Senate Amendment No. 1 to House Bill 1162; Senate Amendment No. 2 to House Bill 1177; Senate Amendment No. 2 to House Bill 1194; Senate Amendment No. 1 to House Bill 1278; Senate Amendment No. 1 to House Bill 1304; Senate Amendment No. 2 to House Bill 1720; Senate Amendments numbered 1 and 2 to House Bill 2103; Senate Amendment No. 2 to House Bill 2727.**

Licensed Activities: **Senate Amendment No. 2 to House Bill 245; Senate Amendments numbered 2, 3, 4 and 5 to House Bill 619; Senate Amendment No. 1 to House Bill 1805; Senate Amendment No. 1 to House Bill 1860.**

Local Government: **Senate Amendments numbered 2, 3 and 4 to House Bill 845; Senate Amendments numbered 2 and 3 to House Bill 2005.**

Public Health and Welfare: **Senate Amendment No. 1 to House Bill 1232; Senate Amendment No. 1 to House Bill 1617; Senate Amendment No. 1 to House Bill 1713; Senate Amendment No. 1 to House Bill 1773.**

Revenue: **Senate Amendment No. 2 to House Bill 134; Senate Amendments numbered 1 and 2 to House Bill 305; Senate Amendment No. 1 to House Bill 542; Senate Amendment No. 1 to House Bill 1695; Senate Amendment No. 2 to House Bill 1778; Senate Amendment No. 1 to House Bill 1978.**

State Government Operations: **Senate Amendments numbered 1 and 2 to House Bill 2081; Senate Amendment No. 2 to House Bill 2088.**

Transportation: **Senate Amendment No. 1 to House Bill 604; Senate Amendment No. 1 to House Bill 2355.**

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

Senate Amendment No. 1 to House Bill 161
Senate Amendment No. 1 to House Bill 306
Senate Amendment No. 1 to House Bill 371
Senate Amendment No. 2 to House Bill 523
Senate Amendment No. 2 to House Bill 1117
Senate Amendment No. 2 to House Bill 1268
Senate Amendment No. 1 to House Bill 1318
Senate Amendment No. 1 to House Bill 1538
Senate Amendment No. 2 to House Bill 2038
Senate Amendment No. 2 to House Bill 2042
Senate Amendment No. 1 to House Bill 2263
Senate Amendment No. 1 to House Bill 2264
Senate Amendment No. 2 to House Bill 2574

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Petka, **House Bill No. 1286** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 55; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Shaw
Bomke	Halvorson	Maitland	Sieben

Bowles	Hawkinson	Molaro	Silverstein
Burzynski	Hendon	Munoz	Smith
Clayborne	Jacobs	Myers	Sullivan
Cronin	Jones, E.	Noland	Syverson
Cullerton	Jones, W.	Obama	Trotter
DeLeo	Karpiel	O'Daniel	Viverito
del Valle	Klemm	O'Malley	Walsh, L.
Demuzio	Lauzen	Parker	Watson
Dillard	Lightford	Petka	Weaver
Donahue	Link	Radogno	Welch
Dudycz	Luechtefeld	Rea	Mr. President
Fawell	Madigan, L.	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 in the Senate Amendment adopted thereto.

On motion of Senator Fawell, **House Bill No. 1676** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 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 in the Senate Amendment adopted thereto.

On motion of Senator Peterson, **House Bill No. 1688** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Berman	Halvorson	Mahar	Rea
Bomke	Hawkinson	Maitland	Shadid
Bowles	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 in the Senate Amendment adopted thereto.

On motion of Senator Jacobs, **House Bill No. 1723** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

On motion of Senator T. Walsh, **House Bill No. 1740** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator T. Walsh, **House Bill No. 1743** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 48; Nays 9; Present 1.

The following voted in the affirmative:

Bowles	Hendon	Myers	Sieben
Clayborne	Jacobs	Noland	Silverstein
Cronin	Jones, E.	Obama	Smith
Cullerton	Karpiel	O'Daniel	Sullivan
DeLeo	Klemm	O'Malley	Syverson

del Valle	Lightford	Peterson	Trotter
Demuzio	Luechtefeld	Petka	Viverito
Dillard	Madigan, L.	Radogno	Walsh, L.
Dudycz	Mahar	Rauschenberger	Walsh, T.
Fawell	Maitland	Rea	Watson
Geo-Karis	Molaro	Shadid	Weaver
Halvorson	Munoz	Shaw	Mr. President

The following voted in the negative:

Bomke	Donahue	Jones, W.	Link
Burzynski	Hawkinson	Lauzen	Parker
			Welch

The following voted present:

Madigan, R.

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cronin, **House Bill No. 1762** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 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 in the Senate Amendment adopted thereto.

On motion of Senator R. Madigan, **House Bill No. 1879** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 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	Viverito
Dillard	Lightford	Peterson	Walsh, L.
Donahue	Link	Petka	Walsh, T.
Dudycz	Madigan, L.	Radogno	Weaver
Fawell	Madigan, R.	Rauschenberger	Welch
			Mr. President

The following voted present:

Watson

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cronin, **House Bill No. 2008** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays 5.

The following voted in the affirmative:

Berman	Halvorson	Mahar	Shadid
Bomke	Hawkinson	Maitland	Shaw
Bowles	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	Lightford	O'Malley	Viverito
Dillard	Link	Parker	Walsh, L.
Dudycz	Luechtefeld	Peterson	Walsh, T.
Fawell	Madigan, L.	Petka	Watson
Geo-Karis	Madigan, R.	Rea	Weaver
			Welch
			Mr. President

The following voted in the negative:

Burzynski
Donahue
Lauzen
Radogno
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.

LEGISLATIVE MEASURES FILED

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

Senate Amendment No. 3 to House Bill 134
Senate Amendment No. 1 to House Bill 733

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 33
Motion to Concur in House Amendment 1 to Senate Bill 40
Motion to Concur in House Amendment 1 to Senate Bill 315
Motion to Concur in House Amendment 1 to Senate Bill 463
Motion to Concur in House Amendments 1 & 2 to Senate Bill 331
Motion to Concur in House Amendments 1 & 2 to Senate Bill 529
Motion to Concur in House Amendment 1 to Senate Bill 673
Motion to Concur in House Amendment 1 to Senate Bill 734
Motion to Concur in House Amendment 3 to Senate Bill 805
Motion to Concur in House Amendment 1 to Senate Bill 916

At the hour of 12:03 o'clock p.m., the Chair announced that the Senate stand at recess until 4:30 o'clock p.m.

AFTER RECESS

At the hour of 4:55 o'clock p.m., the Senate resumed consideration of business.
Senator Weaver, presiding.

LEGISLATIVE MEASURES FILED

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

Senate Amendment No. 1 to House Bill 470
Senate Amendment No. 2 to House Bill 1869
Senate Amendment No. 2 to House Bill 2148

JOINT ACTION MOTION FILED

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 359

Senator Donahue asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

At the hour of 4:57 o'clock p.m., the Chair announced that the

Senate stand at recess until 5:30 o'clock p.m.

AFTER RECESS

At the hour of 5:55 o'clock p.m., the Senate resumed consideration of business.
Senator Maitland, presiding.

MOTION IN WRITING

Senator Cronin submitted the following Motion in Writing:

Having voted on the prevailing side, I move to reconsider the vote by which **House Bill 2008** passed.

DATE: May 12, 1999 Dan Cronin

Senator

The foregoing Motion in Writing was filed with the Secretary and placed on the Senate Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

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

SENATE BILL NO. 19

A bill for AN ACT regarding child support enforcement.

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

House Amendment No. 1 to SENATE BILL NO. 19
House Amendment No. 2 to SENATE BILL NO. 19
House Amendment No. 3 to SENATE BILL NO. 19

Passed the House, as amended, May 12, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 19

AMENDMENT NO. 1. Amend Senate Bill 19 by replacing the title with the following:

"AN ACT regarding child support enforcement."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Non-Support Punishment Act.

Section 5. Prosecutions by State's Attorneys. A proceeding for enforcement of this Act may be instituted and prosecuted by the several State's Attorneys only upon the filing of a verified complaint by the person or persons receiving child or spousal support.

Section 7. Prosecutions by Attorney General. In addition to enforcement proceedings by the several State's Attorneys, a proceeding for the enforcement of this Act may be instituted and

prosecuted by the Attorney General in cases referred by the Illinois Department of Public Aid involving persons receiving child and spouse support services under Article X of the Illinois Public Aid Code. Before referring a case to the Attorney General for enforcement under this Act, the Department of Public Aid shall notify the person receiving child and spouse support services under Article X of the Illinois Public Aid Code of the Department's intent to refer the case to the Attorney General under this Section for prosecution.

Section 10. Proceedings. Proceedings under this Act may be by

indictment or information. No proceeding may be brought under Section 15 against a person whose court or administrative order for support was entered by default, unless the indictment or information specifically alleges that the person has knowledge of the existence of the order for support and that the person has the ability to pay the support.

Section 15. Failure to support.

(a) A person commits the offense of failure to support when he or she:

(1) without any lawful excuse, neglects or refuses to provide for the support or maintenance of his or her spouse, with the knowledge that the spouse is in need of such support or maintenance, or, without lawful excuse, deserts or neglects or refuses to provide for the support or maintenance of his or her child or children under the age of 18 years, in need of support or maintenance and the person has the ability to provide the support; or

(2) willfully fails to pay a support obligation required under a court or administrative order for support, if the obligation has remained unpaid for a period longer than 6 months, or is in arrears in an amount greater than $5,000, and the person has the ability to provide the support; or

(3) leaves the State with the intent to evade a support obligation required under a court or administrative order for support, if the obligation, regardless of when it accrued, has remained unpaid for a period longer than 6 months, or is in arrears in an amount greater than $5,000; or

(4) willfully fails to pay a support obligation required under a court or administrative order for support, if the obligation has remained unpaid for a period longer than one year, or is in arrears in an amount greater than $10,000, and the person has the ability to provide the support.

(a-5) Presumption of ability to pay support. The existence of a court or administrative order of support that was not based on a default judgment and was in effect for the time period charged in the indictment or information creates a rebuttable presumption that the obligor has the ability to pay the support obligation for that time period.

(b) Sentence. A person convicted of a first offense under subdivision (a)(1) or (a)(2) is guilty of a Class A misdemeanor. A person convicted of an offense under subdivision (a)(3) or (a)(4) or a second or subsequent offense under subdivision (a)(1) or (a)(2) is guilty of a Class 4 felony.

(c) Expungement. A person convicted of a first offense under subdivision (a)(1) or (a)(2) who is eligible for the Earnfare program, shall, in lieu of the sentence prescribed in subsection (b), be referred to the Earnfare program. Upon certification of completion of the Earnfare program, the conviction shall be expunged. If the person fails to successfully complete the Earnfare program, he or she shall be sentenced in accordance with subsection (b).

(d) Fine. Sentences of imprisonment and fines for offenses committed under this Act shall be as provided under Articles 8 and 9

of Chapter V of the Unified Code of Corrections, except that the court shall order restitution of all unpaid support payments and may impose the following fines, alone, or in addition to a sentence of imprisonment under the following circumstances:

(1) from $1,000 to $5,000 if the support obligation has remained unpaid for a period longer than 2 years, or is in arrears in an amount greater than $1,000 and not exceeding $5,000;

(2) from $5,000 to $10,000 if the support obligation has remained unpaid for a period longer than 5 years, or is in arrears in an amount greater than $5,000 and not exceeding $10,000; or

(3) from $10,000 to $25,000 if the support obligation has remained unpaid for a period longer than 8 years, or is in arrears in an amount greater than $10,000.

Restitution shall be ordered in an amount equal to the total unpaid support obligation as it existed at the time of sentencing. Any amounts paid by the obligor shall be allocated first to current support and then to restitution ordered and then to fines imposed under this Section.

Section 20. Entry of order for support; income withholding.

(a) In a case in which no court or administrative order for support is in effect against the defendant:

(1) at any time before the trial, upon motion of the State's Attorney, or of the Attorney General if the action has been instituted by his office, and upon notice to the defendant, or at the time of arraignment or as a condition of postponement of arraignment, the court may enter such temporary order for support as may seem just, providing for the support or maintenance of the spouse or child or children of the defendant, or both, pendente lite; or

(2) before trial with the consent of the defendant, or at the trial on entry of a plea of guilty, or after conviction, instead of imposing the penalty provided in this Act, or in addition thereto, the court may enter an order for support, subject to modification by the court from time to time as circumstances may require, directing the defendant to pay a certain sum for maintenance of the spouse, or for support of the child or children, or both.

(b) The court shall determine the amount of child support by using the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act.

If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(c) The court shall determine the amount of maintenance using the standards set forth in Section 504 of the Illinois Marriage and Dissolution of Marriage Act.

(d) The court may, for violation of any order under this Section, punish the offender as for a contempt of court, but no pendente lite order shall remain in effect longer than 4 months, or after the discharge of any panel of jurors summoned for service thereafter in

such court, whichever is sooner.

(e) Any order for support entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support under the judgments, each such judgment to be in the amount of each payment or installment of support and each judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each judgment shall have the full force, effect, and attributes of any other judgment of this State, including the ability to be enforced. Each judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(f) An order for support entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of the court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer.

Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment, bond shall be set in the amount of the child support that should have been paid during the period of unreported employment.

An order for support entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or of a minor child, or both, would be seriously endangered by disclosure of the party's address.

(g) An order for support entered or modified in a case in which a party is receiving child and spouse support services under Article X of the Illinois Public Aid Code shall include a provision requiring the noncustodial parent to notify the Illinois Department of Public Aid, within 7 days, of the name and address of any new employer of the noncustodial parent, whether the noncustodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy.

(h) In any subsequent action to enforce an order for support entered under this Act, upon sufficient showing that diligent effort has been made to ascertain the location of the noncustodial parent, service of process or provision of notice necessary in that action may be made at the last known address of the noncustodial parent, in any manner expressly provided by the Code of Civil Procedure or in

this Act, which service shall be sufficient for purposes of due process.

(i) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order.

Section 22. Withholding of income to secure payment of support. An order for support entered or modified under this Act is subject to the Income Withholding for Support Act.

Section 25. Payment of support to State Disbursement Unit; clerk of the court.

(a) As used in this Section, "order for support", "obligor", "obligee", and "payor" mean those terms as defined in the Income Withholding for Support Act.

(b) Each order for support entered or modified under Section 20 of this Act shall require that support payments be made to the State Disbursement Unit established under the Illinois Public Aid Code, under the following circumstances:

(1) when a party to the order is receiving child and spouse support services under Article X of the Illinois Public Aid Code; or

(2) when no party to the order is receiving child and spouse support services, but the support payments are made through income withholding.

(c) When no party to the order is receiving child and spouse support services, and payments are not being made through income withholding, the court shall order the obligor to make support payments to the clerk of the court.

(d) In the case of an order for support entered by the court under this Act before a party commenced receipt of child and spouse support services, upon receipt of these services by a party the Illinois Department of Public Aid shall provide notice to the obligor to send any support payments he or she makes personally to the State Disbursement Unit until further direction of the Department. The Department shall provide a copy of the notice to the obligee and to the clerk of the court. An obligor who fails to comply with a notice provided by the Department under this Section is guilty of a Class B misdemeanor.

(e) If a State Disbursement Unit as specified by federal law has not been created in Illinois upon the effective date of this Act, then, until the creation of a State Disbursement Unit as specified by federal law, the following provisions regarding payment and disbursement of support payments shall control and the provisions in subsections (a), (b), (c), and (d) shall be inoperative. Upon the creation of a State Disbursement Unit as specified by federal law, this subsection (e) shall be inoperative and the payment and disbursement provisions of subsections (a), (b), (c), and (d) shall control.

(1) In cases in which an order for support is entered under Section 20 of this Act, the court shall order that maintenance and support payments be made to the clerk of the court for remittance to the person or agency entitled to receive the payments. However, the court in its discretion may direct otherwise where exceptional circumstances so warrant.

(2) The court shall direct that support payments be sent by the clerk to (i) the Illinois Department of Public Aid if the person in whose behalf payments are made is receiving aid under Articles III, IV, or V of the Illinois Public Aid Code, or child and spouse support services under Article X of the Code, or (ii) to the local governmental unit responsible for the support of the person if he or she is a recipient under Article VI of the Code. In accordance with federal law and regulations, the Illinois Department of Public Aid may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X of the Illinois Public Aid Code. The Illinois Department shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. The order shall permit the Illinois

Department of Public Aid or the local governmental unit, as the case may be, to direct that support payments be made directly to the spouse, children, or both, or to some person or agency in their behalf, upon removal of the spouse or children from the public aid rolls or upon termination of services under Article X of the Illinois Public Aid Code; and upon such direction, the Illinois Department or the local governmental unit, as the case requires, shall give notice of such action to the court in writing or by electronic transmission.

(3) The clerk of the court shall establish and maintain current records of all moneys received and disbursed and of delinquencies and defaults in required payments. The court, by order or rule, shall make provision for the carrying out of these duties.

(4) Upon notification in writing or by electronic transmission from the Illinois Department of Public Aid to the clerk of the court that a person who is receiving support payments under this Section is receiving services under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, any support payments subsequently received by the clerk of the court shall be transmitted in accordance with the instructions of the Illinois Department of Public Aid until the Department gives notice to cease the transmittal. After providing the notification authorized under this paragraph, the Illinois Department of Public Aid shall be a party and entitled to notice of any further proceedings in the case. The clerk of the court shall file a copy of the Illinois Department of Public Aid's notification in the court file. The failure of the clerk to file a copy of the notification in the court file shall not, however, affect the Illinois Department of Public Aid's rights as

a party or its right to receive notice of further proceedings.

(5) Payments under this Section to the Illinois Department of Public Aid pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All other payments under this Section to the Illinois Department of Public Aid shall be deposited in the Public Assistance Recoveries Trust Fund. Disbursements from these funds shall be as provided in the Illinois Public Aid Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.

(6) For those cases in which child support is payable to the clerk of the circuit court for transmittal to the Illinois Department of Public Aid by order of court or upon notification by the Illinois Department of Public Aid, the clerk shall transmit all such payments, within 4 working days of receipt, to insure that funds are available for immediate distribution by the Department to the person or entity entitled thereto in accordance with standards of the Child Support Enforcement Program established under Title IV-D of the Social Security Act. The clerk shall notify the Department of the date of receipt and amount thereof at the time of transmittal. Where the clerk has entered into an agreement of cooperation with the Department to record the terms of child support orders and payments made thereunder directly into the Department's automated data processing system, the clerk shall account for, transmit and otherwise distribute child support payments in accordance with such agreement in lieu of the requirements contained herein.

Section 30. Information to State Case Registry.

(a) When an order for support is entered or modified under Section 20 of this Act, the clerk of the court shall, within 5

business days, provide to the State Case Registry established under Section 10-27 of the Illinois Public Aid Code the court docket number and county in which the order is entered or modified and the following information, which the parents involved in the case shall disclose to the court:

(1) the names of the custodial and noncustodial parents and of the child or children covered by the order;

(2) the dates of birth of the custodial and noncustodial parents and of the child or children covered by the order;

(3) the social security numbers of the custodial and noncustodial parents and, if available, of the child or children covered by the order;

(4) the residential and mailing address for the custodial and noncustodial parents;

(5) the telephone numbers for the custodial and noncustodial parents;

(6) the driver's license numbers for the custodial and noncustodial parents; and

(7) the name, address, and telephone number of each parent's employer or employers.

(b) When an order for support is entered or modified under

Section 20 in a case in which a party is receiving child and spouse support services under Article X of the Illinois Public Aid Code, the clerk shall provide the State Case Registry with the following information within 5 business days:

(1) the information specified in subsection (a);

(2) the amount of monthly or other periodic support owed under the order and other amounts, including arrearages, interest, or late payment penalties and fees, due or overdue under the order;

(3) any amounts described in subdivision (2) of this subsection (b) that have been received by the clerk; and

(4) the distribution of the amounts received by the clerk.

(c) To the extent that updated information is in the clerk's possession, the clerk shall provide updates of the information specified in subsection (b) within 5 business days after the Illinois Department of Public Aid's request for that updated information.

Section 32. Continuances in support enforcement cases. Each party shall be granted no more than 2 continuances in a court proceeding for the enforcement of a support order.

Section 35. Fine; release of defendant on probation; violation of order for support; forfeiture of recognizance.

(a) Whenever a fine is imposed it may be directed by the court to be paid, in whole or in part, to the spouse, ex-spouse, or if the support of a child or children is involved, to the custodial parent, to the clerk, probation officer, or to the Illinois Department of Public Aid if a recipient of child and spouse support services under Article X of the Illinois Public Aid Code is involved as the case requires, to be disbursed by such officers or agency under the terms of the order.

(b) The court may also relieve the defendant from custody on probation for the period fixed in the order or judgment upon his or her entering into a recognizance, with or without surety, in the sum as the court orders and approves. The condition of the recognizance shall be such that if the defendant makes his or her personal appearance in court whenever ordered to do so by the court, during such period as may be so fixed, and further complies with the terms of the order for support, or any subsequent modification of the order, then the recognizance shall be void; otherwise it will remain in full force and effect.

(c) If the court is satisfied by testimony in open court, that at

any time during the period of one year the defendant has violated the terms of the order for support, it may proceed with the trial of the defendant under the original charge, or sentence him or her under the original conviction, or enforce the suspended sentence, as the case may be. In case of forfeiture of recognizance, and enforcement of recognizance by execution, the sum so recovered may, in the discretion of the court, be paid, in whole or in part, to the spouse, ex-spouse, or if the support of a child or children is involved, to the custodial parent, to the clerk, or to the Illinois Department of Public Aid if a recipient of child and spouse support services under Article X of the Illinois Public Aid Code is involved as the case requires, to be disbursed by the clerk or the Department under the

terms of the order.

Section 40. Evidence. No other or greater evidence shall be required to prove the marriage of a husband and wife, or that the defendant is the father or mother of the child or children than is or shall be required to prove that fact in a civil action.

Section 45. Husband or wife as competent witness. In no prosecution under this Act shall any existing statute or rule of law prohibiting the disclosure of confidential communications between husband and wife apply. And both husband and wife shall be competent witnesses to testify to any and all relevant matters, including the fact of such marriage and of the parentage of such child or children, provided that neither shall be compelled to give evidence incriminating himself or herself.

Section 50. Community service; work alternative program.

(a) In addition to any other penalties imposed against an offender under this Act, the court may order the offender to perform community service for not less than 30 and not more than 120 hours per month, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for committing an offense under this Act, the supervision shall be conditioned on the performance of the community service.

(b) In addition to any other penalties imposed against an offender under this Act, the court may sentence the offender to service in a work alternative program administered by the sheriff. The conditions of the program are that the offender obtain or retain employment and participate in a work alternative program administered by the sheriff during non-working hours. A person may not be required to participate in a work alternative program under this subsection if the person is currently participating in a work program pursuant to another provision of this Act, Section 10-11.1 of the Illinois Public Aid Code, Section 505.1 of the Illinois Marriage and Dissolution of Marriage Act, or Section 15.1 of the Illinois Parentage Act of 1984.

(c) In addition to any other penalties imposed against an offender under this Act, the court may order, in cases where the offender has been in violation of this Act for 90 days or more, that the offender's Illinois driving privileges be suspended until the court determines that the offender is in compliance with this Act.

The court may determine that the offender is in compliance with this Act if the offender has agreed (i) to pay all required amounts of support and maintenance as determined by the court or (ii) to the garnishment of his or her income for the purpose of paying those amounts.

The court may also order that the offender be issued a family financial responsibility driving permit that would allow limited driving privileges for employment and medical purposes in accordance with Section 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit court shall certify the order suspending the driving

privileges of the offender or granting the issuance of a family financial responsibility driving permit to the Secretary of State on forms prescribed by the Secretary. Upon receipt of the authenticated

documents, the Secretary of State shall suspend the offender's driving privileges until further order of the court and shall, if ordered by the court, subject to the provisions of Section 7-702.1 of the Illinois Vehicle Code, issue a family financial responsibility driving permit to the offender.

(d) If the court determines that the offender has been in violation of this Act for more than 60 days, the court may determine whether the offender has applied for or been issued a professional license by the Department of Professional Regulation or another licensing agency. If the court determines that the offender has applied for or been issued such a license, the court may certify to the Department of Professional Regulation or other licensing agency that the offender has been in violation of this Act for more than 60 days so that the Department or other agency may take appropriate steps with respect to the license or application as provided in Section 10-65 of the Illinois Administrative Procedure Act and Section 60 of the Civil Administrative Code of Illinois. The court may take the actions required under this subsection in addition to imposing any other penalty authorized under this Act.

Section 55. Offenses; how construed. It is hereby expressly declared that the offenses set forth in this Act shall be construed to be continuing offenses.

Section 60. Unemployed persons owing duty of support.

(a) Whenever it is determined in a proceeding to establish or enforce a child support or maintenance obligation that the person owing a duty of support is unemployed, the court may order the person to seek employment and report periodically to the court with a diary, listing or other memorandum of his or her efforts in accordance with such order. Additionally, the court may order the unemployed person to report to the Department of Employment Security for job search services or to make application with the local Jobs Training Partnership Act provider for participation in job search, training, or work programs and where the duty of support is owed to a child receiving support services under Article X of the Illinois Public Aid Code the court may order the unemployed person to report to the Illinois Department of Public Aid for participation in job search, training, or work programs established under Section 9-6 and Article IXA of that Code.

(b) Whenever it is determined that a person owes past due support for a child or for a child and the parent with whom the child is living, and the child is receiving assistance under the Illinois Public Aid Code, the court shall order at the request of the Illinois Department of Public Aid:

(1) that the person pay the past-due support in accordance with a plan approved by the court; or

(2) if the person owing past-due support is unemployed, is subject to such a plan, and is not incapacitated, that the person participate in such job search, training, or work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code as the court deems appropriate.

Section 65. Order of protection; status. Whenever relief sought under this Act is based on allegations of domestic violence, as defined in the Illinois Domestic Violence Act of 1986, the court, before granting relief, shall determine whether any order of protection has previously been entered in the instant proceeding or any other proceeding in which any party, or a child of any party, or both, if relevant, has been designated as either a respondent or a

protected person.

Section 905. The Illinois Administrative Procedure Act is amended by changing Section 10-65 as follows:

(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 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 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, and in cases in which a court has previously determined that an applicant or licensee has been in violation of the Non-Support Punishment Act for more than 60 days, 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 or the certification of violation made by the court. Further process, hearings, or redetermination of the delinquency or violation 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

or the court. 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 a hearing in accordance with the provisions of this Act concerning contested cases. At the 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).

Section 910. The Civil Administrative Code of Illinois is amended by changing Section 43a.14 as follows:

(20 ILCS 1005/43a.14)

Sec. 43a.14. Exchange of information for child support enforcement.

(a) To exchange with the Illinois Department of Public Aid information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

(b) Notwithstanding any provisions in this Code to the contrary, the Department of Employment Security shall not be liable to any person for any disclosure of information to the Illinois Department of Public Aid under subsection (a) or for any other action taken in good faith to comply with the requirements of subsection (a).

(Source: P.A. 90-18, eff. 7-1-97.)

Section 915. The Civil Administrative Code of Illinois is amended by changing Section 60 as follows:

(20 ILCS 2105/60) (from Ch. 127, par. 60)

Sec. 60. Powers and duties. The Department of Professional Regulation shall have, subject to the provisions of this Act, the following powers and duties:

1. To authorize examinations in English to ascertain the qualifications and fitness of applicants to exercise the profession, trade, or occupation for which the examination is held.

2. To prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to exercise the respective professions, trades, or occupations.

3. To pass upon the qualifications of applicants for licenses, certificates, and authorities, whether by examination, by

reciprocity, or by endorsement.

4. To prescribe rules and regulations defining, for the respective professions, trades, and occupations, what shall constitute a school, college, or university, or department of a university, or other institutions, reputable and in good standing and to determine the reputability and good standing of a school, college, or university, or department of a university, or other institution, reputable and in good standing by reference to a compliance with such rules and regulations: provided, that no school, college, or university, or department of a university or other institution that refuses admittance to applicants solely on account of race, color, creed, sex, or national origin shall be considered reputable and in good standing.

5. To conduct hearings on proceedings to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action as may be authorized in any licensing Act administered by the Department with regard to licenses, certificates, or authorities of persons exercising the respective professions, trades, or occupations, and to revoke, suspend, refuse to renew, place on

probationary status, or take other disciplinary action as may be authorized in any licensing Act administered by the Department with regard to such licenses, certificates, or authorities. The Department shall issue a monthly disciplinary report. The Department shall deny any license or renewal authorized by this Act to any person who has defaulted on an educational loan or scholarship provided by or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State; however, the Department may issue a license or renewal if the aforementioned persons have established a satisfactory repayment record as determined by the Illinois Student Assistance Commission or other appropriate governmental agency of this State. Additionally, beginning June 1, 1996, any license issued by the Department may be suspended or revoked if the Department, after the opportunity for a hearing under the appropriate licensing Act, finds that the licensee has failed to make satisfactory repayment to the Illinois Student Assistance Commission for a delinquent or defaulted loan. For the purposes of this Section, "satisfactory repayment record" shall be defined by rule. The Department shall refuse to issue or renew a license to, or shall suspend or revoke a license of, any person who, after receiving notice, fails to comply with a subpoena or warrant relating to a paternity or child support proceeding. However, the Department may issue a license or renewal upon compliance with the subpoena or warrant.

The Department, without further process or hearings, shall revoke, suspend, or deny any license or renewal authorized by this Act to a person who is certified by the Illinois Department of Public Aid as being more than 30 days delinquent in complying with a child support order or who is certified by a court as being in violation of the Non-Support of Punishment Act for more than 60 days; the Department may, however, issue a license or renewal if the person has established a satisfactory repayment record as determined by the Illinois Department of Public Aid or if the person is determined by

the court to be in compliance with the Non-Support Punishment Act. The Department may implement this paragraph as added by Public Act 89-6 through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement this paragraph shall be considered an emergency and necessary for the public interest, safety, and welfare.

6. To transfer jurisdiction of any realty under the control of the Department to any other Department of the State Government, or to acquire or accept Federal lands, when such transfer, acquisition or acceptance is advantageous to the State and is approved in writing by the Governor.

7. To formulate rules and regulations as may be necessary for the enforcement of any act administered by the Department.

8. To exchange with the Illinois Department of Public Aid information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984. Notwithstanding any provisions in this Code to the contrary, the Department of Professional Regulation shall not be liable under any federal or State law to any person for any disclosure of information to the Illinois Department of Public Aid under this paragraph 8 or for any other action taken in good faith to comply with the requirements of this paragraph 8.

9. To perform such other duties as may be prescribed by law.

The Department may, when a fee is payable to the Department for a wall certificate of registration provided by the Department of Central Management Services, require that portion of the payment for printing and distribution costs be made directly or through the Department, to the Department of Central Management Services for deposit in the Paper and Printing Revolving Fund, the remainder shall be deposited in the General Revenue Fund.

For the purpose of securing and preparing evidence, and for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities, recoupment of investigative costs and other activities directed at suppressing the misuse and abuse of controlled substances, including those activities set forth in Sections 504 and 508 of the Illinois Controlled Substances Act, the Director and agents appointed and authorized by the Director may expend such sums from the Professional Regulation Evidence Fund as the Director deems necessary from the amounts appropriated for that purpose and such sums may be advanced to the agent when the Director deems such procedure to be in the public interest. Sums for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities and other activities as set forth in this Section shall be advanced to the agent who is to make such purchase from the Professional Regulation Evidence Fund on vouchers signed by the Director. The Director and such agents are authorized to maintain

one or more commercial checking accounts with any State banking corporation or corporations organized under or subject to the Illinois Banking Act for the deposit and withdrawal of moneys to be used for the purposes set forth in this Section; provided, that no check may be written nor any withdrawal made from any such account except upon the written signatures of 2 persons designated by the Director to write such checks and make such withdrawals. Vouchers for such expenditures must be signed by the Director and all such expenditures shall be audited by the Director and the audit shall be submitted to the Department of Central Management Services for approval.

Whenever the Department is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, then, upon request and payment of fees in conformance with the requirements of subsection 22 of Section 55a of the Civil Administrative Code of Illinois, the Department of State Police is authorized to furnish, pursuant to positive identification, such information contained in State files as is necessary to fulfill the request.

The provisions of this Section do not apply to private business and vocational schools as defined by Section 1 of the Private Business and Vocational Schools Act.

Beginning July 1, 1995, this Section does not apply to those professions, trades, and occupations licensed under the Real Estate License Act of 1983 nor does it apply to any permits, certificates, or other authorizations to do business provided for in the Land Sales Registration Act of 1989 or the Illinois Real Estate Time-Share Act. (Source: P.A. 89-6, eff. 3-6-95; 89-23, eff. 7-1-95; 89-237, eff. 8-4-95; 89-411, eff. 6-1-96; 89-626, eff. 8-9-96; 90-18, eff. 7-1-97.)

Section 920. The Civil Administrative Code of Illinois is amended by changing Section 39b12 as follows:

(20 ILCS 2505/39b12) (from Ch. 127, par. 39b12)

Sec. 39b12. Exchange of information.

(a) To exchange with any State, or local subdivisions thereof, or with the federal government, except when specifically prohibited

by law, any information which may be necessary to efficient tax administration and which may be acquired as a result of the administration of the above laws.

(b) To exchange with the Illinois Department of Public Aid information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984. Notwithstanding any provisions in this Code to the contrary, the Department of Revenue shall not be liable to any person for any disclosure of information to the Illinois Department of Public Aid under this subsection (b) or for any other action taken in good faith to comply with the requirements of this subsection (b).

(Source: P.A. 90-18, eff. 7-1-97.)

Section 925. The Counties Code is amended by changing Section 3-5036.5 as follows:

(55 ILCS 5/3-5036.5)

Sec. 3-5036.5. Exchange of information for child support enforcement.

(a) The Recorder shall exchange with the Illinois Department of Public Aid information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

(b) Notwithstanding any provisions in this Code to the contrary, the Recorder shall not be liable to any person for any disclosure of information to the Illinois Department of Public Aid under subsection (a) or for any other action taken in good faith to comply with the requirements of subsection (a).

(Source: P.A. 90-18, eff. 7-1-97.)

Section 930. The Collection Agency Act is amended by changing Section 2.04 as follows:

(225 ILCS 425/2.04) (from Ch. 111, par. 2005.1)

Sec. 2.04. Child support indebtedness.

(a) Persons, associations, partnerships, or corporations engaged in the business of collecting child support indebtedness owing under a court order as provided under the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Illinois Parentage Act of 1984, or similar laws of other states are not restricted (i) in the frequency of contact with an obligor who is in arrears, whether by phone, mail, or other means, (ii) from contacting the employer of an obligor who is in arrears, (iii) from publishing or threatening to publish a list of obligors in arrears, (iv) from disclosing or threatening to disclose an arrearage that the obligor disputes, but for which a verified notice of delinquency has been served under the Income Withholding for Support Act (or any of its predecessors, Section 10-16.2 of the Illinois Public Aid Code, Section 706.1 of the Illinois Marriage and Dissolution of Marriage Act, Section 4.1 of the Non-Support of Spouse and Children Act, Section 26.1 of the Revised Uniform Reciprocal Enforcement of Support Act, or Section 20 of the Illinois Parentage Act of 1984), or (v) from engaging in conduct that would not cause a reasonable person mental or physical illness. For purposes of this subsection, "obligor" means an individual who owes a duty to make periodic payments, under a court order, for the support of a child.

"Arrearage" means the total amount of an obligor's unpaid child support obligations.

(b) The Department shall adopt rules necessary to administer and enforce the provisions of this Section.

(Source: P.A. 90-673, eff. 1-1-99.)

Section 935. The Illinois Public Aid Code is amended by changing

Sections 10-3.1, 10-10, 10-17, 10-19, 10-25, 10-25.5, and 12-4.7c and by adding Sections 4-1.6b, 10-10.4, and 12-12.1 as follows:

(305 ILCS 5/4-1.6b new)

Sec. 4-1.6b. Child support to recipients. The Department shall pay to families receiving cash assistance under this Article who have earned income an amount equal to whichever of the following is greater: (1) two-thirds of the current monthly child support collected on behalf of the members of the assistance unit; or (2) the amount of current monthly child support collected on behalf of the members of the assistance unit required to be paid to the family pursuant to administrative rule. The child support passed through to a family pursuant to this Section shall not affect the family's eligibility for assistance or decrease any amount otherwise payable as assistance to the family under this Article until the family's gross income from employment, non-exempt unearned income, and the gross current monthly child support collected on the family's behalf equals or exceeds 3 times the payment level for the assistance unit, at which point cash assistance to the family may be terminated.

(305 ILCS 5/10-3.1) (from Ch. 23, par. 10-3.1)

Sec. 10-3.1. Child and Spouse Support Unit. The Illinois Department shall establish within its administrative staff a Child and Spouse Support Unit to search for and locate absent parents and spouses liable for the support of persons resident in this State and to exercise the support enforcement powers and responsibilities assigned the Department by this Article. The unit shall cooperate with all law enforcement officials in this State and with the authorities of other States in locating persons responsible for the support of persons resident in other States and shall invite the cooperation of these authorities in the performance of its duties.

In addition to other duties assigned the Child and Spouse Support Unit by this Article, the Unit may refer to the Attorney General or units of local government with the approval of the Attorney General, any actions under Sections 10-10 and 10-15 for judicial enforcement of the support liability. The Child and Spouse Support Unit shall act for the Department in referring to the Attorney General support matters requiring judicial enforcement under other laws. If requested by the Attorney General to so act, as provided in Section 12-16, attorneys of the Unit may assist the Attorney General or themselves institute actions in behalf of the Illinois Department under the Revised Uniform Reciprocal Enforcement of Support Act; under the Illinois Parentage Act of 1984; under the Non-Support of Spouse and Children Act; under the Non-Support Punishment Act; or under any other law, State or Federal, providing for support of a spouse or dependent child.

The Illinois Department shall also have the authority to enter into agreements with local governmental units or individuals, with the approval of the Attorney General, for the collection of moneys owing because of the failure of a parent to make child support payments for any child receiving services under this Article. Such agreements may be on a contingent fee basis, but such contingent fee shall not exceed 25% of the total amount collected.

An attorney who provides representation pursuant to this Section shall represent the Illinois Department exclusively. Regardless of the designation of the plaintiff in an action brought pursuant to this Section, an attorney-client relationship does not exist for

purposes of that action between that attorney and (i) an applicant for or recipient of child and spouse support services or (ii) any other party to the action other than the Illinois Department. Nothing in this Section shall be construed to modify any power or duty (including a duty to maintain confidentiality) of the Child and Spouse Support Unit or the Illinois Department otherwise provided by law.

The Illinois Department may also enter into agreements with local governmental units for the Child and Spouse Support Unit to exercise the investigative and enforcement powers designated in this Article, including the issuance of administrative orders under Section 10-11, in locating responsible relatives and obtaining support for persons applying for or receiving aid under Article VI. Payments for defrayment of administrative costs and support payments obtained shall be deposited into the Public Assistance Recoveries Trust Fund. Support payments shall be paid over to the General Assistance Fund of the local governmental unit at such time or times as the agreement may specify.

With respect to those cases in which it has support enforcement powers and responsibilities under this Article, the Illinois Department may provide by rule for periodic or other review of each administrative and court order for support to determine whether a modification of the order should be sought. The Illinois Department shall provide for and conduct such review in accordance with any applicable federal law and regulation.

As part of its process for review of orders for support, the Illinois Department, through written notice, may require the responsible relative to disclose his or her Social Security Number and past and present information concerning the relative's address, employment, gross wages, deductions from gross wages, net wages, bonuses, commissions, number of dependent exemptions claimed, individual and dependent health insurance coverage, and any other information necessary to determine the relative's ability to provide support in a case receiving child and spouse support services under this Article X.

The Illinois Department may send a written request for the same information to the relative's employer. The employer shall respond to the request for information within 15 days after the date the employer receives the request. If the employer willfully fails to fully respond within the 15-day period, the employer shall pay a penalty of $100 for each day that the response is not provided to the Illinois Department after the 15-day period has expired. The penalty may be collected in a civil action which may be brought against the employer in favor of the Illinois Department.

A written request for information sent to an employer pursuant to this Section shall consist of (i) a citation of this Section as the statutory authority for the request and for the employer's obligation to provide the requested information, (ii) a returnable form setting forth the employer's name and address and listing the name of the employee with respect to whom information is requested, and (iii) a citation of this Section as the statutory authority authorizing the employer to withhold a fee of up to $20 from the wages or income to be paid to each responsible relative for providing the information to the Illinois Department within the 15-day period. If the employer is

withholding support payments from the responsible relative's income pursuant to an order for withholding, the employer may withhold the fee provided for in this Section only after withholding support as required under the order. Any amounts withheld from the responsible relative's income for payment of support and the fee provided for in this Section shall not be in excess of the amounts permitted under the federal Consumer Credit Protection Act.

In a case receiving child and spouse support services, the Illinois Department may request and obtain information from a particular employer under this Section no more than once in any 12-month period, unless the information is necessary to conduct a review of a court or administrative order for support at the request of the person receiving child and spouse support services.

The Illinois Department shall establish and maintain an administrative unit to receive and transmit to the Child and Spouse Support Unit information supplied by persons applying for or receiving child and spouse support services under Section 10-1. In addition, the Illinois Department shall address and respond to any alleged deficiencies that persons receiving or applying for services from the Child and Spouse Support Unit may identify concerning the Child and Spouse Support Unit's provision of child and spouse support services. Within 60 days after an action or failure to act by the Child and Spouse Support Unit that affects his or her case, a recipient of or applicant for child and spouse support services under Article X of this Code may request an explanation of the Unit's handling of the case. At the requestor's option, the explanation may be provided either orally in an interview, in writing, or both. If the Illinois Department fails to respond to the request for an explanation or fails to respond in a manner satisfactory to the applicant or recipient within 30 days from the date of the request for an explanation, the applicant or recipient may request a conference for further review of the matter by the Office of the Administrator of the Child and Spouse Support Unit. A request for a conference may be submitted at any time within 60 days after the explanation has been provided by the Child and Spouse Support Unit or within 60 days after the time for providing the explanation has expired.

The applicant or recipient may request a conference concerning any decision denying or terminating child or spouse support services under Article X of this Code, and the applicant or recipient may also request a conference concerning the Unit's failure to provide services or the provision of services in an amount or manner that is considered inadequate. For purposes of this Section, the Child and Spouse Support Unit includes all local governmental units or individuals with whom the Illinois Department has contracted under Section 10-3.1.

Upon receipt of a timely request for a conference, the Office of the Administrator shall review the case. The applicant or recipient requesting the conference shall be entitled, at his or her option, to appear in person or to participate in the conference by telephone. The applicant or recipient requesting the conference shall be entitled to be represented and to be afforded a reasonable

opportunity to review the Illinois Department's file before or at the conference. At the conference, the applicant or recipient requesting the conference shall be afforded an opportunity to present all relevant matters in support of his or her claim. Conferences shall be without cost to the applicant or recipient requesting the conference and shall be conducted by a representative of the Child or Spouse Support Unit who did not participate in the action or inaction being reviewed.

The Office of the Administrator shall conduct a conference and inform all interested parties, in writing, of the results of the conference within 60 days from the date of filing of the request for a conference.

In addition to its other powers and responsibilities established by this Article, the Child and Spouse Support Unit shall conduct an annual assessment of each institution's program for institution based paternity establishment under Section 12 of the Vital Records Act.

(Source: P.A. 90-18, eff. 7-1-97.)

(305 ILCS 5/10-10) (from Ch. 23, par. 10-10)

Sec. 10-10. Court enforcement; applicability also to persons who are not applicants or recipients. Except where the Illinois Department, by agreement, acts for the local governmental unit, as provided in Section 10-3.1, local governmental units shall refer to the State's Attorney or to the proper legal representative of the governmental unit, for judicial enforcement as herein provided, instances of non-support or insufficient support when the dependents are applicants or recipients under Article VI. The Child and Spouse Support Unit established by Section 10-3.1 may institute in behalf of the Illinois Department any actions under this Section for judicial enforcement of the support liability when the dependents are (a) applicants or recipients under Articles III, IV, V or VII (b) applicants or recipients in a local governmental unit when the Illinois Department, by agreement, acts for the unit; or (c) non-applicants or non-recipients who are receiving support enforcement services under this Article X, as provided in Section 10-1. Where the Child and Spouse Support Unit has exercised its option and discretion not to apply the provisions of Sections 10-3 through 10-8, the failure by the Unit to apply such provisions shall not be a bar to bringing an action under this Section.

Action shall be brought in the circuit court to obtain support, or for the recovery of aid granted during the period such support was not provided, or both for the obtainment of support and the recovery of the aid provided. Actions for the recovery of aid may be taken separately or they may be consolidated with actions to obtain support. Such actions may be brought in the name of the person or persons requiring support, or may be brought in the name of the Illinois Department or the local governmental unit, as the case requires, in behalf of such persons.

The court may enter such orders for the payment of moneys for the support of the person as may be just and equitable and may direct payment thereof for such period or periods of time as the circumstances require, including support for a period before the date the order for support is entered. The order may be entered against

any or all of the defendant responsible relatives and may be based upon the proportionate ability of each to contribute to the person's support.

The Court shall determine the amount of child support (including child support for a period before the date the order for child support is entered) by using the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act. For purposes of determining the amount of child support to be paid for a period before the date the order for child support is entered, there is a rebuttable presumption that the responsible relative's net income for that period was the same as his or her net income at the time the order is entered.

If (i) the responsible relative was properly served with a request for discovery of financial information relating to the responsible relative's ability to provide child support, (ii) the responsible relative failed to comply with the request, despite having been ordered to do so by the court, and (iii) the responsible relative is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the responsible relative's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

An order entered under this Section shall include a provision

requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.

The Court shall determine the amount of maintenance using the standards set forth in Section 504 of the Illinois Marriage and Dissolution of Marriage Act.

Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability

to be enforced. Any such judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

When an order is entered for the support of a minor, the court may provide therein for reasonable visitation of the minor by the person or persons who provided support pursuant to the order. Whoever willfully refuses to comply with such visitation order or willfully interferes with its enforcement may be declared in contempt of court and punished therefor.

Except where the local governmental unit has entered into an agreement with the Illinois Department for the Child and Spouse Support Unit to act for it, as provided in Section 10-3.1, support orders entered by the court in cases involving applicants or recipients under Article VI shall provide that payments thereunder be made directly to the local governmental unit. Orders for the support of all other applicants or recipients shall provide that payments thereunder be made directly to the Illinois Department. In accordance with federal law and regulations, the Illinois Department may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X. The Illinois Department shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. In both cases the order shall permit the local governmental unit or the Illinois Department, as the case may be, to direct the responsible relative or relatives to make support payments directly to the needy person, or to some person or agency in his behalf, upon removal of the person from the public aid rolls or upon termination of services under Article X.

If the notice of support due issued pursuant to Section 10-7

directs that support payments be made directly to the needy person, or to some person or agency in his behalf, and the recipient is removed from the public aid rolls, court action may be taken against the responsible relative hereunder if he fails to furnish support in accordance with the terms of such notice.

Actions may also be brought under this Section in behalf of any person who is in need of support from responsible relatives, as defined in Section 2-11 of Article II who is not an applicant for or recipient of financial aid under this Code. In such instances, the State's Attorney of the county in which such person resides shall bring action against the responsible relatives hereunder. If the Illinois Department, as authorized by Section 10-1, extends the support services provided by this Article to spouses and dependent children who are not applicants or recipients under this Code, the Child and Spouse Support Unit established by Section 10-3.1 shall bring action against the responsible relatives hereunder and any support orders entered by the court in such cases shall provide that payments thereunder be made directly to the Illinois Department.

Whenever it is determined in a proceeding to establish or enforce a child support or maintenance obligation that the person owing a duty of support is unemployed, the court may order the person to seek employment and report periodically to the court with a diary, listing or other memorandum of his or her efforts in accordance with such order. Additionally, the court may order the unemployed person to report to the Department of Employment Security for job search services or to make application with the local Jobs Training Partnership Act provider for participation in job search, training or work programs and where the duty of support is owed to a child receiving support services under this Article X, the court may order the unemployed person to report to the Illinois Department for participation in job search, training or work programs established under Section 9-6 and Article IXA of this Code.

Whenever it is determined that a person owes past-due support for a child receiving assistance under this Code, the court shall order at the request of the Illinois Department:

(1) that the person pay the past-due support in accordance with a plan approved by the court; or

(2) if the person owing past-due support is unemployed, is subject to such a plan, and is not incapacitated, that the person participate in such job search, training, or work programs established under Section 9-6 and Article IXA of this Code as the court deems appropriate.

A determination under this Section shall not be administratively reviewable by the procedures specified in Sections 10-12, and 10-13 to 10-13.10. Any determination under these Sections, if made the basis of court action under this Section, shall not affect the de novo judicial determination required under this Section.

A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of this Code and shall be enforced by the court upon petition.

All orders for support, when entered or modified, shall include a provision requiring the non-custodial parent to notify the court and, in cases in which a party is receiving child and spouse support services under this Article X, the Illinois Department, within 7 days, (i) of the name, address, and telephone number of any new employer of the non-custodial parent, (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new

residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Code, which service shall be sufficient for purposes of due process.

~~in accordance with the Income Withholding for Support Act~~

An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this paragraph shall be construed to prevent the court from modifying the order.

Upon notification in writing or by electronic transmission from the Illinois Department to the clerk of the court that a person who is receiving support payments under this Section is receiving services under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, any support payments subsequently received by the clerk of the court shall be transmitted in accordance with the instructions of the Illinois Department until the Illinois Department gives notice to the clerk of the court to cease the transmittal. After providing the notification authorized under this paragraph, the Illinois Department shall be entitled as a party to notice of any further proceedings in the case. The clerk of the court shall file a copy of the Illinois Department's notification in the court file. The clerk's failure to file a copy of the notification in the court file shall not, however, affect the Illinois Department's right to receive notice of further proceedings.

Payments under this Section to the Illinois Department pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All other payments under this Section to the Illinois Department shall be deposited in the Public Assistance Recoveries Trust Fund. Disbursements from these funds shall be as provided in Sections 12-9 and 12-10.2 of this Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.

(Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98; 90-655, eff. 7-30-98; 90-673, eff. 1-1-99; 90-790, eff. 8-14-98; revised 9-14-98.)

(305 ILCS 5/10-10.4 new)

Sec. 10-10.4. Continuances in support enforcement cases. Each party shall be granted no more than 2 continuances in a court proceeding for the enforcement of a support order.

(305 ILCS 5/10-17) (from Ch. 23, par. 10-17)

Sec. 10-17. Other Actions and Remedies for Support.~~)~~ The procedures, actions and remedies provided in this Article shall in no way be exclusive, but shall be available in addition to other actions and remedies of support, including, but not by way of limitation, the remedies provided in (a) the "Paternity Act", approved July 5, 1957, as amended; (b) the "Non-Support of Spouse and Children Act", approved June 24, 1915, as amended; (b-5) the Non-Support Punishment Act; and (c) the "Revised Uniform Reciprocal Enforcement of Support Act", approved August 28, 1969, as amended.

(Source: P.A. 79-474.)

(305 ILCS 5/10-19) (from Ch. 23, par. 10-19)

Sec. 10-19. (Support Payments Ordered Under Other Laws - Where Deposited.) The Illinois Department and local governmental units are

authorized to receive payments directed by court order for the support of recipients, as provided in the following Acts:

1. "Non-Support of Spouse and Children Act", approved June 24, 1915, as amended,

1.5. The Non-Support Punishment Act,

2. "Illinois Marriage and Dissolution of Marriage Act", as now or hereafter amended,

3. The Illinois Parentage Act, as amended,

4. "Revised Uniform Reciprocal Enforcement of Support Act", approved August 28, 1969, as amended,

5. The Juvenile Court Act or the Juvenile Court Act of 1987, as amended,

6. The "Unified Code of Corrections", approved July 26, 1972, as amended,

7. Part 7 of Article XII of the Code of Civil Procedure, as amended,

8. Part 8 of Article XII of the Code of Civil Procedure, as amended, and

9. Other laws which may provide by judicial order for direct payment of support moneys.

Payments under this Section to the Illinois Department pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All other payments under this Section to the Illinois Department shall be deposited in the Public Assistance Recoveries Trust Fund. Disbursements from these funds shall be as provided in Sections 12-9 and 12-10.2 of this Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.

(Source: P.A. 86-1028.)

(305 ILCS 5/10-25)

Sec. 10-25. Administrative liens and levies on real property for past-due child support.

(a) The State shall have a lien on all legal and equitable interests of responsible relatives in their real property in the amount of past-due child support owing pursuant to an order for child support entered under Sections 10-10 and 10-11 of this Code, or under the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

(b) The Illinois Department shall provide by rule for notice to and an opportunity to be heard by each responsible relative affected, and any final administrative decision rendered by the Illinois Department shall be reviewed only under and in accordance with the Administrative Review Law.

(c) When enforcing a lien under subsection (a) of this Section, the Illinois Department shall have the authority to execute notices of administrative liens and levies, which shall contain the name and address of the responsible relative, a legal description of the real property to be levied, the fact that a lien is being claimed for past-due child support, and such other information as the Illinois Department may by rule prescribe. The Illinois Department shall record the notice of lien with the recorder or registrar of titles of the county or counties in which the real estate is located.

(d) The State's lien under subsection (a) shall be enforceable upon the recording or filing of a notice of lien with the recorder or

registrar of titles of the county or counties in which the real estate is located. The lien shall be prior to any lien thereafter recorded or filed and shall be notice to a subsequent purchaser, assignor, or encumbrancer of the existence and nature of the lien.

The lien shall be inferior to the lien of general taxes, special assessment, and special taxes heretofore or hereafter levied by any political subdivision or municipal corporation of the State.

In the event that title to the land to be affected by the notice of lien is registered under the Registered Titles (Torrens) Act, the notice shall be filed in the office of the registrar of titles as a memorial or charge upon each folium of the register of titles affected by the notice; but the State shall not have a preference over the rights of any bona fide purchaser, mortgagee, judgment creditor, or other lien holders registered prior to the registration of the notice.

(e) The recorder or registrar of titles of each county shall procure a file labeled "Child Support Lien Notices" and an index book labeled "Child Support Lien Notices". When notice of any lien is presented to the recorder or registrar of titles for filing, the recorder or registrar of titles shall file it in numerical order in the file and shall enter it alphabetically in the index. The entry shall show the name and last known address of the person named in the notice, the serial number of the notice, the date and hour of filing, and the amount of child support due at the time when the lien is filed.

(f) The Illinois Department shall not be required to furnish bond or make a deposit for or pay any costs or fees of any court or officer thereof in any legal proceeding involving the lien.

(g) To protect the lien of the State for past-due child support, the Illinois Department may, from funds that are available for that purpose, pay or provide for the payment of necessary or essential repairs, purchase tax certificates, pay balances due on land contracts, or pay or cause to be satisfied any prior liens on the property to which the lien hereunder applies.

(h) A lien on real property under this Section shall be released pursuant to Section 12-101 of the Code of Civil Procedure.

(i) The Illinois Department, acting in behalf of the State, may foreclose the lien in a judicial proceeding to the same extent and in the same manner as in the enforcement of other liens. The process, practice, and procedure for the foreclosure shall be the same as provided in the Code of Civil Procedure.

(Source: P.A. 90-18, eff. 7-1-97.)

(305 ILCS 5/10-25.5)

Sec. 10-25.5. Administrative liens and levies on personal property for past-due child support.

(a) The State shall have a lien on all legal and equitable interests of responsible relatives in their personal property, including any account in a financial institution as defined in Section 10-24, or in the case of an insurance company or benefit association only in accounts as defined in Section 10-24, in the amount of past-due child support owing pursuant to an order for child support entered under Sections 10-10 and 10-11 of this Code, or under

the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

(b) The Illinois Department shall provide by rule for notice to and an opportunity to be heard by each responsible relative affected, and any final administrative decision rendered by the Illinois Department shall be reviewed only under and in accordance with the Administrative Review Law.

(c) When enforcing a lien under subsection (a) of this Section, the Illinois Department shall have the authority to execute notices of administrative liens and levies, which shall contain the name and address of the responsible relative, a description of the property to

be levied, the fact that a lien is being claimed for past-due child support, and such other information as the Illinois Department may by rule prescribe. The Illinois Department may serve the notice of lien or levy upon any financial institution where the accounts as defined in Section 10-24 of the responsible relative may be held, for encumbrance or surrender of the accounts as defined in Section 10-24 by the financial institution.

(d) The Illinois Department shall enforce its lien against the responsible relative's personal property, other than accounts as defined in Section 10-24 in financial institutions, and levy upon such personal property in the manner provided for enforcement of judgments contained in Article XII of the Code of Civil Procedure.

(e) The Illinois Department shall not be required to furnish bond or make a deposit for or pay any costs or fees of any court or officer thereof in any legal proceeding involving the lien.

(f) To protect the lien of the State for past-due child support, the Illinois Department may, from funds that are available for that purpose, pay or provide for the payment of necessary or essential repairs, purchase tax certificates, or pay or cause to be satisfied any prior liens on the property to which the lien hereunder applies.

(g) A lien on personal property under this Section shall be released in the manner provided under Article XII of the Code of Civil Procedure. Notwithstanding the foregoing, a lien under this Section on accounts as defined in Section 10-24 shall expire upon the passage of 120 days from the date of issuance of the Notice of Lien or Levy by the Illinois Department. However, the lien shall remain in effect during the pendency of any appeal or protest.

(h) A lien created under this Section is subordinate to any prior lien of the financial institution or any prior lien holder or any prior right of set-off that the financial institution may have against the assets, or in the case of an insurance company or benefit association only in the accounts as defined in Section 10-24.

(i) A financial institution has no obligation under this Section to hold, encumber, or surrender the assets, or in the case of an insurance company or benefit association only the accounts as defined in Section 10-24, until the financial institution has been properly served with a subpoena, summons, warrant, court or administrative order, or administrative lien and levy requiring that action.

(Source: P.A. 90-18, eff. 7-1-97.)

(305 ILCS 5/12-4.7c)

Sec. 12-4.7c. Exchange of information after July 1, 1997.

(a) The Department of Human Services shall exchange with the Illinois Department of Public Aid information that may be necessary for the enforcement of child support orders entered pursuant to Sections 10-10 and 10-11 of this Code or pursuant to the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

(b) Notwithstanding any provisions in this Code to the contrary, the Department of Human Services shall not be liable to any person for any disclosure of information to the Illinois Department of Public Aid under subsection (a) or for any other action taken in good faith to comply with the requirements of subsection (a).

(Source: P.A. 90-18, eff. 7-1-97.)

(305 ILCS 5/12-12.1 new)

Sec. 12-12.1. World Wide Web page. The Illinois Department of Public Aid shall 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.

The information regarding each of the individuals shall include the individual's name, a photograph if available, the 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 shall 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.

Before including information on the World Wide Web page concerning an individual who owes past due support, the Illinois Department shall, 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 940. The Vital Records Act is amended by changing Section 24 as follows:

(410 ILCS 535/24) (from Ch. 111 1/2, par. 73-24)

Sec. 24. (1) To protect the integrity of vital records, to insure their proper use, and to insure the efficient and proper administration of the vital records system, access to vital records, and indexes thereof, including vital records in the custody of local registrars and county clerks originating prior to January 1, 1916, is limited to the custodian and his employees, and then only for administrative purposes, except that the indexes of those records in

the custody of local registrars and county clerks, originating prior to January 1, 1916, shall be made available to persons for the purpose of genealogical research. Original, photographic or microphotographic reproductions of original records of births 100 years old and older and deaths 50 years old and older, and marriage records 75 years old and older on file in the State Office of Vital Records and in the custody of the county clerks may be made available for inspection in the Illinois State Archives reference area, Illinois Regional Archives Depositories, and other libraries approved by the Illinois State Registrar and the Director of the Illinois State Archives, provided that the photographic or microphotographic copies are made at no cost to the county or to the State of Illinois. It is unlawful for any custodian to permit inspection of, or to disclose information contained in, vital records, or to copy or permit to be copied, all or part of any such record except as authorized by this Act or regulations adopted pursuant thereto.

(2) The State Registrar of Vital Records, or his agent, and any municipal, county, multi-county, public health district, or regional health officer recognized by the Department may examine vital records for the purpose only of carrying out the public health programs and responsibilities under his jurisdiction.

(3) The State Registrar of Vital Records, may disclose, or authorize the disclosure of, data contained in the vital records when deemed essential for bona fide research purposes which are not for private gain.

This amendatory Act of 1973 does not apply to any home rule unit.

(4) The State Registrar shall exchange with the Illinois Department of Public Aid information that may be necessary for the establishment of paternity and the establishment, modification, and enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage

Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984. Notwithstanding any provisions in this Act to the contrary, the State Registrar shall not be liable to any person for any disclosure of information to the Illinois Department of Public Aid under this subsection or for any other action taken in good faith to comply with the requirements of this subsection.
(Source: P.A. 90-18, eff. 7-1-97.)

Section 945. The Illinois Vehicle Code is amended by changing Sections 2-109.1, 7-701, 7-702, 7-702.1, and 7-703 and by adding Sections 7-702.2, 7-705.1 and 7-706.1 as follows:

(625 ILCS 5/2-109.1)

Sec. 2-109.1. Exchange of information.

(a) The Secretary of State shall exchange information with the Illinois Department of Public Aid which may be necessary for the establishment of paternity and the establishment, modification, and enforcement of child support orders pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the

Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

(b) Notwithstanding any provisions in this Code to the contrary, the Secretary of State shall not be liable to any person for any disclosure of information to the Illinois Department of Public Aid under subsection (a) or for any other action taken in good faith to comply with the requirements of subsection (a).

(Source: P.A. 90-18, eff. 7-1-97.)

(625 ILCS 5/7-701)

Sec. 7-701. Findings and purpose. The General Assembly finds that the timely receipt of adequate financial support has the effect of reducing poverty and State expenditures for welfare dependency among children, and that the timely payment of adequate child support demonstrates financial responsibility. Further, the General Assembly finds that the State has a compelling interest in ensuring that drivers within the State demonstrate financial responsibility, including family financial responsibility, in order to safely own and operate a motor vehicle. To this end, the Secretary of State is authorized to establish systems ~~a system~~ to suspend driver's licenses for failure to comply with court orders of support.

(Source: P.A. 89-92, eff. 7-1-96.)

(625 ILCS 5/7-702)

Sec. 7-702. Suspension of driver's license for failure to pay child support.

(a) The Secretary of State shall suspend the driver's license issued to an obligor upon receiving an authenticated report provided for in subsection (a) of Section 7-703, that the person is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days obligation or more, and has been found in contempt by the court for failure to pay the support.

(b) The circuit court shall certify in an authenticated report to the Secretary of State, as provided in subsection (b) of Section 7-703, when an obligor is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days obligation or more but has not been found in contempt of court. Upon receiving a certification from the circuit court under this subsection (b), the Secretary of State shall suspend the obligor's driver's license until such time as the obligor becomes current in the support obligation.

(Source: P.A. 89-92, eff. 7-1-96.)

(625 ILCS 5/7-702.1)

Sec. 7-702.1. Family financial responsibility driving permits. Following the entry of an order that an obligor has been found in contempt by the court for failure to pay court ordered child support payments or upon a motion by the obligor who has had his or her driver's license suspended pursuant to subsection (b) of Section 7-702, the court may enter an order directing the Secretary of State to issue a family financial responsibility driving permit for the purpose of providing the obligor the privilege of operating a motor vehicle between the obligor's residence and place of employment, or within the scope of employment related duties; or for the purpose of

providing transportation for the obligor or a household member to receive alcohol treatment, other drug treatment, or medical care. The court may enter an order directing the issuance of a permit only if the obligor has proven to the satisfaction of the court that no alternative means of transportation are reasonably available for the above stated purposes. No permit shall be issued to a person under the age of 16 years who possesses an instruction permit.

Upon entry of an order granting the issuance of a permit to an obligor, the court shall report this finding to the Secretary of State on a form prescribed by the Secretary. This form shall state whether the permit has been granted for employment or medical purposes and the specific days and hours for which limited driving privileges have been granted.

The family financial responsibility driving permit shall be subject to cancellation, invalidation, suspension, and revocation by the Secretary of State in the same manner and for the same reasons as a driver's license may be cancelled, invalidated, suspended, or revoked.

The Secretary of State shall, upon receipt of a certified court order from the court of jurisdiction, issue a family financial responsibility driving permit. In order for this permit to be issued, an individual's driving privileges must be valid except for the family financial responsibility suspension. This permit shall be valid only for employment and medical purposes as set forth above. The permit shall state the days and hours for which limited driving privileges have been granted.

Any submitted court order that contains insufficient data or fails to comply with any provision of this Code shall not be used for issuance of the permit or entered to the individual's driving record but shall be returned to the court of jurisdiction indicating why the permit cannot be issued at that time. The Secretary of State shall also send notice of the return of the court order to the individual requesting the permit.

(Source: P.A. 89-92, eff. 7-1-96; 90-369, eff. 1-1-98.)

(625 ILCS 5/7-702.2 new)

Sec. 7-702.2. Written agreement to pay past-due support.

(a) An obligor who is presently unable to pay all past-due support and is subject to having his or her license suspended pursuant to subsection (b) of Section 7-702 may come into compliance with the court order for support by executing a written payment agreement that is approved by the court and by complying with that agreement. A condition of a written payment agreement must be that the obligor pay the current child support when due. Before a written payment agreement is executed, the obligor shall:

(1) Disclose fully to the court in writing, on a form prescribed by the court, the obligor's financial circumstances, including income from all sources, assets, liabilities, and work history for the past year; and

(2) Provide documentation to the court concerning the

obligor's financial circumstances, including copies of the most recent State and federal income tax returns, both personal and business; a copy of a recent pay stub representative of a current

income; and copies of other records that show the obligor's income and the present level of assets held by the obligor.

(b) After full disclosure, the court may determine the obligor's ability to pay past-due support and may approve a written payment agreement consistent with the obligor's ability to pay, not to exceed the court-ordered support.

(625 ILCS 5/7-703)

Sec. 7-703. Courts to report non-payment of court ordered support.

(a) The clerk of the circuit court, as provided in subsection (b) of Section 7-702 of this Act and subsection (b) of Section 505 of the Illinois Marriage and Dissolution of Marriage Act or as provided in Section 15 of the Illinois Parentage Act of 1984, shall forward to the Secretary of State, on a form prescribed by the Secretary, an authenticated document certifying the court's order suspending the driving privileges of the obligor. For any such certification, the clerk of the court shall charge the obligor a fee of $5 as provided in the Clerks of Courts Act.

(b) If an obligor is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days obligation or more but has not been held in contempt of court, the circuit court shall forward to the Secretary of State an authenticated document certifying that an obligor is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days obligation or more.

(Source: P.A. 89-92, eff. 7-1-96; 89-626, eff. 8-9-96.)

(625 ILCS 5/7-705.1 new)

Sec. 7-705.1. Notice of noncompliance with support order. Before forwarding to the Secretary of State the authenticated report under subsection (b) of Section 7-703, the circuit court must serve notice upon the obligor of its intention to certify the obligor to the Secretary of State as an individual who is not in compliance with an order of support. The notice must inform the obligor that:

(a) If the obligor is presently unable to pay all past-due support, the obligor may come into compliance with the support order by executing a written payment agreement with the court, as provided in Section 7-702.2, and by complying with that agreement;

(b) The obligor may contest the issue of compliance at a hearing;

(c) A request for a hearing must be made in writing and must be received by the clerk of the circuit court;

(d) If the obligor does not request a hearing to contest the issue of compliance, the obligor's driver's license shall be suspended on the 45th day following the date of mailing of the notice of noncompliance;

(e) If the circuit court certifies the obligor to the Secretary of State for noncompliance with an order of support, the Secretary of State must suspend any driver's license or instruction permit the obligor holds and the obligor's right to apply for or obtain a driver's license or instruction permit until the obligor comes into compliance with the order of support;

(f) If the obligor files a motion to modify support with the court or requests the court to modify a support obligation, the circuit court shall stay action to certify the obligor to the Secretary of State for noncompliance with an order of support; and

(g) The obligor may comply with an order of support by doing all

of the following:

(1) Paying the current support;

(2) Paying all past-due support or, if unable to pay all past-due support and a periodic payment for past due support has not been ordered by the court, by making periodic payments in accordance with a written payment agreement approved by the court; and

(3) Meeting the obligor's health insurance obligation.

The notice must include the address and telephone number of the clerk of the circuit court. The clerk of the circuit court shall attach a copy of the obligor's order of support to the notice. The notice must be served by certified mail, return receipt requested, by service in hand, or as specified in the Code of Civil Procedure.

(625 ILCS 5/7-706.1 new)

Sec. 7-706.1. Hearing for compliance with support order.

(a) An obligor may request in writing to the clerk of the circuit court a hearing to contest the claim of noncompliance with an order of support and his or her subsequent driver's license suspension under subsection (b) of Section 7-702.

(b) If a written request for a hearing is received by the clerk of the circuit court, the clerk of the circuit court shall set the hearing before the circuit court.

(c) Upon the obligor's written request, the court must set a date for a hearing and afford the obligor an opportunity for a hearing as early as practical.

(d) The scope of this hearing is limited to the following issues:

(1) Whether the obligor is required to pay child support under an order of support.

(2) Whether the obligor is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days obligation or more.

(3) Any additional issues raised by the obligor, including the reasonableness of a payment agreement in light of the obligor's current financial circumstances, to be preserved for appeal.

(e) All hearings and hearing procedures shall comply with requirements of the Illinois Constitution and the United States Constitution, so that no person is deprived of due process of law nor denied equal protection of the laws. All hearings shall be held before a judge of the circuit court in the county in which the support order has been entered. Appropriate records of the hearings shall be kept. Where a transcript of the hearing is taken, the person requesting the hearing shall have the opportunity to order a copy of the transcript at his or her own expense.

(f) The action of the circuit court resulting in the suspension of any driver's license shall be a final judgment for purposes of appellate review.

Section 950. The Clerks of Courts Act is amended by adding Section 15.1 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 and have been found to be in contempt of court as a result of the existence of that arrearage.

Section 955. The Unified Code of Corrections is amended by changing Section 3-5-4 as follows:

(730 ILCS 5/3-5-4)

Sec. 3-5-4. Exchange of information for child support enforcement.

(a) The Department shall exchange with the Illinois Department of Public Aid information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

(b) Notwithstanding any provisions in this Code to the contrary, the Department shall not be liable to any person for any disclosure of information to the Illinois Department of Public Aid under subsection (a) or for any other action taken in good faith to comply with the requirements of subsection (a).

(Source: P.A. 90-18, eff. 1-1-97.)

Section 960. The Code of Civil Procedure is amended by changing Sections 2-1403 and 12-819 as follows:

(735 ILCS 5/2-1403) (from Ch. 110, par. 2-1403)

Sec. 2-1403. Judgment debtor as beneficiary of trust. No court, except as otherwise provided in this Section, shall order the satisfaction of a judgment out of any property held in trust for the judgment debtor if such trust has, in good faith, been created by, or the fund so held in trust has proceeded from, a person other than the judgment debtor. The income or principal of a trust shall be subject to withholding for the purpose of securing collection of unpaid child support obligations owed by the beneficiary as provided in Section 4.1 of the "Non-Support of Spouse and Children Act", Section 22 of the Non-Support Punishment Act, and similar Sections of other Acts which provide for support of a child as follows:

(1) income may be withheld if the beneficiary is entitled to a specified dollar amount or percentage of the income of the trust, or is the sole income beneficiary; and

(2) principal may be withheld if the beneficiary has a right to withdraw principal, but not in excess of the amount subject to withdrawal under the instrument, or if the beneficiary is the only beneficiary to whom discretionary payments of principal may be made by the trustee.

(Source: P.A. 85-1209.)

(735 ILCS 5/12-819) (from Ch. 110, par. 12-819)

Sec. 12-819. Limitations on part 8 of Article XII. The provisions of this Part 8 of Article XII of this Act do not apply to orders for withholding of income entered by the court under provisions of The Illinois Public Aid Code, the Illinois Marriage and

Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act and the Paternity Act for support of a child or maintenance of a spouse.
(Source: P.A. 84-1043.)

Section 965. The Illinois Wage Assignment Act is amended by changing Section 11 as follows:

(740 ILCS 170/11) (from Ch. 48, par. 39.12)

Sec. 11. The provisions of this Act do not apply to orders for withholding of income entered by the court under provisions of The Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act and the Paternity Act for support of a child or maintenance of a spouse.
(Source: P.A. 83-658.)

Section 970. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Sections 505 and 713 and by adding Sections 505.3, 714, and 715 as follows:

(750 ILCS 5/505) (from Ch. 40, par. 505)

Sec. 505. Child support; contempt; penalties.

(a) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity of marriage, a proceeding for child support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, a proceeding for modification of a previous order for child support under Section 510 of this Act, or any proceeding authorized under Section 501 or 601 of this Act, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable and necessary for his support, without regard to marital misconduct. The duty of support owed to a minor child includes the obligation to provide for the reasonable and necessary physical, mental and emotional health needs of the child.

(1) The Court shall determine the minimum amount of support by using the following guidelines:

Number of Children	Percent of Supporting Party's Net Income
1	20%
2	25%
3	32%
4	40%
5	45%
6 or more	50%

(2) The above guidelines shall be applied in each case unless the court makes a finding that application of the guidelines would be inappropriate, after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:

(a) the financial resources and needs of the child;

(b) the financial resources and needs of the custodial parent;

(c) the standard of living the child would have

enjoyed had the marriage not been dissolved;

(d) the physical and emotional condition of the child, and his educational needs; and

(e) the financial resources and needs of the non-custodial parent.

If the court deviates from the guidelines, the court's finding shall state the amount of support that would have been required under the guidelines, if determinable. The court shall include the reason or reasons for the variance from the guidelines.

(3) "Net income" is defined as the total of all income from all sources, minus the following deductions:

(a) Federal income tax (properly calculated withholding or estimated payments);

(b) State income tax (properly calculated withholding or estimated payments);

(c) Social Security (FICA payments);

(d) Mandatory retirement contributions required by law or as a condition of employment;

(e) Union dues;

(f) Dependent and individual health/hospitalization insurance premiums;

(g) Prior obligations of support or maintenance actually paid pursuant to a court order;

(h) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income, medical expenditures necessary to preserve life or health, reasonable expenditures for the benefit of the child

and the other parent, exclusive of gifts. The court shall reduce net income in determining the minimum amount of support to be ordered only for the period that such payments are due and shall enter an order containing provisions for its self-executing modification upon termination of such payment period.

(4) In cases where the court order provides for health/hospitalization insurance coverage pursuant to Section 505.2 of this Act, the premiums for that insurance, or that portion of the premiums for which the supporting party is responsible in the case of insurance provided through an employer's health insurance plan where the employer pays a portion of the premiums, shall be subtracted from net income in determining the minimum amount of support to be ordered.

(4.5) In a proceeding for child support following dissolution of the marriage by a court that lacked personal jurisdiction over the absent spouse, and in which the court is requiring payment of support for the period before the date an order for current support is entered, there is a rebuttable presumption that the supporting party's net income for the prior period was the same as his or her net income at the time the order for current support is entered.

(5) If the net income cannot be determined because of default or any other reason, the court shall order support in an

amount considered reasonable in the particular case. The final order in all cases shall state the support level in dollar amounts.

(6) If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(b) Failure of either parent to comply with an order to pay support shall be punishable as in other cases of contempt. In addition to other penalties provided by law the Court may, after finding the parent guilty of contempt, order that the parent be:

(1) placed on probation with such conditions of probation as the Court deems advisable;

(2) sentenced to periodic imprisonment for a period not to exceed 6 months; provided, however, that the Court may permit the parent to be released for periods of time during the day or night to:

(A) work; or

(B) conduct a business or other self-employed occupation.

The Court may further order any part or all of the earnings of a parent during a sentence of periodic imprisonment paid to the Clerk of the Circuit Court or to the parent having custody or to the guardian having custody of the minor children of the sentenced parent for the support of said minor children until further order of the Court.

If there is a unity of interest and ownership sufficient to render no financial separation between a non-custodial parent and another person or persons or business entity, the court may pierce

the ownership veil of the person, persons, or business entity to discover assets of the non-custodial parent held in the name of that person, those persons, or that business entity. The following circumstances are sufficient to authorize a court to order discovery of the assets of a person, persons, or business entity and to compel the application of any discovered assets toward payment on the judgment for support:

(1) the non-custodial parent and the person, persons, or business entity maintain records together.

(2) the non-custodial parent and the person, persons, or business entity fail to maintain an arms length relationship between themselves with regard to any assets.

(3) the non-custodial parent transfers assets to the person, persons, or business entity with the intent to perpetrate a fraud on the custodial parent.

With respect to assets which are real property, no order entered under this paragraph shall affect the rights of bona fide purchasers, mortgagees, judgment creditors, or other lien holders who acquire their interests in the property prior to the time a notice of lis pendens pursuant to the Code of Civil Procedure or a copy of the order is placed of record in the office of the recorder of deeds for the county in which the real property is located.

The court may also order in cases where the parent is 90 days or more delinquent in payment of support or has been adjudicated in arrears in an amount equal to 90 days obligation or more, that the parent's Illinois driving privileges be suspended until the court determines that the parent is in compliance with the order of support. The court may also order that the parent be issued a family financial responsibility driving permit that would allow limited driving privileges for employment and medical purposes in accordance with Section 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit court shall certify the order suspending the driving privileges of the parent or granting the issuance of a family financial responsibility driving permit to the Secretary of State on forms prescribed by the Secretary. Upon receipt of the authenticated documents, the Secretary of State shall suspend the parent's driving privileges until further order of the court and shall, if ordered by the court, subject to the provisions of Section 7-702.1 of the Illinois Vehicle Code, issue a family financial responsibility driving permit to the parent.

In addition to the penalties or punishment that may be imposed under this Section, any person whose conduct constitutes a violation of Section 1 of the Non-Support of Spouse and Children Act may be prosecuted under that Section, and a person convicted under that Section may be sentenced in accordance with that Section. The sentence may include but need not be limited to a requirement that the person perform community service under subsection (b) of that Section or participate in a work alternative program under subsection (c) of that Section. A person may not be required to participate in a work alternative program under subsection (c) of that Section if the person is currently participating in a work program pursuant to Section 505.1 of this Act.

(c) A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of the Illinois Public Aid Code and shall be enforced by the court upon petition.

(d) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such

judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment

of overdue support owed by the noncustodial parent.

(e) When child support is to be paid through the clerk of the court in a county of 1,000,000 inhabitants or less, the order shall direct the obligor to pay to the clerk, in addition to the child support payments, all fees imposed by the county board under paragraph (3) of subsection (u) of Section 27.1 of the Clerks of Courts Act. Unless paid in cash or pursuant to an order for withholding, the payment of the fee shall be by a separate instrument from the support payment and shall be made to the order of the Clerk.

(f) All orders for support, when entered or modified, shall include a provision requiring the obligor to notify the court and, in cases in which a party is receiving child and spouse services under Article X of the Illinois Public Aid Code, the Illinois Department of Public Aid, within 7 days, (i) of the name and address of any new employer of the obligor, (ii) whether the obligor has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Act, which service shall be sufficient for purposes of due process.

(g) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order.

(h) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.
(Source: P.A. 89-88, eff. 6-30-95; 89-92, eff. 7-1-96; 89-626, eff. 8-9-96; 90-18, eff. 7-1-97; 90-476, eff. 1-1-98; 90-539, eff. 6-1-98; 90-655, eff. 7-30-98; 90-733, eff. 8-11-98.)

(750 ILCS 5/505.3 new)

Sec. 505.3. Continuances in support enforcement cases. Each party shall be granted no more than 2 continuances in a court proceeding for the enforcement of a support order.

(750 ILCS 5/713) (from Ch. 40, par. 713)

Sec. 713. Attachment of the Body. As used in this Section, "obligor" has the same meaning ascribed to such term in the Income Withholding for Support Act.

(a) In any proceeding to enforce an order for support, where the obligor has failed to appear in court pursuant to order of court and after due notice thereof, the court may enter an order for the attachment of the body of the obligor. Notices under this Section shall be served upon the obligor either (1) by prepaid certified mail with delivery restricted to the obligor, or (2) by personal service on the obligor. The attachment order shall fix an amount of escrow which is equal to a minimum of 20% of the total child support arrearage alleged by the obligee in sworn testimony to be due and owing. The attachment order shall direct the Sheriff of any county in Illinois to take the obligor into custody and shall set the number of days following release from custody for a hearing to be held at which the obligor must appear, if he is released under subsection (c) of this Section.

(b) If the obligor is taken into custody, the Sheriff shall take the obligor before the court which entered the attachment order. However, the Sheriff may release the person after he or she has deposited the amount of escrow ordered by the court pursuant to local procedures for the posting of bond. The Sheriff shall advise the obligor of the hearing date at which the obligor is required to appear.

(c) Any escrow deposited pursuant to this Section shall be transmitted to the Clerk of the Circuit Court for the county in which the order for attachment of the body of the obligor was entered. Any Clerk who receives money deposited into escrow pursuant to this Section shall notify the obligee, public office or legal counsel whose name appears on the attachment order of the court date at which the obligor is required to appear and the amount deposited into escrow. The Clerk shall disburse such money to the obligee only under an order from the court that entered the attachment order pursuant to this Section.

(d) Whenever an obligor is taken before the court by the Sheriff, or appears in court after the court has ordered the attachment of his body, the court shall:

(1) hold a hearing on the complaint or petition that gave rise to the attachment order. For purposes of determining arrearages that are due and owing by the obligor, the court shall accept the previous sworn testimony of the obligee as true and the appearance of the obligee shall not be required. The court shall require sworn testimony of the obligor as to his or her Social Security number, income, employment, bank accounts, property and any other assets. If there is a dispute as to the total amount of arrearages, the court shall proceed as in any other case as to the undisputed amounts; and

(2) order the Clerk of the Circuit Court to disburse to the obligee or public office money held in escrow pursuant to this Section if the court finds that the amount of arrearages exceeds

the amount of the escrow. Amounts received by the obligee or public office shall be deducted from the amount of the arrearages.

(e) If the obligor fails to appear in court after being notified of the court date by the Sheriff upon release from custody, the court shall order any monies deposited into escrow to be immediately released to the obligee or public office and shall proceed under

subsection (a) of this Section by entering another order for the attachment of the body of the obligor.

(f) This Section shall apply to any order for support issued under the "Illinois Marriage and Dissolution of Marriage Act", approved September 22, 1977, as amended; the "Illinois Parentage Act of 1984", effective July 1, 1985, as amended; the "Revised Uniform Reciprocal Enforcement of Support Act", approved August 28, 1969, as amended; "The Illinois Public Aid Code", approved April 11, 1967, as amended; the Non-Support Punishment Act; and the "Non-support of Spouse and Children Act", approved June 8, 1953, as amended.

(g) Any escrow established pursuant to this Section for the purpose of providing support shall not be subject to fees collected by the Clerk of the Circuit Court for any other escrow.

(Source: P.A. 90-673, eff. 1-1-99.)

(750 ILCS 5/714 new)

Sec. 714. Willful default on support; penalties. Beginning on the effective date of this amendatory Act of the 91st General Assembly, a person who willfully defaults on an order for child support issued by an Illinois court may be subject to summary criminal contempt proceedings.

Each State agency, as defined in the Illinois State Auditing Act, shall suspend a license or certificate issued by that agency to a person found guilty of criminal contempt under this Section. The suspension shall remain in effect until all defaults on an order for child support are satisfied.

This Section applies to an order for child support issued under the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Illinois Parentage Act of 1984, and the Revised Uniform Reciprocal Enforcement of Support Act.

(750 ILCS 5/715 new)

Sec. 715. Information to locate obligors. As used in this Section, "obligor" is an individual who owes a duty to make payments under an order for child support. The State's attorney or any other appropriate State official may request and shall receive information from employers, telephone companies, and utility companies to locate an obligor who has defaulted on child support payments.

Section 975. The Uniform Interstate Family Support Act is amended by changing Section 101 as follows:

(750 ILCS 22/101)

Sec. 101. Definitions. In this Act:

"Child" means an individual, whether over or under the age of 18, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

"Child-support order" means a support order for a child,

including a child who has attained the age of 18.

"Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse including an unsatisfied obligation to provide support.

"Home state" means the state in which a child lived with a parent or a person acting as parent for at least 6 consecutive months immediately preceding the time of filing of a petition or comparable pleading for support, and if a child is less than 6 months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the 6-month or other period.

"Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this State.

"Income-withholding order" means an order or other legal process directed to an obligor's employer or other debtor, as defined by the

Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Illinois Public Aid Code, and the Illinois Parentage Act of 1984, to withhold support from the income of the obligor.

"Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this Act or a law or procedure substantially similar to this Act.

"Initiating tribunal" means the authorized tribunal in an initiating state.

"Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.

"Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage.

"Obligee" means:

(i) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered;

(ii) a state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or

(iii) an individual seeking a judgment determining parentage of the individual's child.

"Obligor" means an individual, or the estate of a decedent: (i) who owes or is alleged to owe a duty of support; (ii) who is alleged but has not been adjudicated to be a parent of a child; or (iii) who is liable under a support order.

"Register" means to record a support order or judgment determining parentage in the appropriate Registry of Foreign Support Orders.

"Registering tribunal" means a tribunal in which a support order is registered.

"Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under this Act or a law or procedure substantially similar to

this Act.

"Responding tribunal" means the authorized tribunal in a responding state.

"Spousal-support order" means a support order for a spouse or former spouse of the obligor.

"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes:

(i) an Indian tribe; and

(ii) a foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this Act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

"Support enforcement agency" means a public official or agency authorized to seek:

(1) enforcement of support orders or laws relating to the duty of support;

(2) establishment or modification of child support;

(3) determination of parentage; or

(4) to locate obligors or their assets.

"Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, a spouse, or a former spouse, which provides for monetary

support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.

"Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

(Source: P.A. 90-240, eff. 7-28-97.)

Section 980. The Illinois Parentage Act of 1984 is amended by changing Sections 6 and 14 and by adding Section 15.3 as follows:

(750 ILCS 45/6) (from Ch. 40, par. 2506)

Sec. 6. Establishment of Parent and Child Relationship by Consent of the Parties.

(a) A parent and child relationship may be established voluntarily by the signing and witnessing of a voluntary acknowledgment of parentage in accordance with Section 12 of the Vital Records Act or Section 10-17.7 of the Illinois Public Aid Code. The voluntary acknowledgment of parentage shall contain the social security numbers of the persons signing the voluntary acknowledgment of parentage; however, failure to include the social security numbers of the persons signing a voluntary acknowledgment of parentage does not invalidate the voluntary acknowledgment of parentage.

(b) Notwithstanding any other provisions of this Act, paternity established in accordance with subsection (a) has the full force and effect of a judgment entered under this Act and serves as a basis for seeking a child support order without any further proceedings to establish paternity.

(c) A judicial or administrative proceeding to ratify paternity

established in accordance with subsection (a) is neither required nor permitted.

(d) A signed acknowledgment of paternity entered under this Act may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenging party. Pending outcome of the challenge to the acknowledgment of paternity, the legal responsibilities of the signatories shall remain in full force and effect, except upon order of the court upon a showing of good cause.

(e) Once a parent and child relationship is established in accordance with subsection (a), an order for support may be established pursuant to a petition to establish an order for support by consent filed with the clerk of the circuit court. A copy of the properly completed acknowledgment of parentage form shall be attached to the petition. The petition shall ask that the circuit court enter an order for support. The petition may ask that an order for visitation, custody, or guardianship be entered. The filing and appearance fees provided under the Clerks of Courts Act shall be waived for all cases in which an acknowledgment of parentage form has been properly completed by the parties and in which a petition to establish an order for support by consent has been filed with the clerk of the circuit court. This subsection shall not be construed to prohibit filing any petition for child support, visitation, or custody under this Act, the Illinois Marriage and Dissolution of Marriage Act, or the Non-Support Punishment ~~of Spouse and Children~~ Act. This subsection shall also not be construed to prevent the establishment of an administrative support order in cases involving persons receiving child support enforcement services under Article X of the Illinois Public Aid Code.

(Source: P.A. 89-641, eff. 8-9-96; 90-18, eff. 7-1-97.)

(750 ILCS 45/14) (from Ch. 40, par. 2514)

Sec. 14. Judgment.

(a) (1) The judgment shall contain or explicitly reserve provisions concerning any duty and amount of child support and may

contain provisions concerning the custody and guardianship of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, which the court shall determine in accordance with the relevant factors set forth in the Illinois Marriage and Dissolution of Marriage Act and any other applicable law of Illinois, to guide the court in a finding in the best interests of the child. In determining custody, joint custody, or visitation, the court shall apply the relevant standards of the Illinois Marriage and Dissolution of Marriage Act. Specifically, in determining the amount of any child support award, the court shall use the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act. For purposes of Section 505 of the Illinois Marriage and Dissolution of Marriage Act, "net income" of the non-custodial parent shall include any benefits available to that person under the Illinois Public Aid Code or from other federal, State or local government-funded programs. The court shall, in any event and regardless of the amount of the non-custodial parent's net

income, in its judgment order the non-custodial parent to pay child support to the custodial parent in a minimum amount of not less than $10 per month. In an action brought within 2 years after a child's birth, the judgment or order may direct either parent to pay the reasonable expenses incurred by either parent related to the mother's pregnancy and the delivery of the child. The judgment or order shall contain the father's social security number, which the father shall disclose to the court; however, failure to include the father's social security number on the judgment or order does not invalidate the judgment or order.

(2) If a judgment of parentage contains no explicit award of custody, the establishment of a support obligation or of visitation rights in one parent shall be considered a judgment granting custody to the other parent. If the parentage judgment contains no such provisions, custody shall be presumed to be with the mother; however, the presumption shall not apply if the father has had physical custody for at least 6 months prior to the date that the mother seeks to enforce custodial rights.

(b) The court shall order all child support payments, determined in accordance with such guidelines, to commence with the date summons is served. The level of current periodic support payments shall not be reduced because of payments set for the period prior to the date of entry of the support order. The Court may order any child support payments to be made for a period prior to the commencement of the action. In determining whether and the extent to which the payments shall be made for any prior period, the court shall consider all relevant facts, including the factors for determining the amount of support specified in the Illinois Marriage and Dissolution of Marriage Act and other equitable factors including but not limited to:

(1) The father's prior knowledge of the fact and circumstances of the child's birth.

(2) The father's prior willingness or refusal to help raise or support the child.

(3) The extent to which the mother or the public agency bringing the action previously informed the father of the child's needs or attempted to seek or require his help in raising or supporting the child.

(4) The reasons the mother or the public agency did not file the action earlier.

(5) The extent to which the father would be prejudiced by the delay in bringing the action.

For purposes of determining the amount of child support to be

paid for any period before the date the order for current child support is entered, there is a rebuttable presumption that the father's net income for the prior period was the same as his net income at the time the order for current child support is entered.

If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the

non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(c) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(d) If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued under the Vital Records Act.

(e) On request of the mother and the father, the court shall order a change in the child's name. After hearing evidence the court may stay payment of support during the period of the father's minority or period of disability.

(f) If, upon a showing of proper service, the father fails to appear in court, or otherwise appear as provided by law, the court may proceed to hear the cause upon testimony of the mother or other parties taken in open court and shall enter a judgment by default. The court may reserve any order as to the amount of child support until the father has received notice, by regular mail, of a hearing on the matter.

(g) A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of the Illinois Public Aid Code and shall be enforced by the court upon petition.

(h) All orders for support, when entered or modified, shall include a provision requiring the non-custodial parent to notify the court and, in cases in which party is receiving child and spouse support services under Article X of the Illinois Public Aid Code, the Illinois Department of Public Aid, within 7 days, (i) of the name and address of any new employer of the non-custodial parent, (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil

Procedure or this Act, which service shall be sufficient for purposes of due process.

(i) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order.

(j) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address. (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98; 90-655, eff. 7-30-98.)

(750 ILCS 45/15.3 new)

Sec. 15.3. Continuances in support enforcement cases. Each party shall be granted no more than 2 continuances in a court proceeding for the enforcement of a support order.

Section 985. The Business Corporation Act of 1983 is amended by changing Section 1.25 as follows:

(805 ILCS 5/1.25) (from Ch. 32, par. 1.25)

Sec. 1.25. List of corporations; exchange of information.

(a) The Secretary of State shall publish each year a list of corporations filing an annual report for the preceding year in accordance with the provisions of this Act, which report shall state the name of the corporation and the respective names and addresses of the president, secretary, and registered agent thereof and the address of the registered office in this State of each such corporation. The Secretary of State shall furnish without charge a copy of such report to each recorder of this State, and to each member of the General Assembly and to each State agency or department requesting the same. The Secretary of State shall, upon receipt of a written request and a fee as determined by the Secretary, furnish such report to anyone else.

(b) (1) The Secretary of State shall publish daily a list of all newly formed corporations, business and not for profit, chartered by him on that day issued after receipt of the application. The daily list shall contain the same information as to each corporation as is provided for the corporation list published under subsection (a) of this Section. The daily list may be obtained at the Secretary's office by any person, newspaper, State department or agency, or local government for a reasonable charge to be determined by the Secretary.

Inspection of the daily list may be made at the Secretary's office during normal business hours without charge by any person, newspaper, State department or agency, or local government.

(2) The Secretary shall compile the daily list mentioned in

paragraph (1) of subsection (b) of this Section monthly, or more often at the Secretary's discretion. The compilation shall be immediately mailed free of charge to all local governments requesting in writing receipt of such publication, or shall be automatically mailed by the Secretary without charge to local governments as determined by the Secretary. The Secretary shall mail a copy of the compilations free of charge to all State departments or agencies making a written request. A request for a compilation of the daily list once made by a local government or State department or agency need not be renewed. However, the Secretary may request from time to time whether the local governments or State departments or agencies desire to continue receiving the compilation.

(3) The compilations of the daily list mentioned in paragraph (2) of subsection (b) of this Section shall be mailed to newspapers, or any other person not included as a recipient in paragraph (2) of subsection (b) of this Section, upon receipt of a written application signed by the applicant and accompanied by the payment of a fee as determined by the Secretary.

(c) If a domestic or foreign corporation has filed with the Secretary of State an annual report for the preceding year or has been newly formed or is otherwise and in any manner registered with the Secretary of State, the Secretary of State shall exchange with the Illinois Department of Public Aid any information concerning that corporation that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

Notwithstanding any provisions in this Act to the contrary, the Secretary of State shall not be liable to any person for any disclosure of information to the Illinois Department of Public Aid under this subsection or for any other action taken in good faith to comply with the requirements of this subsection.

(Source: P.A. 90-18, eff. 7-1-97.)

Section 990. The Limited Liability Company Act is amended by changing Section 50-5 as follows:

(805 ILCS 180/50-5)

Sec. 50-5. List of limited liability companies; exchange of information.

(a) The Secretary of State may publish a list or lists of limited liability companies and foreign limited liability companies, as often, in the format, and for the fees as the Secretary of State may in his or her discretion provide by rule. The Secretary of State may disseminate information concerning limited liability companies and foreign limited liability companies by computer network in the format and for the fees as may be determined by rule.

(b) Upon written request, any list published under subsection

(a) shall be free to each member of the General Assembly, to each State agency or department, and to each recorder in this State. An appropriate fee established by rule to cover the cost of producing the list shall be charged to all others.

(c) If a domestic or foreign limited liability company has filed with the Secretary of State an annual report for the preceding year or has been newly formed or is otherwise and in any manner registered with the Secretary of State, the Secretary of State shall exchange with the Illinois Department of Public Aid any information concerning that limited liability company that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support

Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

Notwithstanding any provisions in this Act to the contrary, the Secretary of State shall not be liable to any person for any disclosure of information to the Illinois Department of Public Aid under this subsection or for any other action taken in good faith to comply with the requirements of this subsection.

(Source: P.A. 90-18, eff. 7-1-97.)

(750 ILCS 15/Act rep.)

Section 992. Repealer. The Non-Support of Spouse and Children Act is repealed.

Section 995. Certain actions to be determined under prior law. An action that was commenced under the Non-Support of Spouse and Children Act and is pending on the effective date of this Act shall be decided in accordance with the Non-Support of Spouse and Children Act as it existed immediately before its repeal by this Act.

Section 999. Effective date. This Act takes effect on October 1, 1999.".

AMENDMENT NO. 2 TO SENATE BILL 19

AMENDMENT NO. 2. Amend Senate Bill 19, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 3, line 10, by replacing "$10,000" with "$25,000".

AMENDMENT NO. 3 TO SENATE BILL 19

AMENDMENT NO. 3. Amend Senate Bill 19, AS AMENDED, by replacing the title with the following:

"AN ACT regarding child support enforcement."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Non-Support Punishment Act.

Section 5. Prosecutions by State's Attorneys. A proceeding for enforcement of this Act may be instituted and prosecuted by the several State's Attorneys only upon the filing of a verified complaint by the person or persons receiving child or spousal support.

Section 7. Prosecutions by Attorney General. In addition to enforcement proceedings by the several State's Attorneys, a

proceeding for the enforcement of this Act may be instituted and prosecuted by the Attorney General in cases referred by the Illinois Department of Public Aid involving persons receiving child and spouse support services under Article X of the Illinois Public Aid Code. Before referring a case to the Attorney General for enforcement under this Act, the Department of Public Aid shall notify the person receiving child and spouse support services under Article X of the Illinois Public Aid Code of the Department's intent to refer the case to the Attorney General under this Section for prosecution.

Section 10. Proceedings. Proceedings under this Act may be by indictment or information. No proceeding may be brought under Section 15 against a person whose court or administrative order for support was entered by default, unless the indictment or information specifically alleges that the person has knowledge of the existence of the order for support and that the person has the ability to pay the support.

Section 15. Failure to support.

(a) A person commits the offense of failure to support when he or she:

(1) willfully, without any lawful excuse refuses to provide for the support or maintenance of his or her spouse, with the knowledge that the spouse is in need of such support or

maintenance, or, without lawful excuse, deserts or willfully refuses to provide for the support or maintenance of his or her child or children under the age of 18 years, in need of support or maintenance and the person has the ability to provide the support; or

(2) willfully fails to pay a support obligation required under a court or administrative order for support, if the obligation has remained unpaid for a period longer than 6 months, or is in arrears in an amount greater than $5,000, and the person has the ability to provide the support; or

(3) leaves the State with the intent to evade a support obligation required under a court or administrative order for support, if the obligation, regardless of when it accrued, has remained unpaid for a period longer than 6 months, or is in arrears in an amount greater than $10,000; or

(4) willfully fails to pay a support obligation required under a court or administrative order for support, if the obligation has remained unpaid for a period longer than one year, or is in arrears in an amount greater than $25,000, and the person has the ability to provide the support.

(a-5) Presumption of ability to pay support. The existence of a court or administrative order of support that was not based on a default judgment and was in effect for the time period charged in the indictment or information creates a rebuttable presumption that the obligor has the ability to pay the support obligation for that time period.

(b) Sentence. A person convicted of a first offense under subdivision (a)(1) or (a)(2) is guilty of a Class A misdemeanor. A person convicted of an offense under subdivision (a)(3) or (a)(4) or a second or subsequent offense under subdivision (a)(1) or (a)(2) is

guilty of a Class 4 felony.

(c) Expungement. A person convicted of a first offense under subdivision (a)(1) or (a)(2) who is eligible for the Earnfare program, shall, in lieu of the sentence prescribed in subsection (b), be referred to the Earnfare program. Upon certification of completion of the Earnfare program, the conviction shall be expunged. If the person fails to successfully complete the Earnfare program, he or she shall be sentenced in accordance with subsection (b).

(d) Fine. Sentences of imprisonment and fines for offenses committed under this Act shall be as provided under Articles 8 and 9 of Chapter V of the Unified Code of Corrections, except that the court shall order restitution of all unpaid support payments and may impose the following fines, alone, or in addition to a sentence of imprisonment under the following circumstances:

(1) from $1,000 to $5,000 if the support obligation has remained unpaid for a period longer than 2 years, or is in arrears in an amount greater than $1,000 and not exceeding $10,000;

(2) from $5,000 to $10,000 if the support obligation has remained unpaid for a period longer than 5 years, or is in arrears in an amount greater than $10,000 and not exceeding $20,000; or

(3) from $10,000 to $25,000 if the support obligation has remained unpaid for a period longer than 8 years, or is in arrears in an amount greater than $20,000.

Restitution shall be ordered in an amount equal to the total unpaid support obligation as it existed at the time of sentencing. Any amounts paid by the obligor shall be allocated first to current support and then to restitution ordered and then to fines imposed under this Section.

Section 20. Entry of order for support; income withholding.

(a) In a case in which no court or administrative order for support is in effect against the defendant:

(1) at any time before the trial, upon motion of the State's Attorney, or of the Attorney General if the action has been instituted by his office, and upon notice to the defendant, or at the time of arraignment or as a condition of postponement of arraignment, the court may enter such temporary order for support as may seem just, providing for the support or maintenance of the spouse or child or children of the defendant, or both, pendente lite; or

(2) before trial with the consent of the defendant, or at the trial on entry of a plea of guilty, or after conviction, instead of imposing the penalty provided in this Act, or in addition thereto, the court may enter an order for support, subject to modification by the court from time to time as circumstances may require, directing the defendant to pay a certain sum for maintenance of the spouse, or for support of the child or children, or both.

(b) The court shall determine the amount of child support by using the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and

Dissolution of Marriage Act.

If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(c) The court shall determine the amount of maintenance using the standards set forth in Section 504 of the Illinois Marriage and Dissolution of Marriage Act.

(d) The court may, for violation of any order under this Section, punish the offender as for a contempt of court, but no pendente lite order shall remain in effect longer than 4 months, or after the discharge of any panel of jurors summoned for service thereafter in such court, whichever is sooner.

(e) Any order for support entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support under the judgments, each such judgment to be in the amount of each payment or installment of support and each judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each judgment shall have the full force, effect, and attributes of any other judgment of this State, including the ability to be enforced. Each judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(f) An order for support entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of the court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer.

Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment, bond shall be set in the amount of the child support that should have been paid during the period of unreported employment.

An order for support entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or of a minor child, or both, would be seriously endangered by disclosure of the party's address.

(g) An order for support entered or modified in a case in which a party is receiving child and spouse support services under Article X of the Illinois Public Aid Code shall include a provision requiring the noncustodial parent to notify the Illinois Department of Public Aid, within 7 days, of the name and address of any new employer of the noncustodial parent, whether the noncustodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy.

(h) In any subsequent action to enforce an order for support entered under this Act, upon sufficient showing that diligent effort has been made to ascertain the location of the noncustodial parent, service of process or provision of notice necessary in that action may be made at the last known address of the noncustodial parent, in any manner expressly provided by the Code of Civil Procedure or in this Act, which service shall be sufficient for purposes of due process.

(i) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order.

Section 22. Withholding of income to secure payment of support. An order for support entered or modified under this Act is subject to the Income Withholding for Support Act.

Section 25. Payment of support to State Disbursement Unit; clerk of the court.

(a) As used in this Section, "order for support", "obligor", "obligee", and "payor" mean those terms as defined in the Income Withholding for Support Act.

(b) Each order for support entered or modified under Section 20 of this Act shall require that support payments be made to the State Disbursement Unit established under the Illinois Public Aid Code, under the following circumstances:

(1) when a party to the order is receiving child and spouse support services under Article X of the Illinois Public Aid Code; or

(2) when no party to the order is receiving child and spouse support services, but the support payments are made through income withholding.

(c) When no party to the order is receiving child and spouse support services, and payments are not being made through income withholding, the court shall order the obligor to make support payments to the clerk of the court.

(d) In the case of an order for support entered by the court under this Act before a party commenced receipt of child and spouse

support services, upon receipt of these services by a party the Illinois Department of Public Aid shall provide notice to the obligor to send any support payments he or she makes personally to the State

Disbursement Unit until further direction of the Department. The Department shall provide a copy of the notice to the obligee and to the clerk of the court. An obligor who fails to comply with a notice provided by the Department under this Section is guilty of a Class B misdemeanor.

(e) If a State Disbursement Unit as specified by federal law has not been created in Illinois upon the effective date of this Act, then, until the creation of a State Disbursement Unit as specified by federal law, the following provisions regarding payment and disbursement of support payments shall control and the provisions in subsections (a), (b), (c), and (d) shall be inoperative. Upon the creation of a State Disbursement Unit as specified by federal law, this subsection (e) shall be inoperative and the payment and disbursement provisions of subsections (a), (b), (c), and (d) shall control.

(1) In cases in which an order for support is entered under Section 20 of this Act, the court shall order that maintenance and support payments be made to the clerk of the court for remittance to the person or agency entitled to receive the payments. However, the court in its discretion may direct otherwise where exceptional circumstances so warrant.

(2) The court shall direct that support payments be sent by the clerk to (i) the Illinois Department of Public Aid if the person in whose behalf payments are made is receiving aid under Articles III, IV, or V of the Illinois Public Aid Code, or child and spouse support services under Article X of the Code, or (ii) to the local governmental unit responsible for the support of the person if he or she is a recipient under Article VI of the Code. In accordance with federal law and regulations, the Illinois Department of Public Aid may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X of the Illinois Public Aid Code. The Illinois Department shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. The order shall permit the Illinois Department of Public Aid or the local governmental unit, as the case may be, to direct that support payments be made directly to the spouse, children, or both, or to some person or agency in their behalf, upon removal of the spouse or children from the public aid rolls or upon termination of services under Article X of the Illinois Public Aid Code; and upon such direction, the Illinois Department or the local governmental unit, as the case requires, shall give notice of such action to the court in writing or by electronic transmission.

(3) The clerk of the court shall establish and maintain current records of all moneys received and disbursed and of delinquencies and defaults in required payments. The court, by order or rule, shall make provision for the carrying out of these duties.

(4) Upon notification in writing or by electronic transmission from the Illinois Department of Public Aid to the clerk of the court that a person who is receiving support payments under this Section is receiving services under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, any support payments subsequently received

by the clerk of the court shall be transmitted in accordance with

the instructions of the Illinois Department of Public Aid until the Department gives notice to cease the transmittal. After providing the notification authorized under this paragraph, the Illinois Department of Public Aid shall be a party and entitled to notice of any further proceedings in the case. The clerk of the court shall file a copy of the Illinois Department of Public Aid's notification in the court file. The failure of the clerk to file a copy of the notification in the court file shall not, however, affect the Illinois Department of Public Aid's rights as a party or its right to receive notice of further proceedings.

(5) Payments under this Section to the Illinois Department of Public Aid pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All other payments under this Section to the Illinois Department of Public Aid shall be deposited in the Public Assistance Recoveries Trust Fund. Disbursements from these funds shall be as provided in the Illinois Public Aid Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.

(6) For those cases in which child support is payable to the clerk of the circuit court for transmittal to the Illinois Department of Public Aid by order of court or upon notification by the Illinois Department of Public Aid, the clerk shall transmit all such payments, within 4 working days of receipt, to insure that funds are available for immediate distribution by the Department to the person or entity entitled thereto in accordance with standards of the Child Support Enforcement Program established under Title IV-D of the Social Security Act. The clerk shall notify the Department of the date of receipt and amount thereof at the time of transmittal. Where the clerk has entered into an agreement of cooperation with the Department to record the terms of child support orders and payments made thereunder directly into the Department's automated data processing system, the clerk shall account for, transmit and otherwise distribute child support payments in accordance with such agreement in lieu of the requirements contained herein.

Section 30. Information to State Case Registry.

(a) When an order for support is entered or modified under Section 20 of this Act, the clerk of the court shall, within 5 business days, provide to the State Case Registry established under Section 10-27 of the Illinois Public Aid Code the court docket number and county in which the order is entered or modified and the following information, which the parents involved in the case shall disclose to the court:

(1) the names of the custodial and noncustodial parents and of the child or children covered by the order;

(2) the dates of birth of the custodial and noncustodial parents and of the child or children covered by the order;

(3) the social security numbers of the custodial and noncustodial parents and, if available, of the child or children

covered by the order;

(4) the residential and mailing address for the custodial and noncustodial parents;

(5) the telephone numbers for the custodial and noncustodial parents;

(6) the driver's license numbers for the custodial and noncustodial parents; and

(7) the name, address, and telephone number of each parent's employer or employers.

(b) When an order for support is entered or modified under

Section 20 in a case in which a party is receiving child and spouse support services under Article X of the Illinois Public Aid Code, the clerk shall provide the State Case Registry with the following information within 5 business days:

(1) the information specified in subsection (a);

(2) the amount of monthly or other periodic support owed under the order and other amounts, including arrearages, interest, or late payment penalties and fees, due or overdue under the order;

(3) any amounts described in subdivision (2) of this subsection (b) that have been received by the clerk; and

(4) the distribution of the amounts received by the clerk.

(c) To the extent that updated information is in the clerk's possession, the clerk shall provide updates of the information specified in subsection (b) within 5 business days after the Illinois Department of Public Aid's request for that updated information.

Section 35. Fine; release of defendant on probation; violation of order for support; forfeiture of recognizance.

(a) Whenever a fine is imposed it may be directed by the court to be paid, in whole or in part, to the spouse, ex-spouse, or if the support of a child or children is involved, to the custodial parent, to the clerk, probation officer, or to the Illinois Department of Public Aid if a recipient of child and spouse support services under Article X of the Illinois Public Aid Code is involved as the case requires, to be disbursed by such officers or agency under the terms of the order.

(b) The court may also relieve the defendant from custody on probation for the period fixed in the order or judgment upon his or her entering into a recognizance, with or without surety, in the sum as the court orders and approves. The condition of the recognizance shall be such that if the defendant makes his or her personal appearance in court whenever ordered to do so by the court, during such period as may be so fixed, and further complies with the terms of the order for support, or any subsequent modification of the order, then the recognizance shall be void; otherwise it will remain in full force and effect.

(c) If the court is satisfied by testimony in open court, that at any time during the period of one year the defendant has violated the terms of the order for support, it may proceed with the trial of the defendant under the original charge, or sentence him or her under the original conviction, or enforce the suspended sentence, as the case may be. In case of forfeiture of recognizance, and enforcement of

recognizance by execution, the sum so recovered may, in the discretion of the court, be paid, in whole or in part, to the spouse, ex-spouse, or if the support of a child or children is involved, to the custodial parent, to the clerk, or to the Illinois Department of Public Aid if a recipient of child and spouse support services under Article X of the Illinois Public Aid Code is involved as the case requires, to be disbursed by the clerk or the Department under the terms of the order.

Section 40. Evidence. No other or greater evidence shall be required to prove the marriage of a husband and wife, or that the defendant is the father or mother of the child or children than is or shall be required to prove that fact in a civil action.

Section 45. Husband or wife as competent witness. In no prosecution under this Act shall any existing statute or rule of law prohibiting the disclosure of confidential communications between husband and wife apply. And both husband and wife shall be competent witnesses to testify to any and all relevant matters, including the fact of such marriage and of the parentage of such child or children, provided that neither shall be compelled to give evidence

incriminating himself or herself.

Section 50. Community service; work alternative program.

(a) In addition to any other penalties imposed against an offender under this Act, the court may order the offender to perform community service for not less than 30 and not more than 120 hours per month, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for committing an offense under this Act, the supervision shall be conditioned on the performance of the community service.

(b) In addition to any other penalties imposed against an offender under this Act, the court may sentence the offender to service in a work alternative program administered by the sheriff. The conditions of the program are that the offender obtain or retain employment and participate in a work alternative program administered by the sheriff during non-working hours. A person may not be required to participate in a work alternative program under this subsection if the person is currently participating in a work program pursuant to another provision of this Act, Section 10-11.1 of the Illinois Public Aid Code, Section 505.1 of the Illinois Marriage and Dissolution of Marriage Act, or Section 15.1 of the Illinois Parentage Act of 1984.

(c) In addition to any other penalties imposed against an offender under this Act, the court may order, in cases where the offender has been in violation of this Act for 90 days or more, that the offender's Illinois driving privileges be suspended until the court determines that the offender is in compliance with this Act.

The court may determine that the offender is in compliance with this Act if the offender has agreed (i) to pay all required amounts of support and maintenance as determined by the court or (ii) to the garnishment of his or her income for the purpose of paying those amounts.

The court may also order that the offender be issued a family

financial responsibility driving permit that would allow limited driving privileges for employment and medical purposes in accordance with Section 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit court shall certify the order suspending the driving privileges of the offender or granting the issuance of a family financial responsibility driving permit to the Secretary of State on forms prescribed by the Secretary. Upon receipt of the authenticated documents, the Secretary of State shall suspend the offender's driving privileges until further order of the court and shall, if ordered by the court, subject to the provisions of Section 7-702.1 of the Illinois Vehicle Code, issue a family financial responsibility driving permit to the offender.

(d) If the court determines that the offender has been in violation of this Act for more than 60 days, the court may determine whether the offender has applied for or been issued a professional license by the Department of Professional Regulation or another licensing agency. If the court determines that the offender has applied for or been issued such a license, the court may certify to the Department of Professional Regulation or other licensing agency that the offender has been in violation of this Act for more than 60 days so that the Department or other agency may take appropriate steps with respect to the license or application as provided in Section 10-65 of the Illinois Administrative Procedure Act and Section 60 of the Civil Administrative Code of Illinois. The court may take the actions required under this subsection in addition to imposing any other penalty authorized under this Act.

Section 55. Offenses; how construed. It is hereby expressly declared that the offenses set forth in this Act shall be construed

to be continuing offenses.

Section 60. Unemployed persons owing duty of support.

(a) Whenever it is determined in a proceeding to establish or enforce a child support or maintenance obligation that the person owing a duty of support is unemployed, the court may order the person to seek employment and report periodically to the court with a diary, listing or other memorandum of his or her efforts in accordance with such order. Additionally, the court may order the unemployed person to report to the Department of Employment Security for job search services or to make application with the local Jobs Training Partnership Act provider for participation in job search, training, or work programs and where the duty of support is owed to a child receiving support services under Article X of the Illinois Public Aid Code the court may order the unemployed person to report to the Illinois Department of Public Aid for participation in job search, training, or work programs established under Section 9-6 and Article IXA of that Code.

(b) Whenever it is determined that a person owes past due support for a child or for a child and the parent with whom the child is living, and the child is receiving assistance under the Illinois Public Aid Code, the court shall order at the request of the Illinois Department of Public Aid:

(1) that the person pay the past-due support in accordance with a plan approved by the court; or

(2) if the person owing past-due support is unemployed, is subject to such a plan, and is not incapacitated, that the person participate in such job search, training, or work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code as the court deems appropriate.

Section 65. Order of protection; status. Whenever relief sought under this Act is based on allegations of domestic violence, as defined in the Illinois Domestic Violence Act of 1986, the court, before granting relief, shall determine whether any order of protection has previously been entered in the instant proceeding or any other proceeding in which any party, or a child of any party, or both, if relevant, has been designated as either a respondent or a protected person.

Section 70. Severability. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application.

Section 905. The Illinois Administrative Procedure Act is amended by changing Section 10-65 as follows:

(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 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 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, and in cases in which a court has previously determined that an applicant or licensee has been in violation of the Non-Support Punishment Act for more than 60 days, 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 or the certification of violation made by the court. Further process, hearings, or redetermination of the delinquency or violation 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 or the court. 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 a hearing in accordance with the provisions of this Act concerning contested cases. At the 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).

Section 910. The Civil Administrative Code of Illinois is amended by changing Section 43a.14 as follows:

(20 ILCS 1005/43a.14)

Sec. 43a.14. Exchange of information for child support enforcement.

(a) To exchange with the Illinois Department of Public Aid information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of

Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

(b) Notwithstanding any provisions in this Code to the contrary, the Department of Employment Security shall not be liable to any person for any disclosure of information to the Illinois Department

of Public Aid under subsection (a) or for any other action taken in good faith to comply with the requirements of subsection (a).
(Source: P.A. 90-18, eff. 7-1-97.)

Section 915. The Civil Administrative Code of Illinois is amended by changing Section 60 as follows:

(20 ILCS 2105/60) (from Ch. 127, par. 60)

Sec. 60. Powers and duties. The Department of Professional Regulation shall have, subject to the provisions of this Act, the following powers and duties:

1. To authorize examinations in English to ascertain the qualifications and fitness of applicants to exercise the profession, trade, or occupation for which the examination is held.

2. To prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to exercise the respective professions, trades, or occupations.

3. To pass upon the qualifications of applicants for licenses, certificates, and authorities, whether by examination, by reciprocity, or by endorsement.

4. To prescribe rules and regulations defining, for the respective professions, trades, and occupations, what shall constitute a school, college, or university, or department of a university, or other institutions, reputable and in good standing and to determine the reputability and good standing of a school, college, or university, or department of a university, or other institution, reputable and in good standing by reference to a compliance with such rules and regulations: provided, that no school, college, or university, or department of a university or other institution that refuses admittance to applicants solely on account of race, color, creed, sex, or national origin shall be considered reputable and in good standing.

5. To conduct hearings on proceedings to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action as may be authorized in any licensing Act administered by the Department with regard to licenses, certificates, or authorities of persons exercising the respective professions, trades, or occupations, and to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action as may be authorized in any licensing Act administered by the Department with regard to such licenses, certificates, or authorities. The Department shall issue a monthly disciplinary report. The Department shall deny any license or renewal authorized by this Act to any person who has defaulted on an educational loan or scholarship provided by or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State; however, the Department may issue a license or renewal if the aforementioned persons have established a satisfactory repayment record as determined by the Illinois Student Assistance Commission or other appropriate governmental agency of this State. Additionally, beginning June 1, 1996, any license issued by the Department may be suspended or revoked if the Department, after the opportunity for a hearing under the appropriate licensing Act, finds that the licensee has failed to make satisfactory repayment to the Illinois Student Assistance Commission for a delinquent or defaulted loan. For the purposes of this Section, "satisfactory repayment record" shall be defined by rule. The Department shall refuse to issue or renew a

license to, or shall suspend or revoke a license of, any person who, after receiving notice, fails to comply with a subpoena or warrant relating to a paternity or child support proceeding. However, the Department may issue a license or renewal upon compliance with the subpoena or warrant.

The Department, without further process or hearings, shall revoke, suspend, or deny any license or renewal authorized by this Act to a person who is certified by the Illinois Department of Public Aid as being more than 30 days delinquent in complying with a child support order or who is certified by a court as being in violation of the Non-Support of Punishment Act for more than 60 days; the Department may, however, issue a license or renewal if the person has established a satisfactory repayment record as determined by the Illinois Department of Public Aid or if the person is determined by the court to be in compliance with the Non-Support Punishment Act. The Department may implement this paragraph as added by Public Act 89-6 through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement this paragraph shall be considered an emergency and necessary for the public interest, safety, and welfare.

6. To transfer jurisdiction of any realty under the control of the Department to any other Department of the State Government, or to acquire or accept Federal lands, when such transfer, acquisition or acceptance is advantageous to the State and is approved in writing by the Governor.

7. To formulate rules and regulations as may be necessary for the enforcement of any act administered by the Department.

8. To exchange with the Illinois Department of Public Aid information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984. Notwithstanding any provisions in this Code to the contrary, the Department of Professional Regulation shall not be liable under any federal or State law to any person for any disclosure of information to the Illinois Department of Public Aid under this paragraph 8 or for any other action taken in good faith to comply with the requirements of this paragraph 8.

9. To perform such other duties as may be prescribed by law.

The Department may, when a fee is payable to the Department for a wall certificate of registration provided by the Department of Central Management Services, require that portion of the payment for printing and distribution costs be made directly or through the Department, to the Department of Central Management Services for deposit in the Paper and Printing Revolving Fund, the remainder shall be deposited in the General Revenue Fund.

For the purpose of securing and preparing evidence, and for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities, recoupment of investigative costs and other activities directed at suppressing the misuse and abuse of controlled substances, including those activities

set forth in Sections 504 and 508 of the Illinois Controlled Substances Act, the Director and agents appointed and authorized by the Director may expend such sums from the Professional Regulation Evidence Fund as the Director deems necessary from the amounts appropriated for that purpose and such sums may be advanced to the agent when the Director deems such procedure to be in the public interest. Sums for the purchase of controlled substances,

professional services, and equipment necessary for enforcement activities and other activities as set forth in this Section shall be advanced to the agent who is to make such purchase from the Professional Regulation Evidence Fund on vouchers signed by the Director. The Director and such agents are authorized to maintain one or more commercial checking accounts with any State banking corporation or corporations organized under or subject to the Illinois Banking Act for the deposit and withdrawal of moneys to be used for the purposes set forth in this Section; provided, that no check may be written nor any withdrawal made from any such account except upon the written signatures of 2 persons designated by the Director to write such checks and make such withdrawals. Vouchers for such expenditures must be signed by the Director and all such expenditures shall be audited by the Director and the audit shall be submitted to the Department of Central Management Services for approval.

Whenever the Department is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, then, upon request and payment of fees in conformance with the requirements of subsection 22 of Section 55a of the Civil Administrative Code of Illinois, the Department of State Police is authorized to furnish, pursuant to positive identification, such information contained in State files as is necessary to fulfill the request.

The provisions of this Section do not apply to private business and vocational schools as defined by Section 1 of the Private Business and Vocational Schools Act.

Beginning July 1, 1995, this Section does not apply to those professions, trades, and occupations licensed under the Real Estate License Act of 1983 nor does it apply to any permits, certificates, or other authorizations to do business provided for in the Land Sales Registration Act of 1989 or the Illinois Real Estate Time-Share Act. (Source: P.A. 89-6, eff. 3-6-95; 89-23, eff. 7-1-95; 89-237, eff. 8-4-95; 89-411, eff. 6-1-96; 89-626, eff. 8-9-96; 90-18, eff. 7-1-97.)

Section 920. The Civil Administrative Code of Illinois is amended by changing Section 39b12 as follows:

(20 ILCS 2505/39b12) (from Ch. 127, par. 39b12)

Sec. 39b12. Exchange of information.

(a) To exchange with any State, or local subdivisions thereof, or with the federal government, except when specifically prohibited by law, any information which may be necessary to efficient tax administration and which may be acquired as a result of the administration of the above laws.

(b) To exchange with the Illinois Department of Public Aid information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984. Notwithstanding any provisions in this Code to the contrary, the Department of Revenue shall not be liable to any person for any disclosure of information to the Illinois Department of Public Aid under this subsection (b) or for any other action taken in good faith to comply with the requirements of this subsection (b).
(Source: P.A. 90-18, eff. 7-1-97.)

Section 925. The Counties Code is amended by changing Section 3-5036.5 as follows:

(55 ILCS 5/3-5036.5)

Sec. 3-5036.5. Exchange of information for child support enforcement.

(a) The Recorder shall exchange with the Illinois Department of Public Aid information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

(b) Notwithstanding any provisions in this Code to the contrary, the Recorder shall not be liable to any person for any disclosure of information to the Illinois Department of Public Aid under subsection (a) or for any other action taken in good faith to comply with the requirements of subsection (a).
(Source: P.A. 90-18, eff. 7-1-97.)

Section 930. The Collection Agency Act is amended by changing Section 2.04 as follows:

(225 ILCS 425/2.04) (from Ch. 111, par. 2005.1)

Sec. 2.04. Child support indebtedness.

(a) Persons, associations, partnerships, or corporations engaged in the business of collecting child support indebtedness owing under a court order as provided under the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Illinois Parentage Act of 1984, or similar laws of other states are not restricted (i) in the frequency of contact with an obligor who is in arrears, whether by phone, mail, or other means, (ii) from contacting the employer of an obligor who is in arrears, (iii) from publishing or threatening to publish a list of obligors in arrears, (iv) from disclosing or threatening to disclose an arrearage that the obligor disputes, but for which a verified notice of delinquency has been served under the Income Withholding for Support Act (or any of its predecessors, Section 10-16.2 of the Illinois Public Aid Code, Section 706.1 of the Illinois Marriage and Dissolution of Marriage Act, Section 4.1 of the Non-Support of Spouse and Children Act,

Section 26.1 of the Revised Uniform Reciprocal Enforcement of Support Act, or Section 20 of the Illinois Parentage Act of 1984), or (v) from engaging in conduct that would not cause a reasonable person mental or physical illness. For purposes of this subsection, "obligor" means an individual who owes a duty to make periodic payments, under a court order, for the support of a child. "Arrearage" means the total amount of an obligor's unpaid child support obligations.

(b) The Department shall adopt rules necessary to administer and enforce the provisions of this Section.

(Source: P.A. 90-673, eff. 1-1-99.)

Section 935. The Illinois Public Aid Code is amended by changing Sections 10-3.1, 10-10, 10-17, 10-19, 10-25, 10-25.5, and 12-4.7c and by adding Sections 4-1.6b and 12-12.1 as follows:

(305 ILCS 5/4-1.6b new)

Sec. 4-1.6b. Child Support Pays Program.

(a) There is created the Child Support Pays Program under which the Department shall pay to families receiving cash assistance under this Article who have earned income an amount equal to whichever of the following is greater: (1) two-thirds of the current monthly child support collected on behalf of the members of the assistance unit; or (2) the amount of current monthly child support collected on behalf of the members of the assistance unit required to be paid to the family pursuant to administrative rule. The child support passed through to a family pursuant to this Section shall not affect the

family's eligibility for assistance or decrease any amount otherwise payable as assistance to the family under this Article until the family's gross income from employment, non-exempt unearned income, and the gross current monthly child support collected on the family's behalf equals or exceeds 3 times the payment level for the assistance unit, at which point cash assistance to the family may be terminated.

(b) In consultation with the Child Support Advisory Committee, the Department shall conduct an evaluation of the Child Support Pays Program by December 31, 2003. The evaluation shall include but not be limited to:

(1) the amount of child support collections on behalf of children of TANF recipients who have earned income compared with TANF recipients who do not have earned income;

(2) the regularity of child support payments made on behalf of children of TANF recipients who have earned income, both with respect to newly established child support orders and existing orders; and

(3) the number of parentage establishments for children of TANF recipients who have earned income.

In order to be able to evaluate the Child Support Pays Program, the Department shall conduct an outreach program to publicize the availability of the Program to TANF recipients.

(305 ILCS 5/10-3.1) (from Ch. 23, par. 10-3.1)

Sec. 10-3.1. Child and Spouse Support Unit. The Illinois Department shall establish within its administrative staff a Child and Spouse Support Unit to search for and locate absent parents and spouses liable for the support of persons resident in this State and

to exercise the support enforcement powers and responsibilities assigned the Department by this Article. The unit shall cooperate with all law enforcement officials in this State and with the authorities of other States in locating persons responsible for the support of persons resident in other States and shall invite the cooperation of these authorities in the performance of its duties.

In addition to other duties assigned the Child and Spouse Support Unit by this Article, the Unit may refer to the Attorney General or units of local government with the approval of the Attorney General, any actions under Sections 10-10 and 10-15 for judicial enforcement of the support liability. The Child and Spouse Support Unit shall act for the Department in referring to the Attorney General support matters requiring judicial enforcement under other laws. If requested by the Attorney General to so act, as provided in Section 12-16, attorneys of the Unit may assist the Attorney General or themselves institute actions in behalf of the Illinois Department under the Revised Uniform Reciprocal Enforcement of Support Act; under the Illinois Parentage Act of 1984; under the Non-Support of Spouse and Children Act; under the Non-Support Punishment Act; or under any other law, State or Federal, providing for support of a spouse or dependent child.

The Illinois Department shall also have the authority to enter into agreements with local governmental units or individuals, with the approval of the Attorney General, for the collection of moneys owing because of the failure of a parent to make child support payments for any child receiving services under this Article. Such agreements may be on a contingent fee basis, but such contingent fee shall not exceed 25% of the total amount collected.

An attorney who provides representation pursuant to this Section shall represent the Illinois Department exclusively. Regardless of the designation of the plaintiff in an action brought pursuant to this Section, an attorney-client relationship does not exist for purposes of that action between that attorney and (i) an applicant for or recipient of child and spouse support services or (ii) any

other party to the action other than the Illinois Department. Nothing in this Section shall be construed to modify any power or duty (including a duty to maintain confidentiality) of the Child and Spouse Support Unit or the Illinois Department otherwise provided by law.

The Illinois Department may also enter into agreements with local governmental units for the Child and Spouse Support Unit to exercise the investigative and enforcement powers designated in this Article, including the issuance of administrative orders under Section 10-11, in locating responsible relatives and obtaining support for persons applying for or receiving aid under Article VI. Payments for defrayment of administrative costs and support payments obtained shall be deposited into the Public Assistance Recoveries Trust Fund. Support payments shall be paid over to the General Assistance Fund of the local governmental unit at such time or times as the agreement may specify.

With respect to those cases in which it has support enforcement powers and responsibilities under this Article, the Illinois

Department may provide by rule for periodic or other review of each administrative and court order for support to determine whether a modification of the order should be sought. The Illinois Department shall provide for and conduct such review in accordance with any applicable federal law and regulation.

As part of its process for review of orders for support, the Illinois Department, through written notice, may require the responsible relative to disclose his or her Social Security Number and past and present information concerning the relative's address, employment, gross wages, deductions from gross wages, net wages, bonuses, commissions, number of dependent exemptions claimed, individual and dependent health insurance coverage, and any other information necessary to determine the relative's ability to provide support in a case receiving child and spouse support services under this Article X.

The Illinois Department may send a written request for the same information to the relative's employer. The employer shall respond to the request for information within 15 days after the date the employer receives the request. If the employer willfully fails to fully respond within the 15-day period, the employer shall pay a penalty of $100 for each day that the response is not provided to the Illinois Department after the 15-day period has expired. The penalty may be collected in a civil action which may be brought against the employer in favor of the Illinois Department.

A written request for information sent to an employer pursuant to this Section shall consist of (i) a citation of this Section as the statutory authority for the request and for the employer's obligation to provide the requested information, (ii) a returnable form setting forth the employer's name and address and listing the name of the employee with respect to whom information is requested, and (iii) a citation of this Section as the statutory authority authorizing the employer to withhold a fee of up to $20 from the wages or income to be paid to each responsible relative for providing the information to the Illinois Department within the 15-day period. If the employer is withholding support payments from the responsible relative's income pursuant to an order for withholding, the employer may withhold the fee provided for in this Section only after withholding support as required under the order. Any amounts withheld from the responsible relative's income for payment of support and the fee provided for in this Section shall not be in excess of the amounts permitted under the federal Consumer Credit Protection Act.

In a case receiving child and spouse support services, the Illinois Department may request and obtain information from a

particular employer under this Section no more than once in any 12-month period, unless the information is necessary to conduct a review of a court or administrative order for support at the request of the person receiving child and spouse support services.

The Illinois Department shall establish and maintain an administrative unit to receive and transmit to the Child and Spouse Support Unit information supplied by persons applying for or receiving child and spouse support services under Section 10-1. In addition, the Illinois Department shall address and respond to any

alleged deficiencies that persons receiving or applying for services from the Child and Spouse Support Unit may identify concerning the Child and Spouse Support Unit's provision of child and spouse support services. Within 60 days after an action or failure to act by the Child and Spouse Support Unit that affects his or her case, a recipient of or applicant for child and spouse support services under Article X of this Code may request an explanation of the Unit's handling of the case. At the requestor's option, the explanation may be provided either orally in an interview, in writing, or both. If the Illinois Department fails to respond to the request for an explanation or fails to respond in a manner satisfactory to the applicant or recipient within 30 days from the date of the request for an explanation, the applicant or recipient may request a conference for further review of the matter by the Office of the Administrator of the Child and Spouse Support Unit. A request for a conference may be submitted at any time within 60 days after the explanation has been provided by the Child and Spouse Support Unit or within 60 days after the time for providing the explanation has expired.

The applicant or recipient may request a conference concerning any decision denying or terminating child or spouse support services under Article X of this Code, and the applicant or recipient may also request a conference concerning the Unit's failure to provide services or the provision of services in an amount or manner that is considered inadequate. For purposes of this Section, the Child and Spouse Support Unit includes all local governmental units or individuals with whom the Illinois Department has contracted under Section 10-3.1.

Upon receipt of a timely request for a conference, the Office of the Administrator shall review the case. The applicant or recipient requesting the conference shall be entitled, at his or her option, to appear in person or to participate in the conference by telephone. The applicant or recipient requesting the conference shall be entitled to be represented and to be afforded a reasonable opportunity to review the Illinois Department's file before or at the conference. At the conference, the applicant or recipient requesting the conference shall be afforded an opportunity to present all relevant matters in support of his or her claim. Conferences shall be without cost to the applicant or recipient requesting the conference and shall be conducted by a representative of the Child or Spouse Support Unit who did not participate in the action or inaction being reviewed.

The Office of the Administrator shall conduct a conference and inform all interested parties, in writing, of the results of the conference within 60 days from the date of filing of the request for a conference.

In addition to its other powers and responsibilities established by this Article, the Child and Spouse Support Unit shall conduct an annual assessment of each institution's program for institution based paternity establishment under Section 12 of the Vital Records Act.
(Source: P.A. 90-18, eff. 7-1-97.)

(305 ILCS 5/10-10) (from Ch. 23, par. 10-10)

Sec. 10-10. Court enforcement; applicability also to persons who are not applicants or recipients. Except where the Illinois Department, by agreement, acts for the local governmental unit, as provided in Section 10-3.1, local governmental units shall refer to the State's Attorney or to the proper legal representative of the governmental unit, for judicial enforcement as herein provided, instances of non-support or insufficient support when the dependents are applicants or recipients under Article VI. The Child and Spouse Support Unit established by Section 10-3.1 may institute in behalf of the Illinois Department any actions under this Section for judicial enforcement of the support liability when the dependents are (a) applicants or recipients under Articles III, IV, V or VII (b) applicants or recipients in a local governmental unit when the Illinois Department, by agreement, acts for the unit; or (c) non-applicants or non-recipients who are receiving support enforcement services under this Article X, as provided in Section 10-1. Where the Child and Spouse Support Unit has exercised its option and discretion not to apply the provisions of Sections 10-3 through 10-8, the failure by the Unit to apply such provisions shall not be a bar to bringing an action under this Section.

Action shall be brought in the circuit court to obtain support, or for the recovery of aid granted during the period such support was not provided, or both for the obtainment of support and the recovery of the aid provided. Actions for the recovery of aid may be taken separately or they may be consolidated with actions to obtain support. Such actions may be brought in the name of the person or persons requiring support, or may be brought in the name of the Illinois Department or the local governmental unit, as the case requires, in behalf of such persons.

The court may enter such orders for the payment of moneys for the support of the person as may be just and equitable and may direct payment thereof for such period or periods of time as the circumstances require, including support for a period before the date the order for support is entered. The order may be entered against any or all of the defendant responsible relatives and may be based upon the proportionate ability of each to contribute to the person's support.

The Court shall determine the amount of child support (including child support for a period before the date the order for child support is entered) by using the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act. For purposes of determining the amount of child support to be paid for a period before the date the order for child support is entered, there is a rebuttable presumption that the responsible relative's net income for that period was the same as his or her net income at the time the order is entered.

If (i) the responsible relative was properly served with a request for discovery of financial information relating to the responsible relative's ability to provide child support, (ii) the responsible relative failed to comply with the request, despite having been ordered to do so by the court, and (iii) the responsible relative is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the responsible relative's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish

any further foundation for its admission.

An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment,

and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.

The Court shall determine the amount of maintenance using the standards set forth in Section 504 of the Illinois Marriage and Dissolution of Marriage Act.

Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. Any such judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

When an order is entered for the support of a minor, the court may provide therein for reasonable visitation of the minor by the person or persons who provided support pursuant to the order. Whoever willfully refuses to comply with such visitation order or willfully interferes with its enforcement may be declared in contempt of court and punished therefor.

Except where the local governmental unit has entered into an agreement with the Illinois Department for the Child and Spouse Support Unit to act for it, as provided in Section 10-3.1, support orders entered by the court in cases involving applicants or recipients under Article VI shall provide that payments thereunder be made directly to the local governmental unit. Orders for the support of all other applicants or recipients shall provide that payments thereunder be made directly to the Illinois Department. In accordance with federal law and regulations, the Illinois Department may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public

assistance and until termination of services under Article X. The Illinois Department shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. In both cases the order shall permit the local governmental unit or the Illinois Department, as the case may be, to direct the responsible relative or relatives to make support payments directly to the needy person, or to some person or agency in his behalf, upon removal of the person from the public aid rolls or upon termination of services under Article X.

If the notice of support due issued pursuant to Section 10-7 directs that support payments be made directly to the needy person, or to some person or agency in his behalf, and the recipient is

removed from the public aid rolls, court action may be taken against the responsible relative hereunder if he fails to furnish support in accordance with the terms of such notice.

Actions may also be brought under this Section in behalf of any person who is in need of support from responsible relatives, as defined in Section 2-11 of Article II who is not an applicant for or recipient of financial aid under this Code. In such instances, the State's Attorney of the county in which such person resides shall bring action against the responsible relatives hereunder. If the Illinois Department, as authorized by Section 10-1, extends the support services provided by this Article to spouses and dependent children who are not applicants or recipients under this Code, the Child and Spouse Support Unit established by Section 10-3.1 shall bring action against the responsible relatives hereunder and any support orders entered by the court in such cases shall provide that payments thereunder be made directly to the Illinois Department.

Whenever it is determined in a proceeding to establish or enforce a child support or maintenance obligation that the person owing a duty of support is unemployed, the court may order the person to seek employment and report periodically to the court with a diary, listing or other memorandum of his or her efforts in accordance with such order. Additionally, the court may order the unemployed person to report to the Department of Employment Security for job search services or to make application with the local Jobs Training Partnership Act provider for participation in job search, training or work programs and where the duty of support is owed to a child receiving support services under this Article X, the court may order the unemployed person to report to the Illinois Department for participation in job search, training or work programs established under Section 9-6 and Article IXA of this Code.

Whenever it is determined that a person owes past-due support for a child receiving assistance under this Code, the court shall order at the request of the Illinois Department:

(1) that the person pay the past-due support in accordance with a plan approved by the court; or

(2) if the person owing past-due support is unemployed, is subject to such a plan, and is not incapacitated, that the person participate in such job search, training, or work programs established under Section 9-6 and Article IXA of this Code as the

court deems appropriate.

A determination under this Section shall not be administratively reviewable by the procedures specified in Sections 10-12, and 10-13 to 10-13.10. Any determination under these Sections, if made the basis of court action under this Section, shall not affect the de novo judicial determination required under this Section.

A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of this Code and shall be enforced by the court upon petition.

All orders for support, when entered or modified, shall include a provision requiring the non-custodial parent to notify the court and, in cases in which a party is receiving child and spouse support services under this Article X, the Illinois Department, within 7 days, (i) of the name, address, and telephone number of any new employer of the non-custodial parent, (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support

order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Code, which service shall be sufficient for purposes of due process.

~~in accordance with the Income Withholding for Support Act~~

An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this paragraph shall be construed to prevent the court from modifying the order.

Upon notification in writing or by electronic transmission from the Illinois Department to the clerk of the court that a person who is receiving support payments under this Section is receiving services under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, any support payments subsequently received by the clerk of the court shall be transmitted in accordance with the instructions of the Illinois Department until the Illinois Department gives notice to the clerk of the court to cease the transmittal. After providing the notification authorized under this paragraph, the Illinois Department shall be entitled as a party to notice of any further proceedings in the case. The clerk of the court shall file a copy of the Illinois Department's notification in the court file. The clerk's failure to file a copy of the notification in the court file shall not, however, affect the Illinois Department's right to receive notice of further proceedings.

Payments under this Section to the Illinois Department pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All other payments under this Section to the Illinois Department shall be deposited in the Public Assistance Recoveries Trust Fund. Disbursements from these funds shall be as provided in Sections 12-9 and 12-10.2 of this Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.
(Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98; 90-655, eff. 7-30-98; 90-673, eff. 1-1-99; 90-790, eff. 8-14-98; revised 9-14-98.)

(305 ILCS 5/10-17) (from Ch. 23, par. 10-17)

Sec. 10-17. Other Actions and Remedies for Support.~~)~~ The procedures, actions and remedies provided in this Article shall in no way be exclusive, but shall be available in addition to other actions and remedies of support, including, but not by way of limitation, the remedies provided in (a) the "Paternity Act", approved July 5, 1957, as amended; (b) the "Non-Support of Spouse and Children Act", approved June 24, 1915, as amended; (b-5) the Non-Support Punishment Act; and (c) the "Revised Uniform Reciprocal Enforcement of Support Act", approved August 28, 1969, as amended.
(Source: P.A. 79-474.)

(305 ILCS 5/10-19) (from Ch. 23, par. 10-19)

Sec. 10-19. (Support Payments Ordered Under Other Laws - Where Deposited.) The Illinois Department and local governmental units are authorized to receive payments directed by court order for the support of recipients, as provided in the following Acts:

1. "Non-Support of Spouse and Children Act", approved June 24, 1915, as amended,

1.5. The Non-Support Punishment Act,

2. "Illinois Marriage and Dissolution of Marriage Act", as now

or hereafter amended,

3. The Illinois Parentage Act, as amended,

4. "Revised Uniform Reciprocal Enforcement of Support Act", approved August 28, 1969, as amended,

5. The Juvenile Court Act or the Juvenile Court Act of 1987, as amended,

6. The "Unified Code of Corrections", approved July 26, 1972, as amended,

7. Part 7 of Article XII of the Code of Civil Procedure, as amended,

8. Part 8 of Article XII of the Code of Civil Procedure, as amended, and

9. Other laws which may provide by judicial order for direct payment of support moneys.

Payments under this Section to the Illinois Department pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All other payments under this Section to the Illinois Department shall be deposited in the Public Assistance Recoveries Trust Fund. Disbursements from these funds shall be as provided in Sections 12-9 and 12-10.2 of this Code. Payments received

by a local governmental unit shall be deposited in that unit's General Assistance Fund.
(Source: P.A. 86-1028.)

(305 ILCS 5/10-25)

Sec. 10-25. Administrative liens and levies on real property for past-due child support.

(a) The State shall have a lien on all legal and equitable interests of responsible relatives in their real property in the amount of past-due child support owing pursuant to an order for child support entered under Sections 10-10 and 10-11 of this Code, or under the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

(b) The Illinois Department shall provide by rule for notice to and an opportunity to be heard by each responsible relative affected, and any final administrative decision rendered by the Illinois Department shall be reviewed only under and in accordance with the Administrative Review Law.

(c) When enforcing a lien under subsection (a) of this Section, the Illinois Department shall have the authority to execute notices of administrative liens and levies, which shall contain the name and address of the responsible relative, a legal description of the real property to be levied, the fact that a lien is being claimed for past-due child support, and such other information as the Illinois Department may by rule prescribe. The Illinois Department shall record the notice of lien with the recorder or registrar of titles of the county or counties in which the real estate is located.

(d) The State's lien under subsection (a) shall be enforceable upon the recording or filing of a notice of lien with the recorder or registrar of titles of the county or counties in which the real estate is located. The lien shall be prior to any lien thereafter recorded or filed and shall be notice to a subsequent purchaser, assignor, or encumbrancer of the existence and nature of the lien. The lien shall be inferior to the lien of general taxes, special assessment, and special taxes heretofore or hereafter levied by any political subdivision or municipal corporation of the State.

In the event that title to the land to be affected by the notice of lien is registered under the Registered Titles (Torrens) Act, the notice shall be filed in the office of the registrar of titles as a

memorial or charge upon each folium of the register of titles affected by the notice; but the State shall not have a preference over the rights of any bona fide purchaser, mortgagee, judgment creditor, or other lien holders registered prior to the registration of the notice.

(e) The recorder or registrar of titles of each county shall procure a file labeled "Child Support Lien Notices" and an index book labeled "Child Support Lien Notices". When notice of any lien is presented to the recorder or registrar of titles for filing, the recorder or registrar of titles shall file it in numerical order in the file and shall enter it alphabetically in the index. The entry shall show the name and last known address of the person named in the

notice, the serial number of the notice, the date and hour of filing, and the amount of child support due at the time when the lien is filed.

(f) The Illinois Department shall not be required to furnish bond or make a deposit for or pay any costs or fees of any court or officer thereof in any legal proceeding involving the lien.

(g) To protect the lien of the State for past-due child support, the Illinois Department may, from funds that are available for that purpose, pay or provide for the payment of necessary or essential repairs, purchase tax certificates, pay balances due on land contracts, or pay or cause to be satisfied any prior liens on the property to which the lien hereunder applies.

(h) A lien on real property under this Section shall be released pursuant to Section 12-101 of the Code of Civil Procedure.

(i) The Illinois Department, acting in behalf of the State, may foreclose the lien in a judicial proceeding to the same extent and in the same manner as in the enforcement of other liens. The process, practice, and procedure for the foreclosure shall be the same as provided in the Code of Civil Procedure.

(Source: P.A. 90-18, eff. 7-1-97.)

(305 ILCS 5/10-25.5)

Sec. 10-25.5. Administrative liens and levies on personal property for past-due child support.

(a) The State shall have a lien on all legal and equitable interests of responsible relatives in their personal property, including any account in a financial institution as defined in Section 10-24, or in the case of an insurance company or benefit association only in accounts as defined in Section 10-24, in the amount of past-due child support owing pursuant to an order for child support entered under Sections 10-10 and 10-11 of this Code, or under the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

(b) The Illinois Department shall provide by rule for notice to and an opportunity to be heard by each responsible relative affected, and any final administrative decision rendered by the Illinois Department shall be reviewed only under and in accordance with the Administrative Review Law.

(c) When enforcing a lien under subsection (a) of this Section, the Illinois Department shall have the authority to execute notices of administrative liens and levies, which shall contain the name and address of the responsible relative, a description of the property to be levied, the fact that a lien is being claimed for past-due child support, and such other information as the Illinois Department may by rule prescribe. The Illinois Department may serve the notice of lien or levy upon any financial institution where the accounts as defined in Section 10-24 of the responsible relative may be held, for encumbrance or surrender of the accounts as defined in Section 10-24

by the financial institution.

(d) The Illinois Department shall enforce its lien against the responsible relative's personal property, other than accounts as

defined in Section 10-24 in financial institutions, and levy upon such personal property in the manner provided for enforcement of judgments contained in Article XII of the Code of Civil Procedure.

(e) The Illinois Department shall not be required to furnish bond or make a deposit for or pay any costs or fees of any court or officer thereof in any legal proceeding involving the lien.

(f) To protect the lien of the State for past-due child support, the Illinois Department may, from funds that are available for that purpose, pay or provide for the payment of necessary or essential repairs, purchase tax certificates, or pay or cause to be satisfied any prior liens on the property to which the lien hereunder applies.

(g) A lien on personal property under this Section shall be released in the manner provided under Article XII of the Code of Civil Procedure. Notwithstanding the foregoing, a lien under this Section on accounts as defined in Section 10-24 shall expire upon the passage of 120 days from the date of issuance of the Notice of Lien or Levy by the Illinois Department. However, the lien shall remain in effect during the pendency of any appeal or protest.

(h) A lien created under this Section is subordinate to any prior lien of the financial institution or any prior lien holder or any prior right of set-off that the financial institution may have against the assets, or in the case of an insurance company or benefit association only in the accounts as defined in Section 10-24.

(i) A financial institution has no obligation under this Section to hold, encumber, or surrender the assets, or in the case of an insurance company or benefit association only the accounts as defined in Section 10-24, until the financial institution has been properly served with a subpoena, summons, warrant, court or administrative order, or administrative lien and levy requiring that action.

(Source: P.A. 90-18, eff. 7-1-97.)

(305 ILCS 5/12-4.7c)

Sec. 12-4.7c. Exchange of information after July 1, 1997.

(a) The Department of Human Services shall exchange with the Illinois Department of Public Aid information that may be necessary for the enforcement of child support orders entered pursuant to Sections 10-10 and 10-11 of this Code or pursuant to the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

(b) Notwithstanding any provisions in this Code to the contrary, the Department of Human Services shall not be liable to any person for any disclosure of information to the Illinois Department of Public Aid under subsection (a) or for any other action taken in good faith to comply with the requirements of subsection (a).

(Source: P.A. 90-18, eff. 7-1-97.)

(305 ILCS 5/12-12.1 new)

Sec. 12-12.1. World Wide Web page. The Illinois Department of Public Aid shall 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. The information regarding each of the individuals shall include the individual's name, a photograph if available, the 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 shall 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.

Before including information on the World Wide Web page concerning an individual who owes past due support, the Illinois Department shall, 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 940. The Vital Records Act is amended by changing Section 24 as follows:

(410 ILCS 535/24) (from Ch. 111 1/2, par. 73-24)

Sec. 24. (1) To protect the integrity of vital records, to insure their proper use, and to insure the efficient and proper administration of the vital records system, access to vital records, and indexes thereof, including vital records in the custody of local registrars and county clerks originating prior to January 1, 1916, is limited to the custodian and his employees, and then only for administrative purposes, except that the indexes of those records in the custody of local registrars and county clerks, originating prior to January 1, 1916, shall be made available to persons for the purpose of genealogical research. Original, photographic or microphotographic reproductions of original records of births 100 years old and older and deaths 50 years old and older, and marriage records 75 years old and older on file in the State Office of Vital Records and in the custody of the county clerks may be made available for inspection in the Illinois State Archives reference area, Illinois Regional Archives Depositories, and other libraries approved by the Illinois State Registrar and the Director of the Illinois State Archives, provided that the photographic or microphotographic copies are made at no cost to the county or to the State of Illinois. It is unlawful for any custodian to permit inspection of, or to disclose information contained in, vital records, or to copy or permit to be copied, all or part of any such record except as authorized by this Act or regulations adopted pursuant thereto.

(2) The State Registrar of Vital Records, or his agent, and any municipal, county, multi-county, public health district, or regional health officer recognized by the Department may examine vital records for the purpose only of carrying out the public health programs and responsibilities under his jurisdiction.

(3) The State Registrar of Vital Records, may disclose, or authorize the disclosure of, data contained in the vital records when deemed essential for bona fide research purposes which are not for private gain.

This amendatory Act of 1973 does not apply to any home rule unit.

(4) The State Registrar shall exchange with the Illinois

Department of Public Aid information that may be necessary for the establishment of paternity and the establishment, modification, and enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984. Notwithstanding any provisions in this Act to the contrary, the State Registrar shall not be liable to any person for any disclosure of information to the Illinois Department of

Public Aid under this subsection or for any other action taken in good faith to comply with the requirements of this subsection.
(Source: P.A. 90-18, eff. 7-1-97.)

Section 945. The Illinois Vehicle Code is amended by changing Sections 2-109.1, 7-701, 7-702, 7-702.1, and 7-703 and by adding Sections 7-702.2, 7-705.1 and 7-706.1 as follows:

(625 ILCS 5/2-109.1)

Sec. 2-109.1. Exchange of information.

(a) The Secretary of State shall exchange information with the Illinois Department of Public Aid which may be necessary for the establishment of paternity and the establishment, modification, and enforcement of child support orders pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

(b) Notwithstanding any provisions in this Code to the contrary, the Secretary of State shall not be liable to any person for any disclosure of information to the Illinois Department of Public Aid under subsection (a) or for any other action taken in good faith to comply with the requirements of subsection (a).
(Source: P.A. 90-18, eff. 7-1-97.)

(625 ILCS 5/7-701)

Sec. 7-701. Findings and purpose. The General Assembly finds that the timely receipt of adequate financial support has the effect of reducing poverty and State expenditures for welfare dependency among children, and that the timely payment of adequate child support demonstrates financial responsibility. Further, the General Assembly finds that the State has a compelling interest in ensuring that drivers within the State demonstrate financial responsibility, including family financial responsibility, in order to safely own and operate a motor vehicle. To this end, the Secretary of State is authorized to establish systems ~~a system~~ to suspend driver's licenses for failure to comply with court orders of support.
(Source: P.A. 89-92, eff. 7-1-96.)

(625 ILCS 5/7-702)

Sec. 7-702. Suspension of driver's license for failure to pay child support.

(a) The Secretary of State shall suspend the driver's license issued to an obligor upon receiving an authenticated report provided for in subsection (a) of Section 7-703, that the person is 90 days or

more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days obligation or more, and has been found in contempt by the court for failure to pay the support.

(b) The circuit court shall certify in an authenticated report to the Secretary of State, as provided in subsection (b) of Section 7-703, when an obligor is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days obligation or more but has not been found in contempt of court. Upon receiving a certification from the circuit court under this subsection (b), the Secretary of State shall suspend the obligor's driver's license until such time as the obligor becomes current in the support obligation.

(Source: P.A. 89-92, eff. 7-1-96.)

(625 ILCS 5/7-702.1)

Sec. 7-702.1. Family financial responsibility driving permits. Following the entry of an order that an obligor has been found in contempt by the court for failure to pay court ordered child support payments or upon a motion by the obligor who has had his or her

driver's license suspended pursuant to subsection (b) of Section 7-702, the court may enter an order directing the Secretary of State to issue a family financial responsibility driving permit for the purpose of providing the obligor the privilege of operating a motor vehicle between the obligor's residence and place of employment, or within the scope of employment related duties; or for the purpose of providing transportation for the obligor or a household member to receive alcohol treatment, other drug treatment, or medical care. The court may enter an order directing the issuance of a permit only if the obligor has proven to the satisfaction of the court that no alternative means of transportation are reasonably available for the above stated purposes. No permit shall be issued to a person under the age of 16 years who possesses an instruction permit.

Upon entry of an order granting the issuance of a permit to an obligor, the court shall report this finding to the Secretary of State on a form prescribed by the Secretary. This form shall state whether the permit has been granted for employment or medical purposes and the specific days and hours for which limited driving privileges have been granted.

The family financial responsibility driving permit shall be subject to cancellation, invalidation, suspension, and revocation by the Secretary of State in the same manner and for the same reasons as a driver's license may be cancelled, invalidated, suspended, or revoked.

The Secretary of State shall, upon receipt of a certified court order from the court of jurisdiction, issue a family financial responsibility driving permit. In order for this permit to be issued, an individual's driving privileges must be valid except for the family financial responsibility suspension. This permit shall be valid only for employment and medical purposes as set forth above. The permit shall state the days and hours for which limited driving privileges have been granted.

Any submitted court order that contains insufficient data or

fails to comply with any provision of this Code shall not be used for issuance of the permit or entered to the individual's driving record but shall be returned to the court of jurisdiction indicating why the permit cannot be issued at that time. The Secretary of State shall also send notice of the return of the court order to the individual requesting the permit.
(Source: P.A. 89-92, eff. 7-1-96; 90-369, eff. 1-1-98.)

(625 ILCS 5/7-702.2 new)

Sec. 7-702.2. Written agreement to pay past-due support.

(a) An obligor who is presently unable to pay all past-due support and is subject to having his or her license suspended pursuant to subsection (b) of Section 7-702 may come into compliance with the court order for support by executing a written payment agreement that is approved by the court and by complying with that agreement. A condition of a written payment agreement must be that the obligor pay the current child support when due. Before a written payment agreement is executed, the obligor shall:

(1) Disclose fully to the court in writing, on a form prescribed by the court, the obligor's financial circumstances, including income from all sources, assets, liabilities, and work history for the past year; and

(2) Provide documentation to the court concerning the obligor's financial circumstances, including copies of the most recent State and federal income tax returns, both personal and business; a copy of a recent pay stub representative of a current income; and copies of other records that show the obligor's income and the present level of assets held by the obligor.

(b) After full disclosure, the court may determine the obligor's

ability to pay past-due support and may approve a written payment agreement consistent with the obligor's ability to pay, not to exceed the court-ordered support.

(625 ILCS 5/7-703)

Sec. 7-703. Courts to report non-payment of court ordered support.

(a) The clerk of the circuit court, as provided in subsection (b) of Section 7-702 of this Act and subsection (b) of Section 505 of the Illinois Marriage and Dissolution of Marriage Act or as provided in Section 15 of the Illinois Parentage Act of 1984, shall forward to the Secretary of State, on a form prescribed by the Secretary, an authenticated document certifying the court's order suspending the driving privileges of the obligor. For any such certification, the clerk of the court shall charge the obligor a fee of $5 as provided in the Clerks of Courts Act.

(b) If an obligor is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days obligation or more but has not been held in contempt of court, the circuit court shall forward to the Secretary of State an authenticated document certifying that an obligor is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days obligation or more.
(Source: P.A. 89-92, eff. 7-1-96; 89-626, eff. 8-9-96.)

(625 ILCS 5/7-705.1 new)

Sec. 7-705.1. Notice of noncompliance with support order. Before forwarding to the Secretary of State the authenticated report under subsection (b) of Section 7-703, the circuit court must serve notice upon the obligor of its intention to certify the obligor to the Secretary of State as an individual who is not in compliance with an order of support. The notice must inform the obligor that:

(a) If the obligor is presently unable to pay all past-due support, the obligor may come into compliance with the support order by executing a written payment agreement with the court, as provided in Section 7-702.2, and by complying with that agreement;

(b) The obligor may contest the issue of compliance at a hearing;

(c) A request for a hearing must be made in writing and must be received by the clerk of the circuit court;

(d) If the obligor does not request a hearing to contest the issue of compliance, the obligor's driver's license shall be suspended on the 45th day following the date of mailing of the notice of noncompliance;

(e) If the circuit court certifies the obligor to the Secretary of State for noncompliance with an order of support, the Secretary of State must suspend any driver's license or instruction permit the obligor holds and the obligor's right to apply for or obtain a driver's license or instruction permit until the obligor comes into compliance with the order of support;

(f) If the obligor files a motion to modify support with the court or requests the court to modify a support obligation, the circuit court shall stay action to certify the obligor to the Secretary of State for noncompliance with an order of support; and

(g) The obligor may comply with an order of support by doing all of the following:

(1) Paying the current support;

(2) Paying all past-due support or, if unable to pay all past-due support and a periodic payment for past due support has not been ordered by the court, by making periodic payments in accordance with a written payment agreement approved by the court; and

(3) Meeting the obligor's health insurance obligation.

The notice must include the address and telephone number of the clerk of the circuit court. The clerk of the circuit court shall attach a copy of the obligor's order of support to the notice. The notice must be served by certified mail, return receipt requested, by service in hand, or as specified in the Code of Civil Procedure.

(625 ILCS 5/7-706.1 new)

Sec. 7-706.1. Hearing for compliance with support order.

(a) An obligor may request in writing to the clerk of the circuit court a hearing to contest the claim of noncompliance with an order of support and his or her subsequent driver's license suspension under subsection (b) of Section 7-702.

(b) If a written request for a hearing is received by the clerk of the circuit court, the clerk of the circuit court shall set the hearing before the circuit court.

(c) Upon the obligor's written request, the court must set a date for a hearing and afford the obligor an opportunity for a hearing as early as practical.

(d) The scope of this hearing is limited to the following issues:

(1) Whether the obligor is required to pay child support under an order of support.

(2) Whether the obligor is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days obligation or more.

(3) Any additional issues raised by the obligor, including the reasonableness of a payment agreement in light of the obligor's current financial circumstances, to be preserved for appeal.

(e) All hearings and hearing procedures shall comply with requirements of the Illinois Constitution and the United States Constitution, so that no person is deprived of due process of law nor denied equal protection of the laws. All hearings shall be held before a judge of the circuit court in the county in which the support order has been entered. Appropriate records of the hearings shall be kept. Where a transcript of the hearing is taken, the person requesting the hearing shall have the opportunity to order a copy of the transcript at his or her own expense.

(f) The action of the circuit court resulting in the suspension of any driver's license shall be a final judgment for purposes of appellate review.

Section 950. The Clerks of Courts Act is amended by adding Section 15.1 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 and have been found to be in contempt of court as a result of the existence of that arrearage.

Section 955. The Unified Code of Corrections is amended by changing Section 3-5-4 as follows:

(730 ILCS 5/3-5-4)

Sec. 3-5-4. Exchange of information for child support enforcement.

(a) The Department shall exchange with the Illinois Department of Public Aid information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the

Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

(b) Notwithstanding any provisions in this Code to the contrary, the Department shall not be liable to any person for any disclosure of information to the Illinois Department of Public Aid under subsection (a) or for any other action taken in good faith to comply

with the requirements of subsection (a).
(Source: P.A. 90-18, eff. 1-1-97.)

Section 960. The Code of Civil Procedure is amended by changing Sections 2-1403 and 12-819 as follows:

(735 ILCS 5/2-1403) (from Ch. 110, par. 2-1403)

Sec. 2-1403. Judgment debtor as beneficiary of trust. No court, except as otherwise provided in this Section, shall order the satisfaction of a judgment out of any property held in trust for the judgment debtor if such trust has, in good faith, been created by, or the fund so held in trust has proceeded from, a person other than the judgment debtor. The income or principal of a trust shall be subject to withholding for the purpose of securing collection of unpaid child support obligations owed by the beneficiary as provided in Section 4.1 of the "Non-Support of Spouse and Children Act", Section 22 of the Non-Support Punishment Act, and similar Sections of other Acts which provide for support of a child as follows:

(1) income may be withheld if the beneficiary is entitled to a specified dollar amount or percentage of the income of the trust, or is the sole income beneficiary; and

(2) principal may be withheld if the beneficiary has a right to withdraw principal, but not in excess of the amount subject to withdrawal under the instrument, or if the beneficiary is the only beneficiary to whom discretionary payments of principal may be made by the trustee.
(Source: P.A. 85-1209.)

(735 ILCS 5/12-819) (from Ch. 110, par. 12-819)

Sec. 12-819. Limitations on part 8 of Article XII. The provisions of this Part 8 of Article XII of this Act do not apply to orders for withholding of income entered by the court under provisions of The Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act and the Paternity Act for support of a child or maintenance of a spouse.
(Source: P.A. 84-1043.)

Section 965. The Illinois Wage Assignment Act is amended by changing Section 11 as follows:

(740 ILCS 170/11) (from Ch. 48, par. 39.12)

Sec. 11. The provisions of this Act do not apply to orders for withholding of income entered by the court under provisions of The Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act and the Paternity Act for support of a child or maintenance of a spouse.
(Source: P.A. 83-658.)

Section 970. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Sections 505 and 713 and by adding Sections 714 and 715 as follows:

(750 ILCS 5/505) (from Ch. 40, par. 505)

Sec. 505. Child support; contempt; penalties.

(a) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity of marriage, a proceeding for child support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, a proceeding for

modification of a previous order for child support under Section 510 of this Act, or any proceeding authorized under Section 501 or 601 of this Act, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable and necessary for his support, without regard to marital misconduct. The duty of support owed to a minor child includes the obligation to provide for the reasonable and necessary physical, mental and emotional health needs of the child.

(1) The Court shall determine the minimum amount of support by using the following guidelines:

Number of Children	Percent of Supporting Party's Net Income
1	20%
2	25%
3	32%
4	40%
5	45%
6 or more	50%

(2) The above guidelines shall be applied in each case unless the court makes a finding that application of the guidelines would be inappropriate, after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:

(a) the financial resources and needs of the child;

(b) the financial resources and needs of the custodial parent;

(c) the standard of living the child would have enjoyed had the marriage not been dissolved;

(d) the physical and emotional condition of the child, and his educational needs; and

(e) the financial resources and needs of the non-custodial parent.

If the court deviates from the guidelines, the court's finding shall state the amount of support that would have been required under the guidelines, if determinable. The court shall include the reason or reasons for the variance from the guidelines.

(3) "Net income" is defined as the total of all income from all sources, minus the following deductions:

(a) Federal income tax (properly calculated withholding or estimated payments);

(b) State income tax (properly calculated withholding or estimated payments);

(c) Social Security (FICA payments);

(d) Mandatory retirement contributions required by law or as a condition of employment;

(e) Union dues;

(f) Dependent and individual health/hospitalization insurance premiums;

(g) Prior obligations of support or maintenance actually paid pursuant to a court order;

(h) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income, medical expenditures necessary to preserve life or

health, reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts. The court shall reduce net income in determining the minimum amount of support to be ordered only for the period that such payments are due and shall enter an order containing provisions for its self-executing modification upon termination of such payment period.

(4) In cases where the court order provides for health/hospitalization insurance coverage pursuant to Section 505.2 of this Act, the premiums for that insurance, or that portion of the premiums for which the supporting party is responsible in the case of insurance provided through an employer's health insurance plan where the employer pays a portion of the premiums, shall be subtracted from net income in determining the minimum amount of support to be ordered.

(4.5) In a proceeding for child support following dissolution of the marriage by a court that lacked personal jurisdiction over the absent spouse, and in which the court is requiring payment of support for the period before the date an order for current support is entered, there is a rebuttable presumption that the supporting party's net income for the prior period was the same as his or her net income at the time the order for current support is entered.

(5) If the net income cannot be determined because of default or any other reason, the court shall order support in an amount considered reasonable in the particular case. The final order in all cases shall state the support level in dollar amounts.

(6) If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(b) Failure of either parent to comply with an order to pay support shall be punishable as in other cases of contempt. In addition to other penalties provided by law the Court may, after finding the parent guilty of contempt, order that the parent be:

(1) placed on probation with such conditions of probation as the Court deems advisable;

(2) sentenced to periodic imprisonment for a period not to exceed 6 months; provided, however, that the Court may permit the parent to be released for periods of time during the day or night to:

(A) work; or

(B) conduct a business or other self-employed

occupation.

The Court may further order any part or all of the earnings of a parent during a sentence of periodic imprisonment paid to the Clerk of the Circuit Court or to the parent having custody or to the guardian having custody of the minor children of the sentenced parent for the support of said minor children until further order of the Court.

If there is a unity of interest and ownership sufficient to render no financial separation between a non-custodial parent and another person or persons or business entity, the court may pierce the ownership veil of the person, persons, or business entity to discover assets of the non-custodial parent held in the name of that person, those persons, or that business entity. The following circumstances are sufficient to authorize a court to order discovery of the assets of a person, persons, or business entity and to compel the application of any discovered assets toward payment on the

judgment for support:

(1) the non-custodial parent and the person, persons, or business entity maintain records together.

(2) the non-custodial parent and the person, persons, or business entity fail to maintain an arms length relationship between themselves with regard to any assets.

(3) the non-custodial parent transfers assets to the person, persons, or business entity with the intent to perpetrate a fraud on the custodial parent.

With respect to assets which are real property, no order entered under this paragraph shall affect the rights of bona fide purchasers, mortgagees, judgment creditors, or other lien holders who acquire their interests in the property prior to the time a notice of lis pendens pursuant to the Code of Civil Procedure or a copy of the order is placed of record in the office of the recorder of deeds for the county in which the real property is located.

The court may also order in cases where the parent is 90 days or more delinquent in payment of support or has been adjudicated in arrears in an amount equal to 90 days obligation or more, that the parent's Illinois driving privileges be suspended until the court determines that the parent is in compliance with the order of support. The court may also order that the parent be issued a family financial responsibility driving permit that would allow limited driving privileges for employment and medical purposes in accordance with Section 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit court shall certify the order suspending the driving privileges of the parent or granting the issuance of a family financial responsibility driving permit to the Secretary of State on forms prescribed by the Secretary. Upon receipt of the authenticated documents, the Secretary of State shall suspend the parent's driving privileges until further order of the court and shall, if ordered by the court, subject to the provisions of Section 7-702.1 of the Illinois Vehicle Code, issue a family financial responsibility driving permit to the parent.

In addition to the penalties or punishment that may be imposed under this Section, any person whose conduct constitutes a violation

of Section 1 of the Non-Support of Spouse and Children Act may be prosecuted under that Section, and a person convicted under that Section may be sentenced in accordance with that Section. The sentence may include but need not be limited to a requirement that the person perform community service under subsection (b) of that Section or participate in a work alternative program under subsection (c) of that Section. A person may not be required to participate in a work alternative program under subsection (c) of that Section if the person is currently participating in a work program pursuant to Section 505.1 of this Act.

(c) A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of the Illinois Public Aid Code and shall be enforced by the court upon petition.

(d) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment

of overdue support owed by the noncustodial parent.

(e) When child support is to be paid through the clerk of the court in a county of 1,000,000 inhabitants or less, the order shall direct the obligor to pay to the clerk, in addition to the child support payments, all fees imposed by the county board under paragraph (3) of subsection (u) of Section 27.1 of the Clerks of Courts Act. Unless paid in cash or pursuant to an order for withholding, the payment of the fee shall be by a separate instrument from the support payment and shall be made to the order of the Clerk.

(f) All orders for support, when entered or modified, shall include a provision requiring the obligor to notify the court and, in cases in which a party is receiving child and spouse services under Article X of the Illinois Public Aid Code, the Illinois Department of Public Aid, within 7 days, (i) of the name and address of any new employer of the obligor, (ii) whether the obligor has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Act, which service shall be sufficient for purposes of due process.

(g) An order for support shall include a date on which the

current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order.

(h) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address. (Source: P.A. 89-88, eff. 6-30-95; 89-92, eff. 7-1-96; 89-626, eff. 8-9-96; 90-18, eff. 7-1-97; 90-476, eff. 1-1-98; 90-539, eff. 6-1-98; 90-655, eff. 7-30-98; 90-733, eff. 8-11-98.)

(750 ILCS 5/713) (from Ch. 40, par. 713)

Sec. 713. Attachment of the Body. As used in this Section, "obligor" has the same meaning ascribed to such term in the Income Withholding for Support Act.

(a) In any proceeding to enforce an order for support, where the obligor has failed to appear in court pursuant to order of court and after due notice thereof, the court may enter an order for the

attachment of the body of the obligor. Notices under this Section shall be served upon the obligor either (1) by prepaid certified mail with delivery restricted to the obligor, or (2) by personal service on the obligor. The attachment order shall fix an amount of escrow which is equal to a minimum of 20% of the total child support arrearage alleged by the obligee in sworn testimony to be due and owing. The attachment order shall direct the Sheriff of any county in Illinois to take the obligor into custody and shall set the number of days following release from custody for a hearing to be held at which the obligor must appear, if he is released under subsection (c) of this Section.

(b) If the obligor is taken into custody, the Sheriff shall take the obligor before the court which entered the attachment order. However, the Sheriff may release the person after he or she has deposited the amount of escrow ordered by the court pursuant to local procedures for the posting of bond. The Sheriff shall advise the obligor of the hearing date at which the obligor is required to appear.

(c) Any escrow deposited pursuant to this Section shall be transmitted to the Clerk of the Circuit Court for the county in which the order for attachment of the body of the obligor was entered. Any Clerk who receives money deposited into escrow pursuant to this Section shall notify the obligee, public office or legal counsel whose name appears on the attachment order of the court date at which the obligor is required to appear and the amount deposited into escrow. The Clerk shall disburse such money to the obligee only under an order from the court that entered the attachment order pursuant to this Section.

(d) Whenever an obligor is taken before the court by the Sheriff, or appears in court after the court has ordered the attachment of his body, the court shall:

(1) hold a hearing on the complaint or petition that gave rise to the attachment order. For purposes of determining arrearages that are due and owing by the obligor, the court shall accept the previous sworn testimony of the obligee as true and the appearance of the obligee shall not be required. The court shall require sworn testimony of the obligor as to his or her Social Security number, income, employment, bank accounts, property and any other assets. If there is a dispute as to the total amount of arrearages, the court shall proceed as in any other case as to the undisputed amounts; and

(2) order the Clerk of the Circuit Court to disburse to the obligee or public office money held in escrow pursuant to this Section if the court finds that the amount of arrearages exceeds the amount of the escrow. Amounts received by the obligee or public office shall be deducted from the amount of the arrearages.

(e) If the obligor fails to appear in court after being notified of the court date by the Sheriff upon release from custody, the court shall order any monies deposited into escrow to be immediately released to the obligee or public office and shall proceed under subsection (a) of this Section by entering another order for the attachment of the body of the obligor.

(f) This Section shall apply to any order for support issued under the "Illinois Marriage and Dissolution of Marriage Act", approved September 22, 1977, as amended; the "Illinois Parentage Act of 1984", effective July 1, 1985, as amended; the "Revised Uniform Reciprocal Enforcement of Support Act", approved August 28, 1969, as amended; "The Illinois Public Aid Code", approved April 11, 1967, as amended; the Non-Support Punishment Act; and the "Non-support of Spouse and Children Act", approved June 8, 1953, as amended.

(g) Any escrow established pursuant to this Section for the purpose of providing support shall not be subject to fees collected by the Clerk of the Circuit Court for any other escrow.

(Source: P.A. 90-673, eff. 1-1-99.)

(750 ILCS 5/714 new)

Sec. 714. Willful default on support; penalties. Beginning on the effective date of this amendatory Act of the 91st General Assembly, a person who willfully defaults on an order for child support issued by an Illinois court may be subject to summary

criminal contempt proceedings.

Each State agency, as defined in the Illinois State Auditing Act, shall suspend a license or certificate issued by that agency to a person found guilty of criminal contempt under this Section. The suspension shall remain in effect until all defaults on an order for child support are satisfied.

This Section applies to an order for child support issued under the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Illinois Parentage Act of 1984, and the Revised Uniform Reciprocal Enforcement of Support Act.

(750 ILCS 5/715 new)

Sec. 715. Information to locate obligors. As used in this Section, "obligor" is an individual who owes a duty to make payments under an order for child support. The State's attorney or any other appropriate State official may request and shall receive information from employers, telephone companies, and utility companies to locate an obligor who has defaulted on child support payments.

Section 975. The Uniform Interstate Family Support Act is amended by changing Section 101 as follows:

(750 ILCS 22/101)

Sec. 101. Definitions. In this Act:

"Child" means an individual, whether over or under the age of 18, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

"Child-support order" means a support order for a child, including a child who has attained the age of 18.

"Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse including an unsatisfied obligation to provide support.

"Home state" means the state in which a child lived with a parent or a person acting as parent for at least 6 consecutive months immediately preceding the time of filing of a petition or comparable pleading for support, and if a child is less than 6 months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the 6-month or other period.

"Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this State.

"Income-withholding order" means an order or other legal process directed to an obligor's employer or other debtor, as defined by the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Illinois Public Aid Code, and the Illinois Parentage Act of 1984, to withhold support from the income of the obligor.

"Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this Act or a law or procedure substantially similar to this Act.

"Initiating tribunal" means the authorized tribunal in an initiating state.

"Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.

"Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage.

"Obligee" means:

(i) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered;

(ii) a state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or

(iii) an individual seeking a judgment determining parentage of the individual's child.

"Obligor" means an individual, or the estate of a decedent: (i) who owes or is alleged to owe a duty of support; (ii) who is alleged but has not been adjudicated to be a parent of a child; or (iii) who is liable under a support order.

"Register" means to record a support order or judgment determining parentage in the appropriate Registry of Foreign Support Orders.

"Registering tribunal" means a tribunal in which a support order is registered.

"Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under this Act or a law or procedure substantially similar to this Act.

"Responding tribunal" means the authorized tribunal in a responding state.

"Spousal-support order" means a support order for a spouse or former spouse of the obligor.

"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes:

(i) an Indian tribe; and

(ii) a foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this Act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

"Support enforcement agency" means a public official or agency authorized to seek:

(1) enforcement of support orders or laws relating to the duty of support;

(2) establishment or modification of child support;

(3) determination of parentage; or

(4) to locate obligors or their assets.

"Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.

"Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

(Source: P.A. 90-240, eff. 7-28-97.)

Section 980. The Illinois Parentage Act of 1984 is amended by changing Sections 6 and 14 as follows:

(750 ILCS 45/6) (from Ch. 40, par. 2506)

Sec. 6. Establishment of Parent and Child Relationship by Consent of the Parties.

(a) A parent and child relationship may be established voluntarily by the signing and witnessing of a voluntary acknowledgment of parentage in accordance with Section 12 of the Vital Records Act or Section 10-17.7 of the Illinois Public Aid Code. The voluntary acknowledgment of parentage shall contain the social security numbers of the persons signing the voluntary acknowledgment of parentage; however, failure to include the social security numbers of the persons signing a voluntary acknowledgment of parentage does not invalidate the voluntary acknowledgment of parentage.

(b) Notwithstanding any other provisions of this Act, paternity established in accordance with subsection (a) has the full force and effect of a judgment entered under this Act and serves as a basis for seeking a child support order without any further proceedings to establish paternity.

(c) A judicial or administrative proceeding to ratify paternity established in accordance with subsection (a) is neither required nor permitted.

(d) A signed acknowledgment of paternity entered under this Act may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenging party. Pending outcome of the challenge to the acknowledgment of paternity, the legal responsibilities of the signatories shall remain in full force and effect, except upon order of the court upon a showing of good cause.

(e) Once a parent and child relationship is established in accordance with subsection (a), an order for support may be established pursuant to a petition to establish an order for support by consent filed with the clerk of the circuit court. A copy of the properly completed acknowledgment of parentage form shall be attached to the petition. The petition shall ask that the circuit court enter an order for support. The petition may ask that an order for visitation, custody, or guardianship be entered. The filing and appearance fees provided under the Clerks of Courts Act shall be waived for all cases in which an acknowledgment of parentage form has been properly completed by the parties and in which a petition to establish an order for support by consent has been filed with the clerk of the circuit court. This subsection shall not be construed to prohibit filing any petition for child support, visitation, or custody under this Act, the Illinois Marriage and Dissolution of Marriage Act, or the Non-Support Punishment ~~of Spouse and Children~~ Act. This subsection shall also not be construed to prevent the establishment of an administrative support order in cases involving persons receiving child support enforcement services under Article X of the Illinois Public Aid Code.

(Source: P.A. 89-641, eff. 8-9-96; 90-18, eff. 7-1-97.)

(750 ILCS 45/14) (from Ch. 40, par. 2514)

Sec. 14. Judgment.

(a) (1) The judgment shall contain or explicitly reserve provisions concerning any duty and amount of child support and may contain provisions concerning the custody and guardianship of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, which the court shall determine in accordance with the relevant factors set forth in the Illinois Marriage and Dissolution of Marriage Act and any other applicable law of Illinois, to guide the court in a finding in the best interests of the child. In determining custody, joint custody, or visitation, the court shall apply the relevant standards of the Illinois Marriage and Dissolution of Marriage Act. Specifically, in determining the amount of any child support award, the court shall

use the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act. For purposes of Section 505 of the Illinois Marriage and Dissolution of Marriage Act, "net income" of the non-custodial parent shall include any benefits available to that person under the Illinois Public Aid Code or from other federal, State or local government-funded programs. The court shall, in any event and regardless of the amount of the non-custodial parent's net income, in its judgment order the non-custodial parent to pay child support to the custodial parent in a minimum amount of not less than $10 per month. In an action brought within 2 years after a child's birth, the judgment or order may direct either parent to pay the reasonable expenses incurred by either parent related to the mother's pregnancy and the delivery of the child. The judgment or order shall contain the father's social security number, which the father shall disclose to the court; however, failure to include the father's social security number on the judgment or order does not invalidate the judgment or order.

(2) If a judgment of parentage contains no explicit award of custody, the establishment of a support obligation or of visitation rights in one parent shall be considered a judgment granting custody to the other parent. If the parentage judgment contains no such provisions, custody shall be presumed to be with the mother; however, the presumption shall not apply if the father has had physical custody for at least 6 months prior to the date that the mother seeks to enforce custodial rights.

(b) The court shall order all child support payments, determined in accordance with such guidelines, to commence with the date summons is served. The level of current periodic support payments shall not be reduced because of payments set for the period prior to the date of entry of the support order. The Court may order any child support payments to be made for a period prior to the commencement of the action. In determining whether and the extent to which the payments shall be made for any prior period, the court shall consider all relevant facts, including the factors for determining the amount of support specified in the Illinois Marriage and Dissolution of Marriage Act and other equitable factors including but not limited to:

(1) The father's prior knowledge of the fact and

circumstances of the child's birth.

(2) The father's prior willingness or refusal to help raise or support the child.

(3) The extent to which the mother or the public agency bringing the action previously informed the father of the child's needs or attempted to seek or require his help in raising or supporting the child.

(4) The reasons the mother or the public agency did not file the action earlier.

(5) The extent to which the father would be prejudiced by the delay in bringing the action.

For purposes of determining the amount of child support to be paid for any period before the date the order for current child support is entered, there is a rebuttable presumption that the father's net income for the prior period was the same as his net income at the time the order for current child support is entered.

If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine

support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(c) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(d) If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued under the Vital Records Act.

(e) On request of the mother and the father, the court shall order a change in the child's name. After hearing evidence the court may stay payment of support during the period of the father's minority or period of disability.

(f) If, upon a showing of proper service, the father fails to appear in court, or otherwise appear as provided by law, the court may proceed to hear the cause upon testimony of the mother or other parties taken in open court and shall enter a judgment by default. The court may reserve any order as to the amount of child support until the father has received notice, by regular mail, of a hearing on the matter.

(g) A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of the Illinois Public Aid Code and shall be enforced by the court upon petition.

(h) All orders for support, when entered or modified, shall include a provision requiring the non-custodial parent to notify the court and, in cases in which party is receiving child and spouse support services under Article X of the Illinois Public Aid Code, the Illinois Department of Public Aid, within 7 days, (i) of the name and address of any new employer of the non-custodial parent, (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Act, which service shall be sufficient for purposes of due process.

(i) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order.

(j) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address. (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98; 90-655, eff. 7-30-98.)

Section 985. The Business Corporation Act of 1983 is amended by changing Section 1.25 as follows:

(805 ILCS 5/1.25) (from Ch. 32, par. 1.25)

Sec. 1.25. List of corporations; exchange of information.

(a) The Secretary of State shall publish each year a list of corporations filing an annual report for the preceding year in accordance with the provisions of this Act, which report shall state the name of the corporation and the respective names and addresses of the president, secretary, and registered agent thereof and the address of the registered office in this State of each such corporation. The Secretary of State shall furnish without charge a copy of such report to each recorder of this State, and to each member of the General Assembly and to each State agency or department requesting the same. The Secretary of State shall, upon receipt of a written request and a fee as determined by the Secretary, furnish such report to anyone else.

(b) (1) The Secretary of State shall publish daily a list of all newly formed corporations, business and not for profit, chartered by him on that day issued after receipt of the application. The daily list shall contain the same information as to each corporation as is provided for the corporation list published under subsection (a) of this Section. The daily list may be obtained at the Secretary's office by any person, newspaper, State department or agency, or local government for a reasonable charge to be determined by the Secretary. Inspection of the daily list may be made at the Secretary's office during normal business hours without charge by any person, newspaper, State department or agency, or local government.

(2) The Secretary shall compile the daily list mentioned in paragraph (1) of subsection (b) of this Section monthly, or more often at the Secretary's discretion. The compilation shall be immediately mailed free of charge to all local governments requesting in writing receipt of such publication, or shall be automatically mailed by the Secretary without charge to local governments as determined by the Secretary. The Secretary shall mail a copy of the compilations free of charge to all State departments or agencies making a written request. A request for a compilation of the daily list once made by a local government or State department or agency need not be renewed. However, the Secretary may request from time to time whether the local governments or State departments or agencies desire to continue receiving the compilation.

(3) The compilations of the daily list mentioned in paragraph (2) of subsection (b) of this Section shall be mailed to newspapers,

or any other person not included as a recipient in paragraph (2) of subsection (b) of this Section, upon receipt of a written application signed by the applicant and accompanied by the payment of a fee as determined by the Secretary.

(c) If a domestic or foreign corporation has filed with the Secretary of State an annual report for the preceding year or has been newly formed or is otherwise and in any manner registered with the Secretary of State, the Secretary of State shall exchange with the Illinois Department of Public Aid any information concerning that corporation that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of

Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

Notwithstanding any provisions in this Act to the contrary, the Secretary of State shall not be liable to any person for any disclosure of information to the Illinois Department of Public Aid under this subsection or for any other action taken in good faith to comply with the requirements of this subsection.

(Source: P.A. 90-18, eff. 7-1-97.)

Section 990. The Limited Liability Company Act is amended by changing Section 50-5 as follows:

(805 ILCS 180/50-5)

Sec. 50-5. List of limited liability companies; exchange of information.

(a) The Secretary of State may publish a list or lists of limited liability companies and foreign limited liability companies, as often, in the format, and for the fees as the Secretary of State may in his or her discretion provide by rule. The Secretary of State may disseminate information concerning limited liability companies and foreign limited liability companies by computer network in the format and for the fees as may be determined by rule.

(b) Upon written request, any list published under subsection (a) shall be free to each member of the General Assembly, to each State agency or department, and to each recorder in this State. An appropriate fee established by rule to cover the cost of producing the list shall be charged to all others.

(c) If a domestic or foreign limited liability company has filed with the Secretary of State an annual report for the preceding year or has been newly formed or is otherwise and in any manner registered with the Secretary of State, the Secretary of State shall exchange with the Illinois Department of Public Aid any information concerning that limited liability company that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

Notwithstanding any provisions in this Act to the contrary, the Secretary of State shall not be liable to any person for any disclosure of information to the Illinois Department of Public Aid under this subsection or for any other action taken in good faith to comply with the requirements of this subsection.

(Source: P.A. 90-18, eff. 7-1-97.)

(750 ILCS 15/Act rep.)

Section 992. Repealer. The Non-Support of Spouse and Children Act is repealed.

Section 995. Certain actions to be determined under prior law. An action that was commenced under the Non-Support of Spouse and

Children Act and is pending on the effective date of this Act shall be decided in accordance with the Non-Support of Spouse and Children Act as it existed immediately before its repeal by this Act.

Section 999. Effective date. This Act takes effect on October 1, 1999.".

Under the rules, the foregoing **Senate Bill No. 19**, with House Amendments numbered 1, 2 and 3, was referred to the Secretary's Desk.

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

SENATE BILL NO. 24

A bill for AN ACT to encourage the development of cogeneration and self-generation of electricity.

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

House Amendment No. 1 to SENATE BILL NO. 24

Passed the House, as amended, May 12, 1999.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 24

AMENDMENT NO. 1. Amend Senate Bill 24 on page 1, line 8, by changing "As used in" to "In".

Under the rules, the foregoing **Senate Bill No. 24**, with House Amendment No. 1, was referred to the Secretary's Desk.

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

SENATE BILL NO. 79

A bill for AN ACT in relation to day labor services.

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

House Amendment No. 1 to SENATE BILL NO. 79

Passed the House, as amended, May 12, 1999.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 79

AMENDMENT NO. 1. Amend Senate Bill 79 on page 1, line 16 by inserting after "employer." the following:
""Day labor" does not include labor or employment of a professional or clerical nature."; and
on page 5, by replacing lines 9 through 14 with the following:
"Section 50. Violations. The Department shall have the

authority".

Under the rules, the foregoing **Senate Bill No. 79**, with House Amendment No. 1, was referred to the Secretary's Desk.

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

SENATE BILL NO. 146
A bill for AN ACT in relation to State bonds.

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

House Amendment No. 1 to SENATE BILL NO. 146

Passed the House, as amended, May 12, 1999.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT TO SENATE BILL 146
AMENDMENT NO. 1. Amend Senate Bill 146 on page 2, by deleting all of lines 13 through 15 and inserting instead the following:
"8(d)). However, on December 7, 1998, the Circuit Court granted Defendant's motion to reconsider and dismissed the Plaintiff's Single Subject claim with prejudice. Nevertheless, the Circuit Court did not vacate its August 26, 1998 order declaring P.A. 85-1135 to be in violation of the Single Subject clause of the Illinois Constitution. In addition, the Plaintiffs have appealed the Circuit Court's dismissal of their Single Subject claim."; and
on page 3, by deleting all of lines 15 and 16 and inserting instead the following:
"amendatory Act of 1999 was prepared, the legal challenge to P.A. 85-1135 under the Single Subject clause of the Illinois Constitution was dismissed with prejudice.".

Under the rules, the foregoing **Senate Bill No. 146**, with House Amendment No. 1, was referred to the Secretary's Desk.

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

SENATE BILL NO. 203
A bill for AN ACT to amend the Illinois Vehicle Code by changing Section 11-208.

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

House Amendment No. 1 to SENATE BILL NO. 203
House Amendment No. 2 to SENATE BILL NO. 203

Passed the House, as amended, May 12, 1999.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 203

AMENDMENT NO. 1. Amend Senate Bill 203 on page 3, immediately below line 13, by inserting the following:

"Nothing in this subsection (e) shall affect the authority of a unit of local government to regulate motorcycles for safety purposes or in accordance with Section 12-602 of this Code."; and

on page 3, by replacing lines 14 through 22 with the following:

"A home rule unit may not regulate motorcycles in a manner inconsistent with this subsection (e). This subsection (e) is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.".

AMENDMENT NO. 2 TO SENATE BILL 203

AMENDMENT NO. 2. Amend Senate Bill 203, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 11-208 as follows:

(625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

Sec. 11-208. Powers of local authorities.

(a) The provisions of this Code shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating the standing or parking of vehicles, except as limited by Section 11-1306 of this Act;

2. Regulating traffic by means of police officers or traffic control signals;

3. Regulating or prohibiting processions or assemblages on the highways;

4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;

5. Regulating the speed of vehicles in public parks subject to the limitations set forth in Section 11-604;

6. Designating any highway as a through highway, as authorized in Section 11-302, and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection or a yield right-of-way intersection and requiring all vehicles to stop or yield the right-of-way at one or more entrances to such intersections;

7. Restricting the use of highways as authorized in Chapter 15;

8. Regulating the operation of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;

9. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;

10. Altering the speed limits as authorized in Section 11-604;

11. Prohibiting U-turns;

12. Prohibiting pedestrian crossings at other than designated and marked crosswalks or at intersections;

13. Prohibiting parking during snow removal operation;

14. Imposing fines in accordance with Section 11-1301.3 as penalties for use of any parking place reserved for persons with disabilities, as defined by Section 1-159.1, or disabled veterans by any person using a motor vehicle not bearing registration plates specified in Section 11-1301.1 or a special decal or device as defined in Section 11-1301.2 as evidence that the vehicle is operated by or for a person with disabilities or

disabled veteran;

15. Adopting such other traffic regulations as are specifically authorized by this Code; or

16. Enforcing the provisions of subsection (f) of Section 3-413 of this Code or a similar local ordinance.

(b) No ordinance or regulation enacted under subsections 1, 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective until signs giving reasonable notice of such local traffic regulations are posted.

(c) The provisions of this Code shall not prevent any municipality having a population of 500,000 or more inhabitants from prohibiting any person from driving or operating any motor vehicle upon the roadways of such municipality with headlamps on high beam or bright.

(d) The provisions of this Code shall not be deemed to prevent local authorities within the reasonable exercise of their police power from prohibiting, on private property, the unauthorized use of parking spaces reserved for persons with disabilities.

(e) No unit of local government, including a home rule unit, may enact or enforce an ordinance that applies only to motorcycles if the principal purpose for that ordinance is to restrict the access of motorcycles to any highway or portion of a highway for which federal or State funds have been used for the planning, design, construction, or maintenance of that highway. No unit of local government, including a home rule unit, may enact an ordinance requiring motorcycle users to wear protective headgear. Nothing in this subsection (e) shall affect the authority of a unit of local government to regulate motorcycles for traffic control purposes or in accordance with Section 12-602 of this Code. No unit of local government, including a home rule unit, may regulate motorcycles in a manner inconsistent with this Code. This subsection (e) is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.".

Under the rules, the foregoing **Senate Bill No. 203**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

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

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

SENATE BILL NO. 287

A bill for AN ACT to amend the Illinois Dental Practice Act by changing Sections 24, 37, and 44 and adding Section 38.1.

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

House Amendment No. 1 to SENATE BILL NO. 287
House Amendment No. 2 to SENATE BILL NO. 287

Passed the House, as amended, May 12, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 287

AMENDMENT NO. 1. Amend Senate Bill 287, on page 3, line 8, after "treatment;", by inserting "limitation of patient referrals; content

of"; and
on page 3, by replacing lines 9 through 11 with the following:
"relating to refunds (if the refund payment would be reportable under federal law to the National Practitioner Data Bank) and warranties and the clinical content of advertising; and final decisions relating to employment of dental assistants and dental hygienists."; and
on page 3, line 16, after "Act.", by inserting "Nothing in this Section shall be construed to prohibit insurers and managed care plans from operating pursuant to the applicable provisions of the Illinois Insurance Code under which the entities are licensed."; and
on page 4, by replacing lines 31 through 33 with the following:
"selection of a course of treatment, limitation of patient referrals, content of patient records, policies and decisions relating to refunds (if the refund payment would be reportable under federal law to the National Practitioner Data Bank) and warranties and the clinical content of advertising, and"; and
on page 5, lines 1 and 2, by replacing "decisions relating to office personnel and hours of practice." with "final decisions relating to employment of dental assistants and dental hygienists.".

AMENDMENT NO. 2 TO SENATE BILL 287

AMENDMENT NO. 2. Amend Senate Bill 287, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Dental Practice Act is amended by

changing Sections 24, 37, and 44 and adding Section 38.1 as follows:

(225 ILCS 25/24) (from Ch. 111, par. 2324)

Sec. 24. Refusal, Suspension or Revocation of Dental Hygienist License. The Department may refuse to issue or renew, may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Department may deem proper, including fines not to exceed $2,500 per violation, with regard to any dental hygienist license for any one or any combination of the following causes:

1. Fraud in procuring license.

2. Performing any operation not authorized by this Act.

3. Practicing dental hygiene other than under the supervision of a licensed dentist as provided by this Act.

4. The wilful violation of, or the wilful procuring of, or knowingly assisting in the violation of, any Act which is now or which hereafter may be in force in this State relating to the use of habit-forming drugs.

5. The obtaining of, or an attempt to obtain a license, or practice in the profession, or money, or any other thing of value by fraudulent representation.

6. Gross negligence in performing the operative procedure of dental hygiene.

7. Active practice of dental hygiene while knowingly having any infectious, communicable, or contagious disease proscribed by rule or regulation of the Department.

8. Habitual intoxication or addiction to the use of habit-forming drugs.

9. Conviction in this or another state of any crime which is a felony under the laws of this State or conviction of a felony in a federal court, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.

10. Aiding or abetting the unlicensed practice of dentistry or dental hygiene.

11. Discipline by another U.S. jurisdiction or a foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

12. Violating the Health Care Worker Self-Referral Act.

13. Violating the prohibitions of Section 38.1 of this Act.

The provisions of this Act relating to proceedings for the suspension and revocation of a license to practice dentistry shall apply to proceedings for the suspension or revocation of a license as a dental hygienist.

(Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95.)

(225 ILCS 25/37) (from Ch. 111, par. 2337)

Sec. 37. Unlicensed practice; injunctions. The practice of dentistry by any person not holding a valid and current license under this Act is declared to be inimical to the public welfare, to constitute a public nuisance, and to cause irreparable harm to the public welfare.

A person is considered to practice dentistry who:

(1) employs a dentist, dental hygienist, or other entity which can provide dental services under this Act;

(2) directs or controls the use of any dental equipment or material while such equipment or material is being used for the provision of dental services, provided that this provision shall not be construed to prohibit a person from obtaining professional advice or assistance in obtaining or from leasing the equipment or material, provided the advice, assistance, or lease does not restrict or interfere with the custody, control, or use of the equipment or material by the person;

(3) directs, controls or interferes with a dentist's or dental hygienist's clinical judgment; or

(4) exercises direction or control, by written contract, license, or otherwise, over a dentist, dental hygienist, or other entity which can provide dental services under this Act in the selection of a course of treatment; limitation of patient referrals; content of patient records; policies and decisions relating to refunds (if the refund payment would be reportable under federal law to the National Practitioner Data Bank) and warranties and the clinical content of advertising; and final decisions relating to employment of dental assistants and dental hygienists. Nothing in this Act shall, however, be construed as prohibiting the seeking or giving of advice or assistance with respect to these matters.

The purpose of this Section is to prevent a non-dentist from influencing or otherwise interfering with the exercise of independent professional judgment by a dentist, dental hygienist, or other entity which can provide dental services under this Act. Nothing in this Section shall be construed to prohibit insurers and managed care plans from operating pursuant to the applicable provisions of the Illinois Insurance Code under which the entities are licensed.

The Director, the Attorney General, the State's attorney of any county in the State, or any person may maintain an action in the name of the People of the State of Illinois, and may apply for injunctive relief in any circuit court to enjoin such person from engaging in such practice; and upon the filing of a verified petition in such court, the court if satisfied by affidavit, or otherwise, that such person has been engaged in such practice without a valid and current license so to do, may enter a temporary restraining order without notice or bond, enjoining the defendant from such further practice. Only the showing of non-licensure, by affidavit or otherwise, is necessary in order for a temporary injunction to issue. A copy of the verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases except as modified by this Section. If it is established that the defendant has been, or is engaged in such unlawful practice, the court may enter an order or judgment perpetually enjoining the

defendant from further such practice. In all proceedings hereunder the court, in its discretion, may apportion the costs among the parties interested in the action, including cost of filing the complaint, service of process, witness fees and expenses, court reporter charges and reasonable attorneys' fees. In case of violation of any injunctive order entered under the provisions of this Section, the court may summarily try and punish the offender for

contempt of court. Such injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this Act.
(Source: P.A. 84-1308.)

(225 ILCS 25/38.1 new)

Sec. 38.1. Prohibition against interference by non-dentists. The purpose of this Section is to ensure that each dentist or dental hygienist practicing in this State meets minimum requirements for safe practice without clinical interference by persons not licensed under this Act. It is the legislative intent that dental services be provided only in accordance with the provisions of this Act and not be delegated to unlicensed persons.

Unless otherwise authorized by this Act, a dentist or dental hygienist is prohibited from providing dental services in this State, if the dentist or dental hygienist:

(1) is employed by any person other than a dentist to provide dental services; or

(2) allows any person other than another dentist to direct, control, or interfere with the dentist's or dental hygienist's clinical judgment. Clinical judgment shall include but not be limited to such matters as the dentist's or dental hygienist's selection of a course of treatment, limitation of patient referrals, content of patient records, policies and decisions relating to refunds (if the refund payment would be reportable under federal law to the National Practitioner Data Bank) and warranties and the clinical content of advertising, and final decisions relating to employment of dental assistants and dental hygienists. This paragraph shall not be construed to limit a patient's right of informed consent.

(225 ILCS 25/44) (from Ch. 111, par. 2344)

Sec. 44. Practice by Corporations Prohibited. Exceptions. No corporation shall practice dentistry or engage therein, or hold itself out as being entitled to practice dentistry, or furnish dental services or dentists, or advertise under or assume the title of dentist or dental surgeon or equivalent title, or furnish dental advice for any compensation, or advertise or hold itself out with any other person or alone, that it has or owns a dental office or can furnish dental service or dentists, or solicit through itself, or its agents, officers, employees, directors or trustees, dental patronage for any dentist employed by any corporation.

Nothing contained in this Act, however, shall:

(a) prohibit a corporation from employing a dentist or dentists to render dental services to its employees, provided that such dental services shall be rendered at no cost or charge to the employees;

(b) prohibit a corporation or association from providing dental services upon a wholly charitable basis to deserving recipients;

(c) prohibit a corporation or association from furnishing information or clerical services which can be furnished by persons not licensed to practice dentistry, to any dentist when such dentist assumes full responsibility for such information or services;

(d) prohibit dental corporations as authorized by the

Professional Service Corporation Act, dental associations as authorized by the Professional Association Act, or dental limited liability companies as authorized by the Limited Liability Company Act;

(e) prohibit dental limited liability partnerships as authorized by the Uniform Partnership Act;~~.~~

(f) prohibit hospitals, public health clinics, federally qualified health centers, or other entities specified by rule of the Department from providing dental services; or

(g) prohibit dental management service organizations from providing non-clinical business services that do not violate the provisions of this Act.

Any corporation violating the provisions of this Section is guilty of a Class A misdemeanor and each day that this Act is violated shall be considered a separate offense.
(Source: P.A. 88-573, eff. 8-11-94; 89-80, eff. 6-30-95.)".

Under the rules, the foregoing **Senate Bill No. 287**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

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

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

SENATE BILL NO. 321

A bill for AN ACT to amend the Illinois Health Facilities Planning Act by adding Section 4.5.

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

House Amendment No. 1 to SENATE BILL NO. 321

Passed the House, as amended, May 12, 1999.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 321

AMENDMENT NO. 1. Amend Senate Bill 321 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Health Facilities Planning Act is amended by adding Section 4.5 as follows:

(20 ILCS 3960/4.5 new)

Sec. 4.5. Report. On or before January 1, 2000, the State Board shall issue a report to the General Assembly on the impact of State and federal antitrust laws on the availability, cost, and quality of health care provided in those regions of the State that are considered to be medically underserved.

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

Under the rules, the foregoing **Senate Bill No. 321**, with House Amendment No. 1, was referred to the Secretary's Desk.

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

SENATE BILL NO. 376
A bill for AN ACT in relation to truth in taxation.

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

House Amendment No. 1 to SENATE BILL NO. 376

Passed the House, as amended, May 12, 1999.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 376
AMENDMENT NO. 1. Amend Senate Bill 376 on page 4, below line 32, by inserting the following:
"For the purpose of permitting the issuance of warrants or notes in anticipation of the taxes to be levied, a taxing district may hold (on any date prior to the first week in December) a hearing on its intent to adopt an aggregate levy. If the estimate of the aggregate levy is more than the amount extended or estimated to be extended, plus any amount abated by the corporate authority prior to the extension, upon the final aggregate levy of the preceding year, exclusive of election costs, notice of this hearing shall be given in the same manner as provided in this Division 2.1. This earlier hearing shall be in addition to, and not instead of, the mandatory December hearing, but may be conducted in conjunction with a regular meeting of the taxing district.".

Under the rules, the foregoing **Senate Bill No. 376**, with House Amendment No. 1, was referred to the Secretary's Desk.

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

SENATE BILL NO. 441
A bill for AN ACT to amend the Public Community College Act by changing Section 3B-3.

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

House Amendment No. 1 to SENATE BILL NO. 441

House Amendment No. 2 to SENATE BILL NO. 441
House Amendment No. 3 to SENATE BILL NO. 441

Passed the House, as amended, May 12, 1999.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 441

AMENDMENT NO. 1. Amend Senate Bill 441 by replacing the title with the following:

"AN ACT concerning higher education."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Cooperative Work Study Program Act is amended by changing Section 3 as follows:

(110 ILCS 225/3) (from Ch. 144, par. 2953)

Sec. 3. Creation and implementation of program. A program of

financial assistance to support student cooperative work study programs in higher education is established to benefit students academically and financially, reduce reliance on loans, enhance public-private sector partnerships, and encourage students to seek permanent employment in Illinois.

The Board shall administer the program of financial assistance and shall distribute the funds appropriated by the General Assembly for this purpose in the form of grants to public or nonpublic institutions of higher education to expand opportunities for students to pursue internships, clinical placement, cooperative programs with business and industry, and other work opportunities linked to a student's academic program. In awarding grants under this Act, the Board shall consider whether programs:

(1) strengthen cooperation between higher education, business, industry, and government;

(2) promote school/college partnerships;

(3) encourage social and community service activities;

(4) maximize the use of matching contributions from business and industry, governmental and social agencies, and participating colleges and universities to support student wages;

(5) create new opportunities for partnerships between the public and private sectors;

(6) integrate other components of student financial aid to reduce reliance on student loans; and

(7) meet other criteria that the Board determines are appropriate.

The Board shall assure that a representative number of the grants support cooperative work study programs that support work experiences for students in academic programs related to ~~of~~ engineering, science, math, information technology, and education.

No grant may be awarded under this Section for any program of sectarian instruction or for any program designed to serve a sectarian purpose.

As part of its administration of the Act, the Board may require evaluations, audits or reports in relation to fiscal and academic aspects of any program for which a grant is awarded under this Act. The Board shall annually submit to the Governor and General Assembly

a budgetary recommendation for grants under this Act.

The Board may adopt rules it deems necessary for administration of this Act.

(Source: P.A. 87-513.)

Section 10. The Public Community College Act is amended by changing Section 3-37 as follows:

(110 ILCS 805/3-37) (from Ch. 122, par. 103-37)

Sec. 3-37. To build, buy or lease suitable buildings upon a site approved by the State Board and issue bonds, in the manner provided in Article IIIA, or, with the prior approval of ~~the Board of Higher Education and~~ the Illinois Community College Board, enter into an installment loan arrangement with a financial institution with a payback period of less than 20 years provided the board has entered into a contractual agreement which provides sufficient revenue to pay such loan in full from sources other than local taxes, tuition, or State appropriations and to provide adequate additional operation and maintenance funding for the term of the agreement, for the purpose of borrowing money to buy sites and to either or both buy or build and equip buildings and improvements~~, and for the purpose of transferring funds to the Illinois Building Authority~~.

Any provision in a contractual agreement providing for an installment loan agreement authorized by this Section that obligates the State of Illinois is against public policy and shall be null and void.

(Source: P.A. 83-576.)

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

AMENDMENT NO. 2 TO SENATE BILL 441

AMENDMENT NO. 2. Amend Senate Bill 441, AS AMENDED, immediately below the enacting clause, by inserting the following:

"Section 3. The Board of Higher Education Act is amended by changing Section 9.28 as follows:

(110 ILCS 205/9.28)

Sec. 9.28. ~~9.27.~~ Graduation incentive grant program.

(a) The graduation incentive grant program is hereby created. The program shall be implemented and administered by the Board of Higher Education to provide grant incentives to public universities that offer their undergraduate students contracts under which the university commits itself to provide the courses, programs, and support services necessary to enable the contracting students to graduate within 4 years, or for universities that (i) have a prominent number of non-traditional or transfer students or (ii) do not have freshman and sophomore enrollment, to have an expedited graduation. Grants shall be awarded from appropriations made to the Board of Higher Education for purposes of this Section.

(b) To be eligible for grant consideration, a public university shall annually file a report with the Board of Higher Education detailing its 4-year or expedited graduation contract program. The report shall include, at a minimum, the following information: the number of undergraduate students participating in the program, the requirements of the 4-year or expedited graduation contracts offered

by the university, the types of additional support services provided by the university to the contracting students, and the cost of the program.

(c) In awarding grants to public universities under this Section, the Board of Higher Education may consider each applicant's report data, the number of institutions wishing to participate, and such other criteria as the Board of Higher Education determines to be appropriate.

(d) The Board of Higher Education shall annually submit to the Governor and the General Assembly a budgetary recommendation for grants under this Section and shall notify applicants for grant assistance that the award of grants under this Section is contingent upon the availability of appropriated funds.

(e) The Board of Higher Education may adopt such rules as it deems necessary for administration of the grant program created by this Section.

(Source: P.A. 90-750, eff. 8-14-98; revised 9-21-98.)".

AMENDMENT NO. 3 TO SENATE BILL 441

AMENDMENT NO. 3. Amend Senate Bill 441, AS AMENDED, immediately below the end of Section 5, by inserting the following:

"Section 7. The Governors State University Law is amended by changing Section 15-15 as follows:

(110 ILCS 670/15-15)

Sec. 15-15. Membership; terms; vacancies. The Board shall consist of 7 voting members appointed by the Governor by and with the advice and consent of the Senate, and, until July 1, 2001, one voting member who is a student at Governors State University. The student member serving on the Board on the effective date of this amendatory Act of 1997 shall be a voting student member for the remainder of his or her term on the Board. Beginning on July 1, 2001, and thereafter, the student member of the Board shall be a nonvoting member. The method of selecting the student member shall continue to be

determined by a campus-wide student referendum. The student member shall serve a term of one year beginning on July 1 of each year, except that the student member initially selected shall serve a term beginning on the date of his or her selection and expiring on the next succeeding June 30. To be eligible for selection as a student member and to be eligible to remain as a student member of the Board, the student member must be a resident of this State, must have and maintain a grade point average that is equivalent to at least 2.5 on a 4.0 scale, and must be a ~~full time~~ student enrolled at all times during his or her term of office except for that part of the term which follows the completion of the last full regular semester of an academic year and precedes the first full regular semester of the succeeding academic year at the university (sometimes commonly referred to as the spring/summer semester). If a student member serving on the Board fails to continue to meet or maintain the residency, minimum grade point average, or enrollment requirement established by this Section, his or her membership on the Board shall be deemed to have terminated by operation of law. Of the members first appointed by the Governor, 4 shall be appointed for terms to

expire on the third Monday in January, 1999, and 3 shall be appointed for terms to expire on the third Monday in January, 2001. If the Senate is not in session on the effective date of this Article, or if a vacancy in an appointive membership occurs at a time when the Senate is not in session, the Governor shall make temporary appointments until the next meeting of the Senate when he shall nominate persons to fill such memberships for the remainder of their respective terms. No more than 4 of the members appointed by the Governor shall be affiliated with the same political party. Upon the expiration of the terms of members appointed by the Governor, their respective successors shall be appointed for terms of 6 years from the third Monday in January of each odd-numbered year. Any members appointed to the Board shall continue to serve in such capacity until their successors are appointed and qualified.
(Source: P.A. 89-4, eff. 1-1-96; 90-630, eff. 7-24-98; 90-814, eff. 2-4-99.)".

Under the rules, the foregoing **Senate Bill No. 441**, with House Amendments numbered 1, 2 and 3, was referred to the Secretary's Desk.

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

SENATE BILL NO. 496

A bill for AN ACT to amend the Environmental Protection Act by changing Sections 22.19a, 22.19b, and 39.2.

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

House Amendment No. 1 to SENATE BILL NO. 496

Passed the House, as amended, May 12, 1999.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 496

AMENDMENT NO. 1. Amend Senate Bill 496 by replacing lines 7 through 31 on page 1, all of page 2, and lines 1 through 12 on page 3

with the following:
"(415 ILCS 5/22.19a)
Sec. 22.19a. Floodplain.
(a) On and after January 1, 1998, no sanitary landfill or waste disposal site that is a pollution control facility, or any part of a sanitary landfill or waste disposal site that is a pollution control facility, may be located within the boundary of the 100-year floodplain.
(b) Subsection (a) shall not apply to the following:
(1) a sanitary landfill or waste disposal site initially

permitted for development or construction by the Agency before August 19, ~~the effective date of this amendatory Act of~~ 1997;

(2) a sanitary landfill or waste disposal site for which local siting approval has been granted before August 19, ~~the effective date of this amendatory Act of~~ 1997; ~~or~~

(3) the area of expansion beyond the boundary of a currently permitted sanitary landfill or waste disposal site, provided that the area of expansion is, on August 19, ~~the effective date of this amendatory Act of~~ 1997, owned by the owner or operator of the currently sited or permitted sanitary landfill or waste site to which the area of expansion is adjacent; or

(4) a sanitary landfill or waste disposal site that is a pollution control facility that ceased accepting waste on or before August 19, 1997 or any part of a sanitary landfill or waste disposal site that is a pollution control facility that ceased accepting waste on or before August 19, 1997.

(Source: P.A. 90-503, eff. 8-19-97.)

(415 ILCS 5/22.19b)

Sec. 22.19b. Postclosure care requirements ~~Financial assurance rules~~.

(a) ~~Not later than June 30, 1998, the Agency shall propose rules~~ For those sanitary landfills and waste disposal sites located within the boundary of the 100-year floodplain pursuant to paragraph (3) of subsection (b) of Section 22.19a, to address the risks posed by flooding to the integrity of the sanitary landfill or waste disposal site, the owner or operator of the sanitary landfill or waste disposal site shall comply with the following financial assurance requirements for that portion of the site permitted for the disposal of solid waste within the boundary of the 100-year floodplain:~~.~~

(1) The owner or operator must include, in the facility postclosure care plan and the postclosure care cost estimate:

(A) the cost of inspecting, and anticipated repairs to, all surface water drainage structures in the area of the landfill or waste disposal site permitted for the disposal of solid waste within the boundary of the 100-year floodplain;

(B) the cost of repairing anticipated erosion affecting both the final cover and vegetation in the area of the landfill or waste disposal site permitted for the disposal of solid waste within the boundary of the 100-year floodplain below the 100-year flood elevation;

(C) the cost of inspecting the portion of the site permitted for the disposal of solid waste within the boundary of the 100-year floodplain a minimum of once every 5 years; and

(D) the cost of monitoring the portion of the landfill or waste disposal site permitted for the disposal of solid waste within the boundary of the 100-year floodplain after a 100-year flood.

(2) The owner or operator must provide financial assurance, using any of the financial assurance mechanisms set forth in

Title 35, Part 811, Subpart G of the Illinois Administrative

Code, as amended, to cover the costs identified in subsection (a)(1) of this Section;

(3) The owner or operator must base the portion of the postclosure care cost estimate addressing the activities prescribed in subsection (a)(1) of this Section on a period of 100 years; and

(4) The owner or operator must submit the information required under subsection (a)(1) of this Section to the Agency as part of the facility's application for a permit required to develop the area pursuant to Title 35, Section 812.115 of the Illinois Administrative Code, as amended, for non-hazardous waste landfills or pursuant to Title 35, Section 724.218 of the Illinois Administrative Code, as amended, for hazardous waste landfills. ~~The rules shall be limited to and prescribe standards for financial assurance mechanisms equivalent to the standards set forth in Title 35, Part 811, Subpart G of the Illinois Administrative Code, as amended, to address the risks posed by flooding to the integrity of a sanitary landfill or waste disposal site located within the boundary of the 100-year floodplain. The financial assurance mechanisms shall be for a period of 100 years, beginning with the commencement of the post-closure care period, and shall apply to the portion of the facility located within the boundary of the 100-year floodplain and to the portion of the facility located outside the boundary of the 100-year floodplain.~~

(b) Any sanitary landfill or waste disposal site owner or operator subject to subsection (a) of this Section must certify in the facility's application for permit renewal that the postclosure care activities set forth in the postclosure care plan to comply with this Section have been met and will be performed. ~~Not later than 6 months after the receipt of the Agency's proposed rules, the Board shall adopt rules for sanitary landfills and waste disposal sites located within the boundary of the 100-year floodplain pursuant to subsection (b) of Section 22.19a. The rules shall be limited to, and prescribe standards for financial assurance mechanisms equivalent to the standards set forth in Title 35, Part 811, Subpart G of the Illinois Administrative Code, as amended, to address the risks posed by flooding to the integrity of a sanitary landfill or waste disposal site located within the boundary of the 100-year floodplain. The financial assurance mechanisms shall be for a period of 100 years, beginning with the commencement of the post-closure care period, and shall apply to the portion of the facility located within the boundary of the 100-year floodplain and to the portion of the facility located outside the boundary of the 100-year floodplain.~~

(c) Nothing in this Section shall be construed as limiting the general authority of the Board to adopt rules pursuant to Title VII of this Act.

(d) Notwithstanding any requirements of this Section, the owner or operator of any landfill or waste disposal facility located in a 100-year floodplain shall, upon receipt of notification from the Agency, repair damage to that facility caused by a 100-year flood.
(Source: P.A. 90-503, eff. 8-19-97.)".

Under the rules, the foregoing **Senate Bill No. 496**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage

of a bill of the following title, to-wit:

SENATE BILL NO. 648

A bill for AN ACT concerning charter schools, amending named Acts.

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

House Amendment No. 1 to SENATE BILL NO. 648
House Amendment No. 2 to SENATE BILL NO. 648

Passed the House, as amended, May 12, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 648

AMENDMENT NO. 1. Amend Senate Bill 648 as follows:
on page 16, line 9, by replacing "65%" with "70%"; and
on page 16, line 11, by replacing "and 35%" with "50%"; and
on page 16, line 13, after "term", by inserting ", and 25% of the per capita funding paid to the charter school during the fourth year of its initial term"; and
on page 16, line 22, after the period, by inserting "Transition impact aid shall be paid beginning in the 1999-2000 school year for charter schools that are in the first, second, or third year of their initial term."; and
on page 17, line 24, after the period, by inserting "The State Board may use up to 3% of the appropriation to contract with a non-profit entity to administer the loan program."; and
on page 20, immediately below line 15, by inserting the following:
"Section 99. Effective date. This Act takes effect upon becoming law.".

AMENDMENT NO. 2 TO SENATE BILL 648

AMENDMENT NO. 2. Amend Senate Bill 648, AS AMENDED, in Section 10, Sec. 27A-4, subsection (b), the sentence beginning "The total number", by deleting "except as otherwise provided in this subsection (b)"; and
in Section 10, Sec. 27A-4, subsection (b), by deleting 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
in Section 10, Sec. 27A-11.5, at the end of subdivision (1), by inserting "If House Bill 230 of the 91st General Assembly becomes law, transition impact aid shall not be paid for any charter school

that is proposed and created by one or more boards of education, as authorized under the provisions of House Bill 230 of the 91st General Assembly.".

Under the rules, the foregoing **Senate Bill No. 648**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

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

SENATE BILL NO. 658

A bill for AN ACT to create the Orthotics, Prosthetics, and Pedorthics Practice Act.

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

House Amendment No. 1 to SENATE BILL NO. 658
House Amendment No. 2 to SENATE BILL NO. 658

Passed the House, as amended, May 12, 1999.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 658

AMENDMENT NO. 1. Amend Senate Bill 658 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Orthotics, Prosthetics, and Pedorthics Practice Act.

Section 5. Declaration of public policy. The practice of orthotics and prosthetics in the State of Illinois is an allied health profession recognized by the American Medical Association, with educational standards established by the Commission on Accreditation of Allied Health Education Programs. The practice of pedorthics in the State of Illinois is an allied health profession recognized by the American Academy of Orthopaedic Surgeons, with educational standards established by the Board for Certification in Pedorthics. The increasing population of elderly and physically challenged individuals who need orthotic, prosthetic, and pedorthic services requires that the orthotic, prosthetic, and pedorthic professions be regulated to ensure the provision of high-quality services and devices. The people of Illinois deserve the best care available, and will benefit from the assurance of initial and ongoing professional competence of the orthotists, prosthetists, and pedorthists practicing in this State. The practice of orthotics, prosthetics, and pedorthics serves to improve and enhance the lives of individuals with disabilities by enabling them to resume productive lives following serious illness, injury, or trauma. Unregulated dispensing of orthotic, prosthetic, and pedorthic care does not adequately meet the needs or serve the interests of the

public. In keeping with State requirements imposed on similar health disciplines, licensure of the orthotic, prosthetic, and pedorthic professions will help ensure the health and safety of consumers, as well as maximize their functional abilities and productivity levels. This Act shall be liberally construed to best carry out these subjects and purposes.

Section 10. Definitions. As used in this Act:

"Assistant" means a person who assists an orthotist, prosthetist, or prosthetist/orthotist with patient care services and fabrication of orthoses or prostheses under the supervision of a licensed orthotist or prosthetist.

"Board" means the Board of Orthotics, Prosthetics, and Pedorthics.

"Custom" means that an orthosis, prosthesis, or pedorthic device is designed, fabricated, and aligned specifically for one person in accordance with sound biomechanical principles.

"Custom fitted" means that a prefabricated orthosis, prosthesis, or pedorthic device is modified and aligned specifically for one person in accordance with sound biomechanical principles.

"Department" means the Department of Professional Regulation.

"Director" means the Director of Professional Regulation.

"Facility" means the business location where orthotic, prosthetic, or pedorthic care is provided and, in the case of an orthotic/prosthetic facility, has the appropriate clinical and laboratory space and equipment to provide comprehensive orthotic or prosthetic care and, in the case of a pedorthic facility, has the appropriate clinical space and equipment to provide pedorthic care. Licensed orthotists, prosthetists, and pedorthists must be available to either provide care or supervise the provision of care by registered staff.

"Licensed orthotist" means a person licensed under this Act to practice orthotics and who represents himself or herself to the public by title or description of services that includes the term "orthotic", "orthotist", "brace", or a similar title or description of services.

"Licensed pedorthist" means a person licensed under this Act to practice pedorthics and who represents himself or herself to the public by the title or description of services that include the term "pedorthic", "pedorthist", or a similar title or description of services.

"Licensed physician" means a person licensed under the Medical Practice Act of 1987.

"Licensed podiatrist" means a person licensed under the Podiatric Medical Practice Act of 1987.

"Licensed prosthetist" means a person licensed under this Act to practice prosthetics and who represents himself or herself to the public by title or description of services that includes the term "prosthetic", "prosthetist", "artificial limb", or a similar title or description of services.

"Orthosis" means a custom-fabricated or custom-fitted brace or support designed to provide for alignment, correction, or prevention of neuromuscular or musculoskeletal dysfunction, disease, injury, or

deformity. "Orthosis" does not include fabric or elastic supports, corsets, arch supports, low-temperature plastic splints, trusses, elastic hoses, canes, crutches, soft cervical collars, dental appliances, or other similar devices carried in stock and sold as "over-the-counter" items by a drug store, department store, corset shop, or surgical supply facility.

"Orthotic and Prosthetic Education Program" means a course of instruction accredited by the Commission on Accreditation of Allied Health Education Programs, consisting of (i) a basic curriculum of college level instruction in math, physics, biology, chemistry, and psychology and (ii) a specific curriculum in orthotic or prosthetic courses, including: (A) lectures covering pertinent anatomy, biomechanics, pathomechanics, prosthetic-orthotic components and materials, training and functional capabilities, prosthetic or orthotic performance evaluation, prescription considerations, etiology of amputations and disease processes necessitating prosthetic or orthotic use, and medical management; (B) subject matter related to pediatric and geriatric problems; (C) instruction in acute care techniques, such as immediate and early post-surgical prosthetics, fracture bracing, and halo cast techniques; and (D) lectures, demonstrations, and laboratory experiences related to the entire process of measuring, casting, fitting, fabricating, aligning, and completing prostheses or orthoses.

"Orthotic and prosthetic scope of practice" means a list of tasks, with relative weight given to such factors as importance, criticality, and frequency, based on internationally accepted standards of orthotic and prosthetic care as outlined by the International Society of Prosthetics and Orthotics' professional profile for Category I and Category III orthotic and prosthetic personnel.

"Orthotics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, or servicing an orthosis under an order from a licensed physician or podiatrist for the correction or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity.

"Orthotist" means a person who measures, designs, fabricates, fits, or services orthoses and assists in the formulation of the prescription of orthoses as prescribed by a licensed physician for the support or correction of disabilities caused by neuro-musculoskeletal diseases, injuries, or deformities.

"Over-the-counter" means a prefabricated, mass-produced device that is prepackaged and requires no professional advice or judgement in either size selection or use, including fabric or elastic supports, corsets, generic arch supports, elastic hoses.

"Pedorthic device" means therapeutic footwear, foot orthoses for use at the ankle or below, and modified footwear made for therapeutic purposes. "Pedorthic device" does not include non-therapeutic accommodative inlays or non-therapeutic accommodative footwear, regardless of method of manufacture, shoe modifications made for non-therapeutic purposes, unmodified, over-the-counter shoes, or prefabricated foot care products.

"Pedorthic education program" means a course of instruction

accredited by the Board for Certification in Pedorthics consisting of (i) a basic curriculum of instruction in foot-related pathology of diseases, anatomy, and biomechanics and (ii) a specific curriculum in pedorthic courses, including lectures covering shoes, foot orthoses, and shoe modifications, pedorthic components and materials, training and functional capabilities, pedorthic performance evaluation, prescription considerations, etiology of disease processes necessitating use of pedorthic devices, medical management, subject matter related to pediatric and geriatric problems, and lectures, demonstrations, and laboratory experiences related to the entire process of measuring and casting, fitting, fabricating, aligning, and completing pedorthic devices.

"Pedorthic scope of practice" means a list of tasks with relative weight given to such factors as importance, criticality, and frequency based on nationally accepted standards of pedorthic care as outlined by the Board for Certification in Pedorthics' comprehensive analysis with an empirical validation study of the profession performed by an independent testing company.

"Pedorthics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, or servicing a pedorthic device under an order from a licensed physician, chiropractor or podiatrist for the correction or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity.

"Pedorthist" means a person who measures, designs, fabricates, fits, or services pedorthic devices and assists in the formulation of the prescription of pedorthic devices as prescribed by a licensed physician for the support or correction of disabilities caused by neuro-musculoskeletal diseases, injuries, or deformities.

"Person" means a natural person.

"Prosthesis" means an artificial medical device that is not surgically implanted and that is used to replace a missing limb, appendage, or any other external human body part including an artificial limb, hand, or foot. "Prosthesis" does not include artificial eyes, ears, fingers, or toes, dental appliances, cosmetic devices such as artificial breasts, eyelashes, or wigs, or other devices that do not have a significant impact on the musculoskeletal functions of the body.

"Prosthetics" means the science and practice of evaluating,

measuring, designing, fabricating, assembling, fitting, adjusting, or servicing a prosthesis under an order from a licensed physician.

"Prosthetist" means a person who measures, designs, fabricates, fits, or services prostheses and assists in the formulation of the prescription of prostheses as prescribed by a licensed physician for the replacement of external parts of the human body lost due to amputation or congenital deformities or absences.

"Prosthetist/orthotist" means a person who practices both disciplines of prosthetics and orthotics and who represents himself or herself to the public by title or by description of services.

"Registered prosthetist/orthotist assistant" means a person registered under this Act who assists a licensed orthotist or prosthetist with patient care services and the fabrication of

orthoses or prostheses.

"Registered pedorthic technician" means a person registered under this Act who assists a pedorthist with fabrication of pedorthic devices.

"Registered prosthetic/orthotic technician" means a person registered under this Act who assists an orthotist or prosthetist with fabrication of orthoses or prostheses.

"Resident" means a person who has completed an education program in either orthotics or prosthetics and is continuing his or her clinical education in a residency accredited by the National Commission on Orthotic and Prosthetic Education.

"Technician" means a person who assists an orthotist, prosthetist, prosthetist/orthotist, or pedorthist with fabrication of orthoses, prostheses, or pedorthic devices but does not provide direct patient care.

Section 15. Exceptions. This Act shall not be construed to prohibit:

(1) a physician licensed in this State from engaging in the practice for which he or she is licensed;

(2) a person licensed in this State under any other Act from engaging in the practice for which he or she is licensed;

(3) the practice of orthotics, prosthetics, or pedorthics by a person who is employed by the federal government or any bureau, division, or agency of the federal government while in the discharge of the employee's official duties;

(4) the practice of orthotics, prosthetics, or pedorthics by (i) a student enrolled in a school of orthotics, prosthetics, or pedorthics, (ii) a resident continuing his or her clinical education in a residency accredited by the National Commission on Orthotic and Prosthetic Education, or (iii) a student in a qualified work experience program or internship in pedorthics;

(5) the practice of orthotics, prosthetics, or pedorthics by one who is an orthotist, prosthetist, or pedorthist licensed under the laws of another state or territory of the United States or another country and has applied in writing to the Department, in a form and substance satisfactory to the Department, for a license as orthotist, prosthetist, or pedorthist and who is qualified to receive the license under Section 40 until (i) the expiration of 6 months after the filing of the written application, (ii) the withdrawal of the application, or (iii) the denial of the application by the Department;

(6) a person licensed by this State as a physical therapist or occupational therapist from engaging in the practice of his or her profession; or

(7) a physician licensed under the Podiatric Medical Practice Act of 1997 from engaging in his or her profession.

Section 20. Powers and duties of the Department.

(a) The Department shall exercise the powers and duties

prescribed by the Civil Administrative Code of Illinois for the administration of licensure Acts and shall exercise other powers and duties necessary for effectuating the purposes of this Act.

(b) The Department may adopt rules to administer and enforce

this Act including, but not limited to, fees for original licensure and renewal and restoration of licenses and may prescribe forms to be issued to implement its rules. The Department shall exercise the powers and duties prescribed by this Act. At a minimum, the rules adopted by the Department shall include standards and criteria for licensure and for professional conduct and discipline. The Department shall consult with the Board in adopting rules. Notice of proposed rulemaking shall be transmitted to the Board, and the Department shall review the Board's response and any recommendations made in writing with proper explanation of deviations from the Board's recommendations and response.

(c) The Department at any time may seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act.

(d) The Department shall issue a quarterly report to the Board of the status of all complaints related to the profession and filed with the Department.

(e) Department may adopt rules as necessary to establish eligibility for facility registration and standards.

Section 25. Board of Orthotics, Prosthetics, and Pedorthics.

(a) There is established a Board of Orthotics, Prosthetics, and Pedorthics, which shall consist of 6 voting members to be appointed by the Governor. Three members shall be practicing licensed orthotists, licensed prosthetists, or licensed pedorthists. These members may be licensed in more than one discipline and their appointments must equally represent all 3 disciplines. One member shall be a member of the public who is a consumer of orthotic, prosthetic, or pedorthic professional services. One member shall be a public member who is not licensed under this Act or a consumer of services licensed under this Act. One member shall be a licensed physician.

(b) Each member of the Board shall serve a term of 3 years, except that of the initial appointments to the Board, 2 members shall be appointed for one year, 2 members shall be appointed for 2 years, and 2 members shall be appointed for 3 years. Each member shall hold office and execute his or her Board responsibilities until the qualification and appointment of his or her successor. No member of the Board shall serve more than 8 consecutive years or 2 full terms, whichever is greater.

(c) Members of the Board shall receive as compensation a reasonable sum as determined by the Director for each day actually engaged in the duties of the office and shall be reimbursed for reasonable expenses incurred in performing the duties of the office.

(d) A quorum of the Board shall consist of a majority of Board members currently appointed.

(e) The Governor may terminate the appointment of any member for cause which, in the opinion of the Governor reasonably justifies termination, which may include, but is not limited to, a Board member who does not attend 2 consecutive meetings.

(f) Membership of the Board should reasonably reflect representation from the geographic areas in this State.

Section 30. Board; immunity; chairperson.

(a) Members of the Board shall be immune from suit in any action based upon any disciplinary proceeding or other activities performed in good faith as members of the Board.

(b) The Board shall annually elect a chairperson and vice chairperson who shall be licensed under this Act.

Section 35. Application for original or temporary license. An application for an original or temporary license shall be made to the Department in writing on a form prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable. An application shall require information that in the judgement of the Department will enable the Department to pass on the qualifications of the applicant for a license.

Section 40. Qualifications for licensure as orthotist, prosthetist, or pedorthist.

(a) To qualify for a license to practice orthotics or prosthetics, a person shall:

(1) possess a baccalaureate degree from a college or university;

(2) have completed the amount of formal training, including, but not limited to, any hours of classroom education and clinical practice established and approved by the Department;

(3) complete a clinical residency in the professional area for which a license is sought in accordance with standards, guidelines, or procedures for residencies inside or outside this State established and approved by the Department. The majority of training must be devoted to services performed under the supervision of a licensed practitioner of orthotics or prosthetics or a person certified as a Certified Orthotist (CO), Certified Prosthetist (CP), or Certified Prosthetist Orthotist (CPO) whose certification was obtained before the effective date of this Act;

(4) pass all written, practical, and oral examinations that are required and approved by the Department; and

(5) be qualified to practice in accordance with internationally accepted standards of orthotic and prosthetic care.

(b) To qualify for a license to practice pedorthics, a person shall:

(1) possess a high school diploma or its equivalent;

(2) have completed the amount of formal training, including, but not limited to, any hours of classroom education and clinical practice established and approved by the Department;

(3) complete a qualified work experience program or internship in pedorthics in accordance with any standards, guidelines, or procedures established and approved by the Department;

(4) pass all examinations that are required and approved by the Department; and

(5) be qualified to practice in accordance with nationally accepted standards of pedorthic care.

(c) The standards and requirements for licensure established by the Department shall be substantially equal to or in excess of standards commonly accepted in the profession of orthotics, prosthetics, or pedorthics. The Department shall adopt rules as necessary to set the standards and requirements.

(d) A person may be licensed in more than one discipline.

Section 45. Examination requirement.

(a) The Department may authorize examinations of applicants as orthotists, prosthetists, or pedorthists at times and places as it may determine. The examination of applicants shall be of a character to fairly test the qualifications of the applicant to practice orthotics, prosthetics, or pedorthics.

(b) Applicants for examination as orthotists, prosthetists, and pedorthists shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled

date at the time and place specified after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service shall result in the forfeiture of the examination fee.

(c) If an applicant neglects, fails, or refuses to take an examination or fails to pass an examination for a license under this Act within 3 years after filing his or her application, the application shall be denied. All fees are nonrefundable. The applicant may make a new application for examination accompanied by the required fee and must furnish proof of meeting qualifications for licensure in effect at the time of new application.

(d) The Department shall set by rule the maximum number of attempts that an applicant may make to pass the examination within a specified period of time. The Department shall also determine any further training required before a reexamination.

(e) The Department may employ consultants for the purpose of preparing and conducting examinations. An applicant for an examination as an orthotist, a prosthetist, or pedorthist shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of providing the examination.

Section 50. Assistants; technicians.

(a) No person shall work as an assistant to an orthotist, prosthetist, or prosthetist/orthotist and provide patient care services or fabrication of orthoses or prostheses, unless he or she is doing the work under the supervision of a licensed orthotist or prosthetist.

(b) No person shall work as a technician, as defined in this Act, unless the work is performed under the supervision of a person licensed under this Act.

Section 55. Transition period.

(a) Until January 1, 2002, a person certified as a Certified Orthotist (CO), Certified Prosthetist (CP), or Certified Prosthetist Orthotist (CPO) by the American Board for Certification in Prosthetics and Orthotics, Incorporated, or holding similar certifications from other accrediting bodies with equivalent educational requirements and examination standards may apply for and shall be granted orthotic or prosthetic licensure under this Act upon payment of the required fee. After that date, any applicant for licensure as an orthotist or a prosthetist shall meet the requirements of subsection (a) of Section 40 of this Act.

(b) Until January 1, 2002, a person certified as a Certified Pedorthist (CPed) by the Board for Certification in Pedorthics,

Incorporated, or a person certified as a Certified Orthotist (CO) or Certified Prosthetist Orthotist (CPO) by the American Board for Certification in Prosthetics and Orthotics, Incorporated, or holding similar certifications from other accrediting bodies with equivalent educational requirements and examination standards may apply for and shall be granted pedorthic licensure under this Act upon payment of the required fee. After that date, any applicant for licensure as a pedorthist shall meet the requirements of subsection (b) of Section 40 of this Act.

(c) On and after January 1, 2002, no person shall practice orthotics, prosthetics, or pedorthics in this State or hold himself or herself out as being able to practice either profession, unless he or she is licensed in accordance with Section 40 of this Act.

(d) Notwithstanding any other provision of this Section, a person who has practiced full-time for the past 7 years in a prosthetic/orthotic facility as an orthotist, prosthetist, prosthetist/orthotist, assistant, or technician or in a pedorthic facility as a pedorthist or pedorthic technician on the effective

date of this Act may file an application with the Board within 60 days after the effective date of this Act in order to continue to practice orthotics, prosthetics, or pedorthics at his or her identified level of practice. The applicant shall be issued a license or certificate of registration to practice orthotics, prosthetics, or pedorthics under the provisions of this Act without examination upon receipt by the Department of payment of the licensing or registration fee required under Section 70 of this Act and after the Board has completed an investigation of the applicant's work history. The Board shall complete its investigation for the purposes of this Section within 6 months of the date of the application. The investigation may include, but is not limited to, completion by the applicant of a questionnaire regarding the applicant's work history and scope of practice.

Section 56. Enforcement. The licensure requirements of Sections 40, 50, and 55 shall not be enforced until 12 months after the adoption of final administrative rules for this Act.

Section 57. Limitation on provision of care and services. A licensed orthotist or pedorthist may provide care or services only if the care or services are provided pursuant to an order from a licensed physician or podiatrist. A licensed prosthetist may provide care or services only if the care or services are provided pursuant to an order from a licensed physician.

Section 60. Renewal; restoration; military service.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule of the Department. The Board shall establish continuing education requirements for the renewal of a license. These requirements shall be based on established standards of competence.

(b) A person who has permitted his or her license to expire or who has had his or her license on inactive status may have his or her license restored by (i) making application to the Department, (ii) filing proof acceptable to the Department of his or her fitness to have his or her license restored including, but not limited to, sworn

evidence certifying to active practice in another jurisdiction satisfactory to the Department, and (iii) paying the required restoration fee. If the person has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program established by rule, his or her fitness to resume active status and may require the person to complete a period of evaluated clinical experience and may require successful completion of an examination.

(c) A person whose license expired while he or she was (i) in federal service on active duty within the armed forces of the United States or with the State militia called into service or training or (ii) in training or education under the supervision of the United States preliminary to induction into military service may have his or her license renewed or restored without paying a lapsed renewal fee if, within 2 years after termination from the service, training, or education except under conditions other than honorable, he or she furnished the Department with satisfactory evidence that he or she has been so engaged and that his or her service, training, or education has been terminated.

Section 65. Elective inactive status. A person who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

A person requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to

restore his or her license as provided in Section 60 of this Act.

An orthotist, prosthetist, or pedorthist whose license is on inactive status shall not practice orthotics, prosthetics, or pedorthics in this State.

Section 70. Endorsement. The Department may, at its discretion, license as either an orthotist, prosthetist, or pedorthist, without examination and on payment of the required fee, an applicant who is an orthotist, prosthetist, or pedorthist who is (i) licensed under the laws of another state, territory, or country, if the requirements for licensure in that state, territory, or country in which the applicant was licensed were, at the date of his or her licensure, substantially equal to the requirements in force in this State on that date or (ii) certified by a national certification organization with educational and testing standards equal to or more stringent than the licensing requirements of this State.

Section 75. Fees.

(a) The Department shall provide by rule for a schedule of fees to be paid for licenses by all applicants. All fees are not refundable.

(b) The fees for the administration and enforcement of this Act including, but not limited to, original licensure, renewal, and restoration shall be set by rule by the Department.

(c) All fees and fines collected under this Act shall be deposited into the General Professions Dedicated Fund.

Section 80. Roster of licensees and registrants. The Department

shall maintain a current roster of the names and addresses of all licensees, registrants, and all persons whose licenses have been suspended or revoked within the previous year. This roster shall be available upon written request and payment of the required fee.

Section 85. Practice by corporations. Nothing in this Act shall restrict licensees from forming professional service corporations under the provisions of the Professional Service Corporation Act.

Section 90. Grounds for discipline.

(a) The Department may refuse to issue or renew a license, may revoke or suspend a license, or may suspend, place on probation, censure, or reprimand a licensee for one or any combination of the following:

(1) Making a material misstatement in furnishing information to the Department or the Board.

(2) Violations of or negligent or intentional disregard of this Act or its rules.

(3) Conviction of any crime that under the laws of the United States or of a state or territory of the United States is a felony or a misdemeanor, an essential element of which is dishonesty, or of a crime that is directly related to the practice of the profession.

(4) Making a misrepresentation for the purpose of obtaining a license.

(5) Professional incompetence.

(6) Malpractice.

(7) Aiding or assisting another person in violating a provision of this Act or its rules.

(8) Failing to provide information within 60 days in response to a written request made by the Department.

(9) Engaging in dishonorable, unethical, or unprofessional conduct or conduct of a character likely to deceive, defraud, or harm the public.

(10) Habitual intoxication or addiction to the use of drugs.

(11) Discipline by another state or territory of the United States, the federal government, or foreign nation, if at least

one of the grounds for the discipline is the same or substantially equivalent to one set forth in this Section.

(12) Directly or indirectly giving to or receiving from a person, firm, corporation, partnership, or association a fee, commission, rebate, or other form of compensation for professional services not actually or personally rendered.

(13) A finding by the Board that the licensee or registrant, after having his or her license placed on probationary status, has violated the terms of probation.

(14) Abandonment of a patient or client.

(15) Wilfully making or filing false records or reports in his or her practice including, but not limited to, false records filed with State agencies or departments.

(16) Wilfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(17) Physical illness including, but not limited to, deterioration through the aging process or loss of motor skill that results in the inability to practice the profession with reasonable judgement, skill, or safety.

(18) Solicitation of professional services using false or misleading advertising.

(b) The determination by a circuit court that a licensee or registrant is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. The suspension will end only upon (i) a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of a court order so finding and discharging the patient and (ii) the recommendation of the Board to the Director that the licensee or registrant be allowed to resume his or her practice.

(c) In enforcing this Section, the Department or Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. The examination shall be performed by a physician licensed to practice medicine in all its branches. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department or Board finds an individual unable to practice because of the reasons set forth in this Section, the Department or Board may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file, or the Board may recommend to the Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued,

reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Director immediately suspends a person's license under this Section, a hearing on that person's

license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

Section 95. Injunction; cease and desist order.

(a) If any person violates a provision of this Act, the Director may, in the name of the People of the State of Illinois and through the Attorney General of the State of Illinois, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If a person practices as an orthotist, prosthetist, or pedorthist or holds himself or herself out as an orthotist, prosthetist, or pedorthist without being licensed or registered under the provisions of this Act, then any other licensed or registered orthotist, prosthetist, or pedorthist, any interested party, or any person injured by the person may, in addition to the Director, petition for relief as provided in subsection (a) of this Section.

(c) Whenever in the opinion of the Department a person violates a provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him or her. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

Section 100. Investigations; notice and hearing. The Department may investigate the actions of an applicant or of a person or persons holding or claiming to hold a license. Before refusing to issue or renew a license, the Department shall, at least 10 days prior to the date set for the hearing, notify in writing the applicant for or holder of a license of the nature of the charges and that a hearing will be held on the date designated. The written notice may be served by personal delivery or by certified or registered mail to the respondent at the address disclosed on his or her last notification to the Department. At the time and place fixed in the notice, the Board shall proceed to hear the charges. The parties or their counsel shall be afforded ample opportunity to present statements, testimony, evidence, and argument that may be pertinent to the charges or to the defense to the charges. The Board may continue the hearing from time to time.

Section 105. Transcript. The Department, at its own expense,

shall preserve a record of all proceedings at the formal hearing of a case involving the refusal to issue or renew a license. The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, and orders of the Department shall be in the record of the proceeding.

Section 110. Compelling testimony. A circuit court may, upon application of the Director or his or her designee or the applicant or licensee against whom proceedings under Section 100 of this Act are pending, enter an order requiring the attendance of witnesses and their testimony and requiring the production of documents, papers, files, books, and records in connection with a hearing or investigation. The court may compel obedience to its order through contempt proceedings.

Section 115. Board findings and recommendations. At the conclusion of a hearing, the Board shall present to the Director a written report of its findings and recommendations. The report shall contain a finding of whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply and shall make its recommendations to the Director. The report of findings and recommendations of the Board shall be the basis for the Department's order for the refusal or for the granting of a license, unless the Director determines that the Board report is contrary to the manifest weight of the evidence, in which case the Director may issue an order in contravention to the Board report. A Board finding is not admissible in evidence against the person in a criminal prosecution brought for a violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for a violation of this Act.

Section 120. Motion for rehearing. In any case involving the refusal to issue or renew a license or the discipline of a licensee, a copy of the Board's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after service, the respondent may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing the motion, or if a motion for rehearing is denied, upon the denial, the Director may enter an order in accordance with recommendations of the Board, except as provided in Section 115 of this Act. If the respondent orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which the motion may be filed shall commence upon the delivery of the transcript to the respondent.

Section 125. Rehearing on order of Director. Whenever the Director is not satisfied that substantial justice has been done in the revocation, suspension, or refusal to issue or renew a license the Director may order a rehearing by the same or other examiners.

Section 130. Appointment of hearing officer. The Director shall have the authority to appoint an attorney licensed to practice law in the State of Illinois to serve as a hearing officer in an action for refusal to issue or renew a license or to discipline a licensee. The hearing officer shall have full authority to conduct the hearing.

The hearing officer shall report his or her findings and recommendations to the Board and the Director. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Director. If the Board fails to present its report within the 60-day period, the Director shall issue an

order based on the report of the hearing officer. If the Director determines that the Board's report is contrary to the manifest weight of the evidence, he or she may issue an order in contravention of the Board's report.

Section 135. Order or certified copy. An order or a certified copy of an order, over the seal of the Department and purporting to be signed by the Director, shall be prima facie proof:

(1) that the signature is the genuine signature of the Director;

(2) that the Director is duly appointed and qualified; and

(3) that the Board and its members are qualified to act.

Section 140. Restoration of suspended or revoked license. At any time after the suspension or revocation of any license, the Department may restore the license to the accused person upon the written recommendation of the Board unless, after an investigation and a hearing, the Board determines that restoration is not in the public interest.

Section 145. Surrender of license. Upon the revocation or suspension of a license, the licensee shall immediately surrender the license to the Department, and if the licensee fails to do so, the Department shall have the right to seize the license.

Section 150. Temporary suspension of a license. The Director may temporarily suspend the license of an orthotist, prosthetist, or pedorthist without a hearing simultaneously with the institution of proceedings for a hearing provided for in Section 95 of this Act if the Director finds that evidence in his or her possession indicates that a licensee's continuation in practice would constitute an imminent danger to the public. If the Director temporarily suspends a license without a hearing, a hearing by the Board must be held within 30 days after the suspension.

Section 155. Administrative Review Law; venue. All final administrative decisions of the Department are subject to judicial review pursuant to the provisions of the Administrative Review Law and its rules. The term "administrative decision" has the same meaning as in Section 3-101 of the Administrative Review Law. Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of this State, the venue shall be in Sangamon County.

Section 160. Certifications of record; costs. 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, which shall be computed at the rate of 20 cents per page of the record. Failure on the part of a plaintiff to file a receipt in court shall be grounds for dismissal

of the action.

Section 165. Penalties. A person who is found to have violated a provision of this Act is guilty of a Class A misdemeanor for a first offense and is guilty of a Class 4 felony for a second or subsequent offense.

Section 170. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated in this Act as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act, which provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the license, is specifically excluded and for purposes of this Act. The notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the

last known address of a party.

Section 175. Home rule preemption. It is declared to be the public policy of this State, pursuant to paragraph (h) of Section 6 of Article VII of the Illinois Constitution of 1970, that a power or function set forth in this Act to be exercised by the State is an exclusive State power or function. No power or function granted under this Act shall be exercised concurrently, either directly or indirectly, by a unit of local government, including home rule units, except as otherwise provided in this Act.

Section 250. The Regulatory Sunset Act is amended by adding Section 4.20 as follows:

(5 ILCS 80/4.20 new)

Sec. 4.20. Act repealed on January 1, 2010. The following Act is repealed on January 1, 2010:

The Illinois Orthotics, Prosthetics, and Pedorthics Practice Act.

Section 999. Effective date. This Act takes effect January 1, 2000.".

AMENDMENT TO SENATE BILL 658

AMENDMENT NO. 2. Amend Senate Bill 658, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 4, by replacing line 18 with the following:

"prosthetics and fracture bracing techniques; and"; and

on page 5, line 3, by replacing "prescription of orthoses as prescribed" with "order of orthoses as ordered"; and

on page 6, line 11, by deleting ", chiropractor"; and

on page 6, line 16, by replacing "prescription" with "order"; and

on page 6, line 17, by replacing "prescribed" with "ordered"; and

on page 7, line 2, by replacing "prescription of prostheses as prescribed" with "order of prostheses as ordered"; and

on page 7, by deleting lines 10 through 19; and

on page 8, lines 26 and 27, by deleting "the practice of"; and

on page 9, by deleting lines 20 through 22; and

on page 9, line 23, by replacing "(e)" with "(d)"; and

on page 9, line 29, by replacing "Governor" with "Director"; and

on page 10, lines 22 and 23, by replacing "Governor" each time it

appears with "Director"; and
on page 11, line 2, by deleting "or temporary"; and
on page 11, line 3, by deleting "or temporary"; and
on page 15, line 9, by replacing "effective date of this Act" with "enforcement of this Section begins pursuant to Section 56 of this Act"; and
on page 19, by replacing lines 5 and 6 with the following:

"(5) A pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act.

(6) Gross negligence under this Act.".

Under the rules, the foregoing **Senate Bill No. 658**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

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

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

SENATE BILL NO. 680

A bill for AN ACT to amend the Illinois Public Aid Code by adding Section 9A-14.

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

House Amendment No. 1 to SENATE BILL NO. 680
House Amendment No. 2 to SENATE BILL NO. 680
House Amendment No. 3 to SENATE BILL NO. 680

Passed the House, as amended, May 12, 1999.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 680

AMENDMENT NO. 1. Amend Senate Bill 680 on page 1 by replacing lines 1 and 2 with the following:

"AN ACT to amend the Illinois Public Aid Code by changing Sections 4-1.12 and 12-4.11 and by adding Sections 9A-14 and 12-4.17a."; and
by replacing lines 5 and 6 with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Sections 4-1.12 and 12-4.11 and by adding Sections 9A-14 and 12-4.17a as follows:

(305 ILCS 5/4-1.12)

Sec. 4-1.12. Five year limitation.

(a) No assistance unit shall be eligible for a cash grant under this Article if it includes an adult who has received cash assistance as an adult for 60 months, whether or not consecutive, after the effective date of this amendatory Act of 1997. The Illinois Department may exempt individual assistance units from the 60-month

limitation or determine circumstances under which a month or months would not count towards the 60-month limitation even though the assistance unit did receive cash assistance under this Article.

(b) In addition to months that the Illinois Department has determined or shall determine by rule not to count toward the 60-month limitation, the Illinois Department shall not count months in which the adult receiving assistance under this Article is the primary caregiver for a disabled child when the demands of caregiving are inconsistent with sustained employment.

(Source: P.A. 90-17, eff. 7-1-97.)"; and

on page 2, after line 32, by inserting the following:

"(305 ILCS 5/12-4.11) (from Ch. 23, par. 12-4.11)

Sec. 12-4.11. Grant amounts.

(a) The Department, with due regard for and subject to budgetary limitations, shall establish grant amounts for each of the programs, by regulation. The grant amounts may vary by program, size of assistance unit and geographic area.

(b) Aid payments shall not be reduced except: (1) for changes in the cost of items included in the grant amounts, or (2) for changes in the expenses of the recipient, or (3) for changes in the income or resources available to the recipient, or (4) for changes in grants resulting from adoption of a consolidated grant amount.

(c) In fixing standards to govern payments or reimbursements for funeral and burial expenses, the Department shall take into account the services essential to a dignified, low-cost funeral and burial, but no payment shall be authorized from public aid funds for the funeral in excess of $650, exclusive of reasonable amounts as may be necessary for burial space and cemetery charges, and any applicable taxes or other required governmental fees or charges. The Department shall authorize no payment in excess of $325 for a cemetery burial.

(d) Nothing contained in this Section or in any other Section of this Code shall be construed to prohibit the Illinois Department (1) from consolidating existing standards on the basis of any standards

which are or were in effect on, or subsequent to July 1, 1969, or (2) from employing any consolidated standards in determining need for public aid and the amount of money payment or grant for individual recipients or recipient families.

(e) When a recipient reports that he or she has obtained employment, the Department, subject to the following limitations, may project the recipient's likely earnings and eligibility for assistance and grant level under Article IV:

(1) If, based on the recipient's report of his or her projected hours and wage, the Department projects that the recipient will no longer be eligible for assistance under Article IV, it may terminate or cancel the case. However, if, within 30 days after termination or cancellation, the recipient presents evidence that the actual earnings from the recipient's work, or future earnings projected based on the rate of pay and number of hours or days of work demonstrated by the first payment from work, do not warrant termination or cancellation, the recipient's cash assistance shall be restored at the appropriate level for his or her actual and future projected earnings.

(2) When the recipient first reports his or her employment, the Department shall notify him or her in writing of this policy and shall give him or her instructions about how to provide a copy of his or her first paycheck stub or other proof of his or her earnings to the Department. The Department shall instruct its workers to obtain income reports from newly-employed recipients that are as accurate and realistic as possible.

(Source: P.A. 89-507, eff. 7-1-97; 90-17, eff. 7-1-97; 90-326, eff. 8-8-97; 90-372, eff. 7-1-98; 90-655, eff. 7-30-98.)

(305 ILCS 5/12-4.17a new)

Sec. 12-4.17a. Customer service enhancement.

(a) The Department shall provide in the waiting area of each local office written information regarding applicants' and recipients' rights to appeal action or inaction and to file a grievance, as well as sufficient quantities of appeal and grievance forms.

(b) The Department shall establish 2-year pilot projects in at least 2 local offices, at least one of which shall be in a city of over 500,000, under which the local offices will be open at least one weekday evening and Saturday each week to accommodate the schedules of applicants and recipients who cannot visit the office during normal office hours. The Department shall submit a report on the pilot project to the Family Self Sufficiency Advisory Council created by the Department after one year of operation of the pilot and a final report upon completion of the pilot. The report shall describe the pilot, the expenses and savings achieved, the usage of the extended hours by recipients, and the personnel issues that arose.

(c) The Department shall charge the Family Self Sufficiency Advisory Council created by the Department with monitoring customer service and annually making customer service recommendations to the Secretary, and support the Council in carrying out that charge. For this purpose, the Council shall include caseworkers, or their collective bargaining representatives, as ex-officio participants in the review and monitoring of customer service and the formulation of recommendations.

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

AMENDMENT NO. 2 TO SENATE BILL 680

AMENDMENT NO. 2. Amend Senate Bill 680, AS AMENDED, as follows:

by replacing the title with the following:

"AN ACT to amend the Illinois Public Aid Code by changing

Sections 4-1.12 and 12-4.11, by adding Sections 1-12, 9A-14, and 12-4.17a, and by repealing Section 4-22."; and

in the introductory clause of Section 5, by replacing "Sections 9A-14" with "Sections 1-12, 9A-14,"; and

after the introductory clause of Section 5, by inserting the following:

"(305 ILCS 5/1-12 new)

Sec. 1-12. Domestic violence option.

(a) Findings. The General Assembly finds that:

(1) domestic violence may make it difficult for some

individuals to attain economic self-sufficiency; and

(2) no individual or family should be unfairly penalized because past or present domestic violence or the risk of domestic violence causes them to fail to comply with requirements for assistance.

(b) Definition of domestic violence. For purposes of this Section:

"Domestic violence" means battering or subjecting a person to extreme cruelty by (i) physical acts that result in or threaten to result in physical injury; (ii) sexual abuse; (iii) sexual activity involving a dependent child; (iv) forcing the person to participate in nonconsensual sexual acts or activities; (v) threats of, or attempts at, physical or sexual abuse; (vi) mental abuse; or (vii) neglect or deprivation of medical care.

(c) Protection of applicants and recipients who are victims of domestic violence. In recognition of the reality of domestic violence for many individuals who may need Temporary Assistance for Needy Families (TANF), the State of Illinois adopts the Domestic Violence Option of Section 402(a)(7) of the Social Security Act.

The Department of Human Services, in operation of the TANF program under Article IV, shall:

(1) Screen and identify applicants and recipients of assistance for TANF who are past or present victims of domestic violence or at risk of further domestic violence, while maintaining confidentiality.

(2) Refer these individuals for counseling and supportive services.

(3) Waive, pursuant to a determination of good cause, any program requirements that would make it more difficult for these individuals to escape domestic violence or unfairly penalize past or present victims of domestic violence or those at risk of further domestic violence, such as time limits on receiving assistance, paternity establishment, child support cooperation requirements, residency requirements, and family cap provisions. When granting waivers under this Section, the Department shall determine a specific relationship between the domestic violence suffered by the client and the need to waive a requirement because domestic violence makes it more difficult or impossible for the client to meet the requirement.

In addition, the Department shall, in the assessment process to develop a personal plan for self-sufficiency, take the factor of domestic violence into account in determining the work, education, and training activities that are appropriate, including temporarily waiving any work, education, or training requirement, and in establishing good cause for failure to cooperate in the plan.

(d) Evidence of domestic violence. Allegations of domestic violence by a victim shall be corroborated by further evidence. Evidence may include, but is not limited to, police, governmental agency, or court records; documentation from a shelter worker, legal, clerical, medical, or other professional from whom the applicant or recipient has sought assistance in dealing with domestic violence; or

other corroborating evidence, such as a statement from any other

individual with knowledge of the circumstances which provide the basis for the claim, physical evidence of domestic violence, or any other evidence that supports the statement.

That an applicant or recipient is a past or present victim of domestic violence or at risk of further domestic violence may be established at any time.

(e) An applicant or recipient may decline to participate in services specifically directed at domestic violence, or may terminate participation in such services, without penalty or sanction.

(f) The Department shall develop and monitor policies and procedures to comply with this Section. Those policies and procedures include, but are not limited to, identification of victims of domestic violence, notification to applicants and recipients, maintaining confidentiality, referral to services, granting waivers, determining evidence of domestic violence, and training of the Department's employees."; and

in Section 5, after the last line of Sec. 12-4.17a, by inserting the following:

"(305 ILCS 5/4-22 rep.)

Section 10. The Illinois Public Aid Code is amended by repealing Section 4-22.".

AMENDMENT NO. 3 TO SENATE BILL 680

AMENDMENT NO. 3. Amend Senate Bill 680, AS AMENDED, as follows:

by replacing the title with the following:

"AN ACT to amend the Illinois Public Aid Code by changing Sections 1-11, 4-1.12, 12-4.11, and 12-4.34, by adding Sections 1-12, 9A-14, and 12-4.17a, and by repealing Section 4-22."; and

in the introductory clause of Section 5, by replacing "Sections 4-1.12 and 12-4.11" with "Sections 1-11, 4-1.12, 12-4.11, and 12-4.34"; and

in Section 5, between the last line of the introductory clause and the first line of Sec. 1-12, by inserting the following:

"(305 ILCS 5/1-11)

Sec. 1-11. Citizenship. To the extent not otherwise provided in this Code or federal law, all clients who receive cash or medical assistance under Article III, IV, V, or VI of this Code must meet the citizenship requirements as established in this Section. To be eligible for assistance an individual, who is otherwise eligible, must be either a United States citizen or included in one of the following categories of non-citizens:

(1) United States veterans honorably discharged and persons on active military duty, and the spouse and unmarried dependent children of these persons;

(2) Refugees under Section 207 of the Immigration and Nationality Act;

(3) Asylees under Section 208 of the Immigration and Nationality Act;

(4) Persons for whom deportation has been withheld under Section 243(h) of the Immigration and Nationality Act;

(5) Persons granted conditional entry under Section 203(a)(7) of the Immigration and Nationality Act as in effect prior to April 1, 1980;

(6) Persons lawfully admitted for permanent residence under the Immigration and Nationality Act; ~~and~~

(7) Parolees, for at least one year, under Section 212(d)(5) of the Immigration and Nationality Act;

(8) American Indians born in Canada under Section 289 of the Immigration and Nationality Act and members of an Indian tribe as defined in Section 4(e) of the Indian Self-Determination and

Education Assistance Act;

(9) Nationals of Cuba or Haiti admitted on or after April 21, 1980;

(10) Amerasians from Vietnam, and their close family members, admitted through the Orderly Departure Program beginning on March 20, 1988;

(11) Persons lawfully residing in the United States who were members of a Hmong or Highland Laotian tribe between August 5, 1965 and May 7, 1975, and the spouse, widow or widower who has not remarried, and unmarried dependent children of these persons; and

(12) Persons who are or were the spouse, widow, or child of a United States citizen or are or were the spouse or child of a legal permanent resident, who have been abused by the United States citizen, legal permanent resident, or a member of that relative's family that lived with them, who need assistance at least in part due to the abuse, and who are living separately from the abuser or will be living separately from the abuser before they receive assistance, and the children and parents of these persons if they did not participate in the abuse.

Those persons who are in the categories set forth in subdivisions 6 and 7 of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for 5 years beginning on the date the person entered the United States.

The Illinois Department may, by rule, cover prenatal care or emergency medical care for non-citizens who are not otherwise eligible under this Section. Local governmental units which do not receive State funds may impose their own citizenship requirements and are authorized to provide any benefits and impose any citizenship requirements as are allowed under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193).
(Source: P.A. 90-17, eff. 7-1-97.)"; and

between the last line of Sec. 12-4.17a in Section 5 and the first line of the introductory clause of Section 10, by inserting the following:

"(305 ILCS 5/12-4.34)

(Section scheduled to be repealed on August 31, 1999)

Sec. 12-4.34. Services to noncitizens.

(a) Subject to specific appropriation for this purpose and notwithstanding Sections 1-11 and 3-1 of this Code, the Department of Human Services is authorized to provide services to legal immigrants, including but not limited to naturalization and nutrition services and financial assistance. The nature of these services, payment levels, and eligibility conditions shall be determined by rule.

(b) The Illinois Department is authorized to lower the payment levels established under this subsection or take such other actions during the fiscal year as are necessary to ensure that payments under this subsection do not exceed the amounts appropriated for this purpose. 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.

~~(c) This Section is repealed on August 31, 1999.~~

(Source: P.A. 90-564, eff. 12-22-97; 90-588, eff. 7-1-98.)".

Under the rules, the foregoing **Senate Bill No. 680**, with House Amendments numbered 1, 2 and 3, was referred to the Secretary's Desk.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage

of a bill of the following title, to-wit:

SENATE BILL NO. 749

A bill for AN ACT to amend the Illinois Business Brokers Act of 1995 by changing Sections 10-105 and 10-115.

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

House Amendment No. 1 to SENATE BILL NO. 749

Passed the House, as amended, May 12, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 749

AMENDMENT NO. 1. Amend Senate Bill 749 by replacing the title with the following:

"AN ACT to amend the Illinois Business Brokers Act of 1995 by changing Sections 10-25, 10-105, and 10-115."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Business Brokers Act of 1995 is amended by changing Sections 10-25, 10-105, and 10-115 as follows:

(815 ILCS 307/10-25)

Sec. 10-25. Fees and funds. All fees and funds accruing for the administration of this Act shall be accounted for by the Secretary of State and shall be deposited with the State Treasurer who shall deposit them in the Securities Audit and Enforcement Fund.

(a) The Secretary of State shall, by rule or regulation, impose and collect fees necessary for the administration of this Act, including but not limited to, fees for the following purposes:

(1) Filing an application pursuant to Section 10-10 of this Act;

(2) Examining an application pursuant to Sections 10-10 and 10-20 of this Act;

(3) Registering a business broker under Section 10-10 of this Act;

(4) Renewing registration of a business broker pursuant to Section 10-20 of this Act;

(5) Failure to file or file timely any document or

information required under this Act;

(6) Filing a notice of lien with the Secretary of State pursuant to Section 10-115 of this Act.

(b) The Secretary of State may, by rule or regulation, raise or lower any fee imposed by, and which he or she is authorized by law to collect under, this Act.

(Source: P.A. 89-209, eff. 1-1-96; 90-70, eff. 7-8-97.)

(815 ILCS 307/10-105)

Sec. 10-105. Scope of the Act. This Act shall apply only when the person engaging or seeking to engage ~~engaged or sought to be engaged by~~ the business broker is domiciled in this State or when the company or business sought to be sold has its principal place of business in this State. Notwithstanding any other provision of this Section, a lien on property arising under Section 10-115 is enforceable only against tangible property located in this State.

(Source: P.A. 90-70, eff. 7-8-97.)

(815 ILCS 307/10-115)

Sec. 10-115. Business broker lien.

(a) Any business broker shall have a lien upon the tangible assets of a business located in this State that is the subject of a business broker's written contract ~~and the proceeds from the sale of~~

~~such business~~ in the amount due to ~~that~~ the broker under the written contract ~~is due~~.

(b) The lien shall be available to the business broker named in the instrument signed by the owner of an interest in the assets ~~seller or purchaser~~. The lien arising under this Act shall be in addition to any other rights that a business broker may have.

(c) A ~~The~~ lien under this Act does not ~~shall~~ attach unless and until: ~~upon~~

(1) the business broker is ~~being~~ otherwise entitled to a fee or commission under a written contract ~~instrument~~ signed by the seller or its ~~purchaser or the seller or purchaser's~~ duly authorized agent; and~~, as applicable~~

(2) before the actual conveyance or transfer of the business assets or property with respect to which the business broker is claiming a lien, the business broker files a notice of lien (i) as to real property, with the recorder of the county in which the real property is located or (ii) as to tangible personal property, in the Office of the Secretary of State.

(d) When payment to a business broker is due in installments, a portion of which is due only after the conveyance or transfer of the tangible assets ~~business~~, any claim for lien for those payments due after the transfer or conveyance may be filed at any time subsequent to the transfer or conveyance of the tangible assets ~~business~~ and prior to the date on which the payment is due but shall only be effective as a lien against the tangible assets ~~business or proceeds~~ to the extent moneys are still owed to the transferor by the transferee. In all other respects, the lien shall attach as described in this subsection ~~of the filing of the notice of lien and not relate back to the date of the written agreement~~.

(e) If a business broker has a written agreement with a prospective purchaser ~~or seller~~, then the lien shall attach upon the

prospective purchaser ~~or seller that is~~ purchasing~~, selling,~~ or otherwise accepting a conveyance or transfer of the real property or tangible personal property of the business and 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 the business broker ~~in the Office of the Secretary of State~~ within 90 days after the transfer to the purchaser ~~purchase, sale, or other conveyance or transfer of the business that is the subject of the written agreement with the business broker~~. The lien shall attach to the interest purchased by the purchaser as of the date of the filing of the notice of lien and does not relate back to the date of the written contract ~~receipt of any consideration by the seller of the business that is the subject of the written agreement with the business broker~~.

(f) The business broker shall, within 10 days after filing its notice of lien, mail a copy of the notice of lien to the owner of the property ~~business~~ by depositing it in the United States mail, registered or certified mail, with return receipt requested, or personally serve a copy of the notice ~~served~~ on the owner of record or his agent. ~~If the lien is filed within 10 days prior to closing, the business broker is not required to mail or personally serve a copy of the notice of lien. Mailing of the copy of the notice of lien is effective if mailed to the address of the business that is the subject of the notice of lien, or to such other address as the seller or purchaser has provided to the business broker in writing and signed by the seller or purchaser.~~ Mailing of the copy of the notice of claim for lien is effective if mailed to the seller at the address of the business that is the subject of the notice of lien or to another address that the seller or purchaser has provided in

writing to the business broker ~~when deposited in a United States mailbox with postage prepaid~~. The broker's lien shall be unenforceable if mailing of the copy of the notice of lien does not occur at the time and in the manner required by this Act.

(g) A business broker may bring suit to enforce a lien in the circuit court (i) in the county where the real property ~~headquarters of the business being sold~~ is located, as to real property, or (ii) as to tangible personal property, either in the county where the personal property is located or where the principal office of the owner of the personal property, or the owner's residence, is located ~~where the purchaser resides (or maintains its headquarters) if the lien is being filed against the purchaser, or where the seller resides (or maintains its headquarters) if the lien is filed against the seller~~, by filing a complaint and sworn affidavit that the lien has been filed.

(h) The person claiming a lien shall, within 2 years after filing the lien, commence proceedings by filing a complaint. Failure to commence proceedings within 2 years after filing the lien shall extinguish the lien. No subsequent notice of lien may be given for the same claim nor may that claim be asserted in any proceedings under this Act.

(i) A complaint under this Section shall have attached to it a

copy ~~contain a brief statement~~ of the written contract ~~or agreements~~ on which the lien is founded and shall contain~~, the date when the contract or agreement was made,~~ a description of the services performed, the amount due and unpaid, a description of the tangible assets of the business that ~~is, or the proceeds from sale of which~~ are~~,~~ subject to the lien, and other facts necessary for a full understanding of the rights of the parties. The plaintiff shall make all interested parties, of whose interest the plaintiff is notified or has actual or constructive knowledge, defendants to the action and shall issue summons and provide service as in other civil actions. When any defendant resides or has gone out of the State, or on inquiry cannot be found, or is concealed within this State so that process cannot be served on that defendant, the plaintiff shall cause a notice to be given to that defendant, or cause a copy of the complaint to be served upon that defendant, in the manner and upon the same conditions as in other civil actions. Failure of the plaintiff to provide proper summons or notice shall be grounds for judgment against the plaintiff with prejudice. Every lien claimed under this Act shall be foreclosed as provided in the Illinois Mortgage Foreclosure Law, if the lien is on real property, or as provided in the Uniform Commercial Code, if the lien is on personal property.

(j) The lien notice shall state the name and address of the claimant, the name of the purchaser or seller whose property or assets are subject to the lien, a description of the real or personal property that is subject to the lien ~~business upon which or upon the proceeds from the sale of which the lien is being claimed~~, the amount for which the lien is claimed, and the registration number of the business broker. The notice of lien shall recite that the information contained in the notice is true and accurate to the knowledge of the signer ~~signatory~~. The notice of lien shall be signed by the business broker or by a person authorized to sign on behalf of the business broker and shall be verified.

(k) Whenever a claim for lien has been filed with the Office of the Secretary of State or the county recorder's office and a condition occurs that would preclude the business broker from receiving compensation under the terms of the business broker's written agreement, the business broker shall provide to the purchaser of the business, if the lien is filed against the purchaser's assets

of the business that are subject to this Act ~~purchaser~~, or the seller of the business, if the lien is filed against the seller's assets of the business that are subject to this Act ~~seller~~, within 10 days following demand by that party ~~the owner of record~~, a written release or satisfaction of the lien.

(l) Upon written demand of the owner, lienee, or other authorized agent, served on the person claiming the lien requiring suit to be commenced to enforce the lien or answer to be filed in a pending suit, a suit shall be commenced or answer filed within 30 days thereafter, or the lien shall be extinguished. Service may be by registered or certified mail, return receipt requested, or by personal service.

(m) If a claim for lien has been filed with the Office of the

Secretary of State or the county recorder's office and is paid, ~~or if there is failure to institute a suit to enforce the lien within the time provided by this Act,~~ the business broker shall acknowledge satisfaction or release of the lien, in writing, ~~on written demand of the purchaser of the business, if the lien is filed against the purchaser, or the seller of the business, if the lien is filed against the seller,~~ within 5 days after payment ~~or expiration of the time in which to file the lien~~.

(n) The cost of proceedings brought under this Act ~~asserting or defending a business broker's claim of lien~~, including reasonable attorneys' fees, costs, and prejudgment interest ~~interests~~ due to the prevailing party, shall be borne by the nonprevailing party or parties. When more than one party is responsible for costs, fees, and prejudgment interest, the costs, fees, and prejudgment interest shall be equitably apportioned by the court among those responsible parties.

(o) Prior recorded liens and mortgages shall have priority over a broker's lien. A prior recorded lien shall include, without limitation, (i) a ~~valid~~ mechanic's lien claim, ~~that is recorded subsequent to the broker's notice of lien but which relates back to a date prior to the recording date of the broker's notice of lien and~~ (ii) prior recorded liens securing revolving credit or ~~and~~ future advances under ~~of~~ construction loans as described in Section 15-1302 of the Code of Civil Procedure, and (iii) prior recorded liens perfected under the Uniform Commercial Code.
(Source: P.A. 90-70, eff. 7-8-97.)".

Under the rules, the foregoing **Senate Bill No. 749**, with House Amendment No. 1, was referred to the Secretary's Desk.

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

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

SENATE BILL NO. 800

A bill for AN ACT to amend the Illinois Dental Practice Act by changing Sections 6, 17, and 18.

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

House Amendment No. 1 to SENATE BILL NO. 800
House Amendment No. 2 to SENATE BILL NO. 800

Passed the House, as amended, May 12, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 800

AMENDMENT NO. 1. Amend Senate Bill 800, on page 5, by replacing

lines 19 and 20 with the following:

"(4) Administration of anesthetics (except for ~~other than~~ topical anesthetics and monitoring of nitrous oxide, which may be administered by a dental assistant who has successfully completed a training program approved by the Department)."; and

on page 5, line 30, after "polishing", by inserting ", which may be administered by a dental assistant who has successfully completed a training program approved by the Department".

AMENDMENT NO. 2 TO SENATE BILL 800

AMENDMENT NO. 2. Amend Senate Bill 800, AS AMENDED, in Section 5, Sec. 17, subsection (g), by replacing item (4) with the following:

"(4) Administration of anesthetics, except for application of ~~(other than~~ topical anesthetics and monitoring of nitrous oxide. Monitoring of nitrous oxide may be performed after successful completion of a training program approved by the Department~~)~~."; and

in Section 5, Sec. 17, subsection (g), in item (7), after "polishing", by inserting ", which may be performed by a dental assistant who has successfully completed a training program approved by the Department. Dental assistants may perform coronal polishing under the following circumstances: (i) the coronal polishing shall be limited to polishing the clinical crown of the tooth and existing restorations, supragingivally; (ii) the dental assistant performing the coronal polishing shall be limited to the use of rotary instruments using a rubber cup or brush polishing method (air polishing is not permitted); and (iii) the supervising dentist shall not supervise more than 4 dental assistants at any one time for the task of coronal polishing".

Under the rules, the foregoing **Senate Bill No. 800**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

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

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

SENATE BILL NO. 849

A bill for AN ACT regarding mental health, amending named Acts.

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

House Amendment No. 1 to SENATE BILL NO. 849
House Amendment No. 2 to SENATE BILL NO. 849
House Amendment No. 3 to SENATE BILL NO. 849
House Amendment No. 4 to SENATE BILL NO. 849

Passed the House, as amended, May 12, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 849

AMENDMENT NO. 1. Amend Senate Bill 849 by replacing everything after the enacting clause with the following:

"Section 5. The Mental Health and Developmental Disabilities Code is amended by changing Section 3-814 and by adding Section 1-101.2 as follows:

(405 ILCS 5/1-101.2 new)

Sec. 1-101.2. "Adequate and humane care and services" means services reasonably calculated to result in a significant improvement of the condition of a recipient of services confined in an inpatient mental health facility so that he or she may be released or services reasonably calculated to prevent further decline in the clinical condition of a recipient of services so that he or she does not present an imminent danger to self or others.

(405 ILCS 5/3-814) (from Ch. 91 1/2, par. 3-814)

Sec. 3-814. Treatment plan.

(a) Not more than 30 days after admission under this Article, the facility director shall file with the court a current treatment plan ~~with the court~~ which shall include: all the requirements listed in Section 3-209, ~~includes~~ an evaluation of the recipient's progress and the extent to which he is benefiting from treatment, the criteria which form the basis for the determination that the patient is subject to involuntary admission as defined in Section 1-119, and the specific behaviors or conditions that demonstrate that the recipient meets these criteria for continued confinement. If the facility director is unable to determine any of the required information, the treatment plan shall include an explanation of why the facility director is unable to make this determination, what the facility director is doing to enable himself or herself to determine the information, and the date by which the facility director expects to be able to make this determination. The facility director shall forward a copy of the plan to the State's Attorney, the recipient's attorney, if the recipient is represented by counsel, the recipient, and any guardian of the recipient.

(b) The purpose of the filing, forwarding, and review of treatment plans and treatment is to ensure that the recipient is receiving adequate and humane care and services as defined in Section 1-101.2 and to ensure that the recipient continues to meet the standards for involuntary confinement.

(c) On request of the recipient or an interested person on his behalf, or on the court's own initiative, the court shall review the current treatment plan to determine whether its contents comply with the requirements of this Section and Section 3-209. A request to review the current treatment plan may be made by the recipient, or by an interested person on his behalf, 30 days after initial commitment under Section 3-813, 90 days after the initial commitment, and 90 days after each additional period of commitment under subsection (b) of Section 3-813. If the court determines that any of the information required by this Section or Section 3-209 to be included in the treatment plan is not in the treatment plan or that the treatment plan does not contain information from which the court can determine whether the recipient continues to meet the criteria for continued confinement, the court shall indicate what is lacking and order the facility director to revise the current treatment plan to comply with this Section and Section 3-209. If the recipient has been ordered

committed to the facility after he has been found not guilty by reason of insanity, the treatment plan and its review shall be subject to the provisions of Section 5-2-4 of the Unified Code of Corrections.

(d) The recipient or an interested person on his or her behalf may request a hearing or the court on its own motion may order a hearing to review the treatment being received by the recipient. The court, the recipient, or the State's Attorney may call witnesses at the hearing. The court may order any public agency, officer, or

employee to render such information, cooperation, and assistance as is within its legal authority and as may be appropriate to achieve the objectives of this Section. The court may order an independent examination on its own initiative and shall order such an evaluation if either the recipient or the State's Attorney so requests and has demonstrated to the court that the plan cannot be effectively reviewed by the court without such an examination. Under no circumstances shall the court be required to order an independent examination pursuant to this Section more than once each year. The examination shall be conducted by persons authorized to conduct independent examinations under Section 3-804 ~~recipient or an interested person on his behalf may request a hearing or the court on its own motion may order a hearing to review the treatment plan~~. If the court is satisfied that the recipient is benefiting from treatment, it may continue the original order for the remainder of the admission period. If the court is not so satisfied, it may modify its original order or it may order the recipient discharged.

(e) In lieu of a treatment plan, the facility director may file a typed summary of the treatment plan which contains the information required under Section 3-209 and subsection (a) of this Section.

(Source: P.A. 88-380.)

Section 10. The Code of Criminal Procedure of 1963 is amended by changing Section 104-25 as follows:

(725 ILCS 5/104-25) (from Ch. 38, par. 104-25)

Sec. 104-25. Discharge hearing.

(a) As provided for in paragraph (a) of Section 104-23 and subparagraph (1) of paragraph (b) of Section 104-23 a hearing to determine the sufficiency of the evidence shall be held. Such hearing shall be conducted by the court without a jury. The State and the defendant may introduce evidence relevant to the question of defendant's guilt of the crime charged.

The court may admit hearsay or affidavit evidence on secondary matters such as testimony to establish the chain of possession of physical evidence, laboratory reports, authentication of transcripts taken by official reporters, court and business records, and public documents.

(b) If the evidence does not prove the defendant guilty beyond a reasonable doubt, the court shall enter a judgment of acquittal; however nothing herein shall prevent the State from requesting the court to commit the defendant to the Department of Human Services under the provisions of the Mental Health and Developmental Disabilities Code.

(c) If the defendant is found not guilty by reason of insanity,

the court shall enter a judgment of acquittal and the proceedings after acquittal by reason of insanity under Section 5-2-4 of the Unified Code of Corrections shall apply.

(d) If the discharge hearing does not result in an acquittal of the charge the defendant may be remanded for further treatment and the one year time limit set forth in Section 104-23 shall be extended as follows:

(1) If the most serious charge upon which the State sustained its burden of proof was a Class 1 or Class X felony, the treatment period may be extended up to a maximum treatment period of 2 years; if a Class 2, 3, or 4 felony, the treatment period may be extended up to a maximum of 15 months;

(2) If the State sustained its burden of proof on a charge of first degree murder, the treatment period may be extended up to a maximum treatment period of 5 years.

(e) Transcripts of testimony taken at a discharge hearing may be admitted in evidence at a subsequent trial of the case, subject to the rules of evidence, if the witness who gave such testimony is

legally unavailable at the time of the subsequent trial.

(f) If the court fails to enter an order of acquittal the defendant may appeal from such judgment in the same manner provided for an appeal from a conviction in a criminal case.

(g) At the expiration of an extended period of treatment ordered pursuant to this Section:

(1) Upon a finding that the defendant is fit or can be rendered fit consistent with Section 104-22, the court may proceed with trial.

(2) If the defendant continues to be unfit to stand trial, the court shall determine whether he or she is subject to involuntary admission under the Mental Health and Developmental Disabilities Code or constitutes a serious threat to the public safety. If so found, the defendant shall be remanded to the Department of Human Services for further treatment and shall be treated in the same manner as a civilly committed patient for all purposes, except that the original court having jurisdiction over the defendant shall be required to approve any conditional release or discharge of the defendant, for the period of commitment equal to the maximum sentence to which the defendant would have been subject had he or she been convicted in a criminal proceeding. During this period of commitment, the original court having jurisdiction over the defendant shall hold hearings under clause (i) of this paragraph (2). However, if the defendant is remanded to the Department of Human Services, the defendant shall be placed in a secure setting unless the court determines that there are compelling reasons why such placement is not necessary.

<u>If the defendant does not have a current treatment plan, then within 3 days of admission under this subdivision (g)(2), a treatment plan shall be prepared for each defendant and entered into his or her record. The plan shall include (i) an assessment of the defendant's treatment needs, (ii) a description of the services recommended for treatment, (iii) the goals of each type</u>

of element of service, (iv) an anticipated timetable for the accomplishment of the goals, and (v) a designation of the qualified professional responsible for the implementation of the plan. The plan shall be reviewed and updated as the clinical condition warrants, but not less than every 30 days.

Every 90 days after the initial admission under this subdivision (g)(2), the facility director shall file a typed treatment plan report with the original court having jurisdiction over the defendant. The report shall include an opinion as to whether the defendant is fit to stand trial and whether the defendant is currently subject to involuntary admission, in need of mental health services on an inpatient basis, or in need of mental health services on an outpatient basis. The report shall also summarize the basis for those findings and provide a current summary of the 5 items required in a treatment plan. A copy of the report shall be forwarded to the clerk of the court, the State's Attorney, and the defendant's attorney if the defendant is represented by counsel.

The court on its own motion may order a hearing to review the treatment plan. The defendant or the State's Attorney may request a treatment plan review every 90 days and the court shall review the current treatment plan to determine whether the plan complies with the requirements of this Section. The court may order an independent examination on its own initiative and shall order such an evaluation if either the recipient or the State's Attorney so requests and has demonstrated to the court that the plan cannot be effectively reviewed by the court without such an

examination. Under no circumstances shall the court be required to order an independent examination pursuant to this Section more than once each year. The examination shall be conducted by a psychiatrist or clinical psychologist as defined in Section 1-103 of the Mental Health and Developmental Disabilities Code who is not in the employ of the Department of Human Services.

If, during the period within which the defendant is confined in a secure setting, the court enters an order that requires the defendant to appear, the court shall timely transmit a copy of the order or writ to the director of the particular Department of Human Services facility where the defendant resides authorizing the transportation of the defendant to the court for the purpose of the hearing.

(i) 180 days after a defendant is remanded to the Department of Human Services, under paragraph (2), and every 180 days thereafter for so long as the defendant is confined under the order entered thereunder, ~~the facility director shall file a treatment plan with the original court having jurisdiction over the defendant. The plan shall include an evaluation of the defendant's progress and the extent to which he or she is benefitting from treatment and an opinion as to whether the defendant is currently subject to involuntary admission or in need of mental health services on an inpatient basis or in need of mental health services on an outpatient basis. A copy of the report shall be~~

~~forwarded by the facility director to the clerk of the court, State's Attorney and the defendant's attorney if the defendant is represented by counsel. Within 30 days of the receipt of the report by the court,~~ the court shall set a hearing and shall direct that notice of the time and place of the hearing be served upon the defendant, the facility director, the State's Attorney, and the defendant's attorney. If requested by either the State or the defense or if the court determines that it is appropriate, an impartial examination of the defendant by a psychiatrist or clinical psychologist as defined in Section 1-103 of the Mental Health and Developmental Disabilities Code who is not in the employ of the Department of Human Services shall be ordered, and the report considered at the time of the hearing. If the defendant is not currently represented by counsel the court shall appoint the public defender to represent the defendant at the hearing. The court shall make a finding as to whether the defendant is:

(A) subject to involuntary admission; or

(B) in need of mental health services in the form of inpatient care; or

(C) in need of mental health services but not subject to involuntary admission nor inpatient care.

The findings of the court shall be established by clear and convincing evidence and the burden of proof and the burden of going forward with the evidence shall rest with the State's Attorney. Upon finding by the court, the court shall enter its findings and an appropriate order.

(ii) The terms "subject to involuntary admission", "in need of mental health services in the form of inpatient care" and "in need of mental health services but not subject to involuntary admission nor inpatient care" shall have the meanings ascribed to them in clause (d)(3) of Section 5-2-4 of the Unified Code of Corrections.

(3) If the defendant is not committed pursuant to this Section, he or she shall be released.

(4) In no event may the treatment period be extended to exceed the maximum sentence to which a defendant would have been subject had he or she been convicted in a criminal proceeding. For purposes of this Section, the maximum sentence shall be determined by Section 5-8-1 of the "Unified Code of Corrections", excluding any sentence of natural life.

(Source: P.A. 89-439, eff. 6-1-96; 89-507, eff. 7-1-97.)

Section 15. The Unified Code of Corrections is amended by changing Section 5-2-4 as follows:

(730 ILCS 5/5-2-4) (from Ch. 38, par. 1005-2-4)

Sec. 5-2-4. Proceedings after Acquittal by Reason of Insanity.

(a) After a finding or verdict of not guilty by reason of insanity under Sections 104-25, 115-3 or 115-4 of The Code of Criminal Procedure of 1963, the defendant shall be ordered to the Department of Human Services for an evaluation as to whether he is subject to involuntary admission or in need of mental health

services. The order shall specify whether the evaluation shall be conducted on an inpatient or outpatient basis. If the evaluation is to be conducted on an inpatient basis, the defendant shall be placed in a secure setting unless the Court determines that there are compelling reasons why such placement is not necessary. After the evaluation and during the period of time required to determine the appropriate placement, the defendant shall remain in jail. Upon completion of the placement process the sheriff shall be notified and shall transport the defendant to the designated facility.

The Department shall provide the Court with a report of its evaluation within 30 days of the date of this order. The Court shall hold a hearing as provided under the Mental Health and Developmental Disabilities Code to determine if the individual is: (a) subject to involuntary admission; (b) in need of mental health services on an inpatient basis; (c) in need of mental health services on an outpatient basis; (d) a person not in need of mental health services. The Court shall enter its findings.

If the defendant is found to be subject to involuntary admission or in need of mental health services on an inpatient care basis, the Court shall order the defendant to the Department of Human Services. The defendant shall be placed in a secure setting unless the Court determines that there are compelling reasons why such placement is not necessary. Such defendants placed in a secure setting shall not be permitted outside the facility's housing unit unless escorted or accompanied by personnel of the Department of Human Services or with the prior approval of the Court for unsupervised on-grounds privileges as provided herein. Any defendant placed in a secure setting pursuant to this Section, transported to court hearings or other necessary appointments off facility grounds by personnel of the Department of Human Services, may be placed in security devices or otherwise secured during the period of transportation to assure secure transport of the defendant and the safety of Department of Human Services personnel and others. These security measures shall not constitute restraint as defined in the Mental Health and Developmental Disabilities Code. If the defendant is found to be in need of mental health services, but not on an inpatient care basis, the Court shall conditionally release the defendant, under such conditions as set forth in this Section as will reasonably assure the defendant's satisfactory progress in treatment or rehabilitation and the safety of the defendant or others. If the Court finds the person not in need of mental health services, then the Court shall order the defendant discharged from custody.

(1) Definitions: For the purposes of this Section:

(A) "Subject to involuntary admission" means: a defendant has been found not guilty by reason of insanity; and

(i) who is mentally ill and who because of his mental illness is reasonably expected to inflict serious physical harm upon himself or another in the near future; or

(ii) who is mentally ill and who because of his illness is unable to provide for his basic physical needs so as to guard himself from serious harm.

(B) "In need of mental health services on an inpatient

basis" means: a defendant who has been found not guilty by reason of insanity who is not subject to involuntary admission but who is reasonably expected to inflict serious physical harm upon himself or another and who would benefit from inpatient care or is in need of inpatient care.

(C) "In need of mental health services on an outpatient basis" means: a defendant who has been found not guilty by reason of insanity who is not subject to involuntary admission or in need of mental health services on an inpatient basis, but is in need of outpatient care, drug and/or alcohol rehabilitation programs, community adjustment programs, individual, group, or family therapy, or chemotherapy.

(D) "Conditional Release" means: the release from either the custody of the Department of Human Services or the custody of the Court of a person who has been found not guilty by reason of insanity under such conditions as the Court may impose which reasonably assure the defendant's satisfactory progress in treatment or habilitation and the safety of the defendant and others. The Court shall consider such terms and conditions which may include, but need not be limited to, outpatient care, alcoholic and drug rehabilitation programs, community adjustment programs, individual, group, family, and chemotherapy, periodic checks with the legal authorities and/or the Department of Human Services. The person or facility rendering the outpatient care shall be required to periodically report to the Court on the progress of the defendant. Such conditional release shall be for a period of five years, unless the defendant, the person or facility rendering the treatment, therapy, program or outpatient care, or the State's Attorney petitions the Court for an extension of the conditional release period for an additional three years. Upon receipt of such a petition, the Court shall hold a hearing consistent with the provisions of this paragraph (a) and paragraph (f) of this Section, shall determine whether the defendant should continue to be subject to the terms of conditional release, and shall enter an order either extending the defendant's period of conditional release for a single additional three year period or discharging the defendant. In no event shall the defendant's period of conditional release exceed eight years. These provisions for extension of conditional release shall only apply to defendants conditionally released on or after July 1, 1979. However the extension provisions of Public Act 83-1449 apply only to defendants charged with a forcible felony.

(E) "Facility director" means the chief officer of a mental health or developmental disabilities facility or his or her designee or the supervisor of a program of treatment or habilitation or his or her designee. "Designee" may include a physician, clinical psychologist, social worker, or nurse.

(b) If the Court finds the defendant subject to involuntary admission or in need of mental health services on an inpatient basis, the admission, detention, care, treatment or habilitation, treatment plans, review proceedings, including review of treatment and treatment plans, and discharge of the defendant after such order shall be under the Mental Health and Developmental Disabilities Code,

except that the initial order for admission of a defendant acquitted of a felony by reason of insanity shall be for an indefinite period of time. Such period of commitment shall not exceed the maximum length of time that the defendant would have been required to serve, less credit for good behavior, before becoming eligible for release had he been convicted of and received the maximum sentence for the most serious crime for which he has been acquitted by reason of insanity. The Court shall determine the maximum period of commitment by an appropriate order. During this period of time, the defendant shall not be permitted to be in the community in any manner, including but not limited to off-grounds privileges, with or without escort by personnel of the Department of Human Services, unsupervised on-grounds privileges, discharge or conditional or temporary release, except by a plan as provided in this Section. In no event shall a defendant's continued unauthorized absence be a basis for discharge. Not more than 30 days after admission and every 60 days thereafter so long as the initial order remains in effect, the facility director shall file a treatment plan report with the court and forward a copy of the treatment plan report to the clerk of the court, the State's Attorney, and the defendant's attorney, if the defendant is represented by counsel, or to a person authorized by the defendant under the Mental Health and Developmental Disabilities Confidentiality Act to be sent a copy of the report. The report ~~Such plan~~ shall include an opinion as to whether the defendant is currently subject to involuntary admission, in need of mental health services on an inpatient basis, or in need of mental health services on an outpatient basis. The report shall also summarize the basis for those findings and provide a current summary of the following items from the treatment plan: (1) an assessment of the defendant's treatment needs, (2) a description of the services recommended for treatment, (3) the goals of each type of element of service, (4) an anticipated timetable for the accomplishment of the goals, and (5) a designation of the qualified professional responsible for the implementation of the plan ~~an evaluation of the defendant's progress and the extent to which he is benefiting from treatment~~. The report ~~Such~~ plan may also include unsupervised on-grounds privileges, off-grounds privileges (with or without escort by personnel of the Department of Human Services), home visits and participation in work programs, but only where such privileges have been approved by specific court order, which order may include such conditions on the defendant as the Court may deem appropriate and necessary to reasonably assure the defendant's satisfactory progress in treatment and the safety of the defendant and others.

(c) Every defendant acquitted of a felony by reason of insanity and subsequently found to be subject to involuntary admission or in need of mental health services shall be represented by counsel in all proceedings under this Section and under the Mental Health and Developmental Disabilities Code.

(1) The Court shall appoint as counsel the public defender or an attorney licensed by this State.

(2) Upon filing with the Court of a verified statement of legal services rendered by the private attorney appointed pursuant to paragraph (1) of this subsection, the Court shall determine a reasonable fee for such services. If the defendant is unable to pay the fee, the Court shall enter an order upon the

State to pay the entire fee or such amount as the defendant is unable to pay from funds appropriated by the General Assembly for that purpose.

(d) When the facility director determines that:

(1) the defendant is no longer subject to involuntary admission or in need of mental health services on an inpatient

basis; and

(2) the defendant may be conditionally released because he or she is still in need of mental health services or that the defendant may be discharged as not in need of any mental health services; or

(3) the defendant no longer requires placement in a secure setting;

the facility director shall give written notice to the Court, State's Attorney and defense attorney. Such notice shall set forth in detail the basis for the recommendation of the facility director, and specify clearly the recommendations, if any, of the facility director, concerning conditional release. Within 30 days of the notification by the facility director, the Court shall set a hearing and make a finding as to whether the defendant is:

(i) subject to involuntary admission; or

(ii) in need of mental health services in the form of inpatient care; or

(iii) in need of mental health services but not subject to involuntary admission or inpatient care; or

(iv) no longer in need of mental health services; or

(v) no longer requires placement in a secure setting.

Upon finding by the Court, the Court shall enter its findings and such appropriate order as provided in subsection (a) of this Section.

(e) A defendant admitted pursuant to this Section, or any person on his behalf, may file a petition for treatment plan review, transfer to a non-secure setting within the Department of Human Services or discharge or conditional release under the standards of this Section in the Court which rendered the verdict. Upon receipt of a petition for treatment plan review, transfer to a non-secure setting or discharge or conditional release, the Court shall set a hearing to be held within 120 days. Thereafter, no new petition may be filed for 120 days without leave of the Court.

(f) The Court shall direct that notice of the time and place of the hearing be served upon the defendant, the facility director, the State's Attorney, and the defendant's attorney. If requested by either the State or the defense or if the Court feels it is appropriate, an impartial examination of the defendant by a psychiatrist or clinical psychologist as defined in Section 1-103 of the Mental Health and Developmental Disabilities Code who is not in the employ of the Department of Human Services shall be ordered, and the report considered at the time of the hearing.

(g) The findings of the Court shall be established by clear and convincing evidence. The burden of proof and the burden of going forth with the evidence rest with the State when a hearing is held to review the determination of the facility director that the defendant should be transferred to a non-secure setting, discharged or

conditionally released. The burden of proof and the burden of going forth with the evidence rest on the defendant when a hearing is held to review a petition filed by or on behalf of such defendant. The evidence shall be presented in open Court with the right of confrontation and cross-examination.

(h) If the Court finds that the defendant is no longer in need of mental health services it shall order the facility director to discharge the defendant. If the Court finds that the defendant is in need of mental health services, and no longer in need of inpatient care, it shall order the facility director to release the defendant under such conditions as the Court deems appropriate and as provided by this Section. Such conditional release shall be imposed for a period of five years and shall be subject to later modification by the Court as provided by this Section. If the Court finds that the defendant is subject to involuntary admission or in need of mental

health services on an inpatient basis, it shall order the facility director not to discharge or release the defendant in accordance with paragraph (b) of this Section.

(i) If within the period of the defendant's conditional release, the Court determines, after hearing evidence, that the defendant has not fulfilled the conditions of release, the Court shall order a hearing to be held consistent with the provisions of paragraph (f) and (g) of this Section. At such hearing, if the Court finds that the defendant is subject to involuntary admission or in need of mental health services on an inpatient basis, it shall enter an order remanding him or her to the Department of Human Services or other facility. If the defendant is remanded to the Department of Human Services, he or she shall be placed in a secure setting unless the Court determines that there are compelling reasons that such placement is not necessary. If the Court finds that the defendant continues to be in need of mental health services but not on an inpatient basis, it may modify the conditions of the original release in order to reasonably assure the defendant's satisfactory progress in treatment and his or her safety and the safety of others. In no event shall such conditional release be longer than eight years. Nothing in this Section shall limit a Court's contempt powers or any other powers of a Court.

(j) An order of admission under this Section does not affect the remedy of habeas corpus.

(k) In the event of a conflict between this Section and the Mental Health and Developmental Disabilities Code or the Mental Health and Developmental Disabilities Confidentiality Act, the provisions of this Section shall govern.

(l) This amendatory Act shall apply to all persons who have been found not guilty by reason of insanity and who are presently committed to the Department of Mental Health and Developmental Disabilities (now the Department of Human Services).

(m) The Clerk of the Court shall, after the entry of an order of transfer to a non-secure setting of the Department of Human Services or discharge or conditional release, transmit a certified copy of the order to the Department of Human Services, and the sheriff of the county from which the defendant was admitted. In cases where the

arrest of the defendant or the commission of the offense took place in any municipality with a population of more than 25,000 persons, the Clerk of the Court shall also transmit a certified copy of the order of discharge or conditional release to the proper law enforcement agency for said municipality provided the municipality has requested such notice in writing.
(Source: P.A. 89-404, eff. 8-20-95; 89-507, eff. 7-1-97; 90-105, eff. 7-11-97; 90-593, eff. 6-19-98.)

Section 99. Effective date. This Act takes effect January 1, 2000.".

AMENDMENT NO. 2 TO SENATE BILL 849

AMENDMENT NO. 2. Amend Senate Bill 849, AS AMENDED, by inserting immediately above Section 5, the following:

"Section 2. The Mental Health and Developmental Disabilities Administrative Act is amended by changing Section 2 as follows:

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

Sec. 2. Definitions; administrative subdivisions.

(a) For the purposes of this Act, unless the context otherwise requires:

"Department" means the Department of Human Services, successor to the former Department of Mental Health and Developmental Disabilities.

"Secretary" means the Secretary of Human Services.

(b) Unless the context otherwise requires:

(1) References in this Act to the programs or facilities of the Department shall be construed to refer only to those programs or facilities of the Department that pertain to mental health or developmental disabilities.

(2) References in this Act to the Department's service providers or service recipients shall be construed to refer only to providers or recipients of services that pertain to the Department's mental health and developmental disabilities functions.

(3) References in this Act to employees of the Department shall be construed to refer only to employees whose duties pertain to the Department's mental health and developmental disabilities functions.

(c) The Secretary shall establish such subdivisions of the Department as shall be desirable and shall assign to the various subdivisions the responsibilities and duties placed upon the Department by the Laws of the State of Illinois.

(d) There is established a coordinator of services to mentally disabled deaf and hearing impaired persons. In hiring this coordinator, every consideration shall be given to qualified deaf or hearing impaired individuals.

(e) Whenever the administrative director of the subdivision for mental health services is not a board-certified psychiatrist, the Secretary shall appoint a Chief for Clinical Services who shall be a board-certified psychiatrist with both clinical and administrative experience. The Chief for Clinical Services shall be responsible for all clinical and medical decisions for mental health services.

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

AMENDMENT NO. 3 TO SENATE BILL 849

AMENDMENT NO. 3. Amend Senate Bill 849, AS AMENDED, by inserting immediately below Section 15 of the bill the following:

"Section 20. The Mental Health and Developmental Disabilities Confidentiality Act is amended by changing Section 9.2 as follows:

(740 ILCS 110/9.2)

Sec. 9.2. Interagency disclosure of recipient information. For the purposes of continuity of care, the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities), ~~and~~ community agencies funded by the Department of Human Services in that capacity, and jails operated by any county of this State may disclose a recipient's record or communications, without consent, to each other, but only for the purpose of admission, treatment, planning, or discharge. Entities shall not redisclose any personally identifiable information, unless necessary for admission, treatment, planning, or discharge of the identified recipient to another setting. No records or communications may be disclosed to a county jail pursuant to this Section unless the Department has entered into a written agreement with the county jail requiring that the county jail adopt written policies and procedures designed to ensure that the records and communications are disclosed only to those persons employed by or under contract to the county jail who are involved in the provision of mental health services to inmates and that the records and communications are protected from further disclosure.

(Source: P.A. 88-484; 89-507, eff. 7-1-97.)".

AMENDMENT NO. 4 TO SENATE BILL 849

AMENDMENT NO. 4. Amend Senate Bill 849, AS AMENDED, in the introductory clause of Section 5, by changing "Section 3-814" to "Sections 1-122 and 3-814"; and

in Section 5, by inserting after Sec. 1-101.2 the following:

"(405 ILCS 5/1-122) (from Ch. 91 1/2, par. 1-122)

Sec. 1-122. Qualified examiner. "Qualified examiner" means a person who is:

(a) a Clinical social worker as defined in this Act, ~~or~~

(b) a registered nurse with a master's degree in psychiatric nursing who has 3 years of clinical training and experience in the evaluation and treatment of mental illness which has been acquired subsequent to any training and experience which constituted a part of the degree program, or

(c) a licensed clinical professional counselor with a master's or doctoral degree in counseling or psychology or a similar master's or doctorate program from a regionally accredited institution who has at least 3 years of supervised postmaster's clinical professional counseling experience that includes the provision of mental health services for the evaluation, treatment, and prevention of mental and emotional disorders.

A social worker who is a qualified examiner shall be a licensed clinical social worker under the Clinical Social Work and Social Work

Practice Act.
(Source: P.A. 87-124; 87-530.)".

Under the rules, the foregoing **Senate Bill No. 849**, with House Amendments numbered 1, 2, 3 and 4, was referred to the Secretary's Desk.

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

SENATE BILL NO. 1029

A bill for AN ACT to amend the Illinois Administrative Procedure Act.

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

House Amendment No. 1 to SENATE BILL NO. 1029

Passed the House, as amended, May 12, 1999.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1029

AMENDMENT NO. 1. Amend Senate Bill 1029 by inserting at the end of the bill the following:
"Section 99. Effective date. This Act takes effect on December 31, 2002.".

Under the rules, the foregoing **Senate Bill No. 1029**, with House Amendment No. 1, was referred to the Secretary's Desk.

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

SENATE BILL NO. 1030

A bill for AN ACT to amend the Illinois Administrative Procedure Act.

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

House Amendment No. 1 to SENATE BILL NO. 1030
House Amendment No. 2 to SENATE BILL NO. 1030

Passed the House, as amended, May 12, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1030

AMENDMENT NO. 1. Amend Senate Bill 1030 on page 1, by replacing lines 25 and 26 with the following:

"general rulemaking authority is generally not sufficient; the citation should be to the statute that most specifically authorizes the program"; and

on page 5, by replacing lines 11 and 12 with the following:

"generally not sufficient; the citation should be to the statute that most specifically authorizes the program being implemented."; and

on page 7, by replacing lines 10 and 11 with the following:

"general rulemaking authority is generally not sufficient; the citation should be to the statute that most specifically authorizes the program being".

AMENDMENT NO. 2 TO SENATE BILL 1030

AMENDMENT NO. 2. Amend Senate Bill 1030, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Administrative Procedure Act is amended by changing Sections 5-40, 5-60, and 5-80 as follows:

(5 ILCS 100/5-40) (from Ch. 127, par. 1005-40)

Sec. 5-40. General rulemaking.

(a) In all rulemaking to which Sections 5-45 and 5-50 do not apply, each agency shall comply with this Section.

(b) Each agency shall give at least 45 days' notice of its intended action to the general public. This first notice period shall commence on the first day the notice appears in the Illinois Register. The first notice shall include all the following:

(1) The text of the proposed rule, the old and new materials of a proposed amendment, or the text of the provision to be repealed.

(2) The specific ~~statutory~~ citation, including Section, and where applicable, subsection, paragraph, and subparagraph, to the specific statute upon which the proposed rule, the proposed amendment to a rule, or the proposed repeal of a rule is based and by which it is authorized.

(3) A complete description of the subjects and issues involved.

(4) For all proposed rules and proposed amendments to rules, an initial regulatory flexibility analysis containing a description of the types of small businesses subject to the rule; a brief description of the proposed reporting, bookkeeping, and other procedures required for compliance with the rule; and a description of the types of professional skills necessary for compliance.

(5) The time, place, and manner in which interested persons may present their views and comments concerning the proposed rulemaking.

During the first notice period, the agency shall accept from any interested persons data, views, arguments, or comments. These may, in

the discretion of the agency, be submitted either orally or in

writing or both. The notice published in the Illinois Register shall indicate the manner selected by the agency for the submissions. The agency shall consider all submissions received.

The agency shall hold a public hearing on the proposed rulemaking during the first notice period if (i) during the first notice period, the agency finds that a public hearing would facilitate the submission of views and comments that might not otherwise be submitted or (ii) the agency receives a request for a public hearing, within the first 14 days after publication of the notice of proposed rulemaking in the Illinois Register, from 25 interested persons, an association representing at least 100 interested persons, the Governor, the Joint Committee on Administrative Rules, or a unit of local government that may be affected. At the public hearing, the agency shall allow interested persons to present views and comments on the proposed rulemaking. A public hearing in response to a request for a hearing may not be held less than 20 days after the publication of the notice of proposed rulemaking in the Illinois Register unless notice of the public hearing is included in the notice of proposed rulemaking. A public hearing on proposed rulemaking may not be held less than 5 days before submission of the notice required under subsection (c) of this Section to the Joint Committee on Administrative Rules. Each agency may prescribe reasonable rules for the conduct of public hearings on proposed rulemaking to prevent undue repetition at the hearings. The hearings must be open to the public and recorded by stenographic or mechanical means. At least one agency representative shall be present during the hearing who is qualified to respond to general questions from the public regarding the agency's proposal and the rulemaking process.

(c) Each agency shall provide additional notice of the proposed rulemaking to the Joint Committee on Administrative Rules. The period commencing on the day written notice is received by the Joint Committee shall be known as the second notice period and shall expire 45 days thereafter unless before that time the agency and the Joint Committee have agreed to extend the second notice period beyond 45 days for a period not to exceed an additional 45 days or unless the agency has received a statement of objection from the Joint Committee or notification from the Joint Committee that no objection will be issued. The written notice to the Joint Committee shall include (i) the text and location of any changes made to the proposed rulemaking during the first notice period in a form prescribed by the Joint Committee; (ii) for all proposed rules and proposed amendments to rules, a final regulatory flexibility analysis containing a summary of issues raised by small businesses during the first notice period and a description of actions taken on any alternatives to the proposed rule suggested by small businesses during the first notice period, including reasons for rejecting any alternatives not utilized; and (iii) if a written request has been made by the Joint Committee within 30 days after initial notice appears in the Illinois Register under subsection (b) of this Section, an analysis of the economic and budgetary effects of the proposed rulemaking. After commencement of the second notice period, no substantive change may be made to a proposed rulemaking unless it is made in response to an objection or suggestion of the Joint Committee. The agency shall also send a copy of the final regulatory flexibility analysis to each small business that has presented views or comments on the proposed rulemaking during the first notice period and to any other interested person who requests a copy. The agency may charge a reasonable fee

for providing the copies to cover postage and handling costs.

(d) After the expiration of the second notice period, after notification from the Joint Committee that no objection will be

issued, or after a response by the agency to a statement of objections issued by the Joint Committee, whichever is applicable, the agency shall file, under Section 5-65, a certified copy of each rule, modification, or repeal of any rule adopted by it. The copy shall be published in the Illinois Register. Each rule hereafter adopted under this Section is effective upon filing unless a later effective date is required by statute or is specified in the rulemaking.

(e) No rule or modification or repeal of any rule may be adopted, or filed with the Secretary of State, more than one year after the date the first notice period for the rulemaking under subsection (b) commenced. Any period during which the rulemaking is prohibited from being filed under Section 5-115 shall not be considered in calculating this one-year time period.

(Source: P.A. 87-823; 88-667, eff. 9-16-94.)

(5 ILCS 100/5-60) (from Ch. 127, par. 1005-60)

Sec. 5-60. Regulatory agenda. An agency shall submit for publication in the Illinois Register by January 1 and July 1 of each year a regulatory agenda to elicit public comments concerning any rule that the agency is considering proposing but for which no notice of proposed rulemaking activity has been submitted to the Illinois Register. A regulatory agenda shall consist of summaries of those rules. Each summary shall~~, in less than 2,000 words,~~ contain the following when practicable:

(1) A description of the rule.

(2) The statutory authority, including Section, and where applicable, subsection, paragraph, and subparagraph, the agency is exercising.

(3) A schedule of the dates for any hearings, meetings, or other opportunities for public participation in the development of the rule.

(4) The date the agency anticipates submitting a notice of proposed rulemaking activity, if known.

(5) The name, address, and telephone number of the agency representative who is knowledgeable about the rule, from whom any information may be obtained, and to whom written comments may be submitted concerning the rule.

(6) A statement whether the rule will affect small businesses, not for profit corporations, or small municipalities as defined in this Act.

(7) Any other information that may serve the public interest.

Nothing in this Section shall preclude an agency from adopting a rule that has not been summarized in a regulatory agenda or from adopting a rule different than one summarized in a regulatory agenda if in the agency head's best judgment it is necessary. If an agency finds that a situation exists that requires adoption of a rule that was not summarized on either of the 2 most recent regulatory agendas, it shall state its reasons in writing together with the facts that

form their basis upon filing the notice of proposed rulemaking with the Secretary of State under Section 5-40. Nothing in this Section shall require an agency to adopt a rule summarized in a regulatory agenda. The Secretary of State shall adopt rules necessary for the publication of a regulatory agenda, including but not limited to standard submission forms and deadlines.
(Source: P.A. 87-823; 88-667, eff. 9-16-94.)

(5 ILCS 100/5-80) (from Ch. 127, par. 1005-80)

Sec. 5-80. Publication of rules.

(a) The Secretary of State shall, by rule, prescribe a uniform system for the codification of rules. The Secretary of State shall also, by rule, establish a schedule for compliance with the uniform

codification system. The Secretary of State shall not adopt any codification system or schedule under this subsection without the approval of the Joint Committee on Administrative Rules. Approval by the Joint Committee shall be conditioned solely upon establishing that the proposed codification system and schedule are compatible with existing electronic data processing equipment and programs maintained by and for the General Assembly. Nothing in this Section shall prohibit an agency from adopting rules in compliance with the codification system earlier than specified in the schedule.

(b) Each rule proposed in compliance with the codification system shall be reviewed by the Secretary of State before the expiration of the public notice period under subsection (b) of Section 5-40. The Secretary of State shall cooperate with agencies in the Secretary of State's review to insure that the purposes of the codification system are accomplished. The Secretary of State shall have the authority to make changes in the numbering and location of the rule in the codification scheme if those changes do not affect the meaning of the rules. The Secretary of State may recommend changes in the sectioning and headings proposed by the agency and suggest grammatical and technical changes to correct errors. The Secretary of State may add notes concerning the statutory authority, including Section, and where applicable, subsection, paragraph, and subparagraph, dates proposed and adopted, and other similar notes to the text of the rules, if the notes are not supplied by the agency. This review by the Secretary of State shall be for the purpose of insuring the uniformity of and compliance with the codification system. The Secretary of State shall prepare indexes by agency, subject matter, and statutory authority and any other necessary indexes, tables, and other aids for locating rules to assist the public in the use of the Code.

(c) The Secretary of State shall make available to the agency and the Joint Committee on Administrative Rules copies of the changes in the numbering and location of the rule in the codification scheme, the recommended changes in the sectioning and headings, and the suggestions made concerning the correction of grammatical and technical errors or other suggested changes. The agency, in the notice required by subsection (c) of Section 5-40, shall provide to the Joint Committee a response to the recommendations of the Secretary of State including any reasons for not adopting the recommendations.

(d) If a reorganization of agencies, transfer of functions between agencies, or abolishment of agencies by executive order or law affects rules on file with the Secretary of State, the Secretary of State shall notify the Governor, the Attorney General, and the agencies involved of the effects upon the rules on file. If the Governor or the agencies involved do not respond to the Secretary of State's notice within 45 days by instructing the Secretary of State to delete or transfer the rules, the Secretary of State may delete or place the rules under the appropriate agency for the purpose of insuring the consistency of the codification scheme and shall notify the Governor, the Attorney General, and the agencies involved.

(e) (Blank).

(f) The Secretary of State shall ensure that the Illinois Administrative Code is published and made available to the public in a form that is updated at least annually. The Code shall contain the complete text of all rules of all State agencies filed with the Secretary's office and effective on October 1, 1984, or later and the indexes, tables, and other aids for locating rules prepared by the Secretary of State. The Secretary of State shall design the Illinois Register to supplement the Code. The Secretary of State shall ensure that copies of the Illinois Register are available to the public and

governmental entities and agencies.

If the Secretary of State determines that the Secretary's office will publish and distribute either the Register or the Code, the Secretary shall make copies available to the public at a reasonable fee, established by the Secretary by rule, and shall make copies available to governmental entities and agencies at a price covering publication and mailing costs only.

The Secretary of State shall make the electronically stored database of the Illinois Register and the Code available in accordance with this Section and Section 5.08 of the Legislative Information System Act.

(g) The publication of a rule in the Code or in the Illinois Register as an adopted rule shall establish a rebuttable presumption that the rule was duly filed and that the text of the rule as published in the Code is the text of the rule as adopted. Publication of the text of a rule in any other location whether by the agency or some other person shall not be taken as establishing such a presumption. Judicial or official notice shall be taken of the text of each rule published in the Code or Register.

(h) The codification system, the indexes, tables, and other aids for locating rules prepared by the Secretary of State, notes, and other materials developed under this Section in connection with the publication of the Illinois Administrative Code and the Illinois Register shall be the official compilations of the administrative rules of Illinois and shall be entirely in the public domain for purposes of federal copyright law.

(i) The Legislative Information System shall maintain on its electronic data processing equipment the complete text of the Illinois Register and Illinois Administrative Code created in compliance with this Act. This electronic information shall be made available for use in the publication of the Illinois Register and

Illinois Administrative Code by the Secretary of State if the Secretary determines that his office will publish these materials as authorized by subsection (f).

(j) The Legislative Information System, upon consultation with the Joint Committee on Administrative Rules and the Secretary of State, shall make the electronically stored database of the Illinois Register and the Illinois Administrative Code available in an electronically stored medium to those who request it. The Legislative Information System shall establish and charge a reasonable fee for providing the electronic information. Amounts received under this Section shall be deposited into the General Assembly Computer Equipment Revolving Fund.
(Source: P.A. 87-823; 88-535; revised 10-31-98.)".

Under the rules, the foregoing **Senate Bill No. 1030**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

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

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

SENATE BILL NO. 1148

A bill for AN ACT concerning economic development.

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

House Amendment No. 1 to SENATE BILL NO. 1148

Passed the House, as amended, May 12, 1999.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1148

AMENDMENT NO. 1. Amend Senate Bill 1148 as follows:
on page 1, line 5, by replacing "Section 46.5b" with "Sections 46.5b and 46.70"; and
on page 1, below line 13, by inserting the following:

"(20 ILCS 605/46.70 new)

Sec. 46.70. Illinois Africa Trade Program.

(a) Utilizing funds appropriated for the purposes specified in this Section, the Department shall establish an Illinois Africa Trade Program for the purpose of assisting small and medium-sized Illinois businesses and manufacturers in exporting their products to African nations and assisting companies from African nations interested in exporting products to or investing in Illinois. In conjunction with administering an Illinois Africa Trade Program, the Department shall pursue incentive programs that encourage African governments to locate trade or commercial offices in Illinois.

(b) The Department shall coordinate with appropriate organizations and educational institutions, and may contract with individuals or entities considered qualified by the Department,

relative to the development of a comprehensive plan to expand trade between Illinois and Africa. The coordination may encompass market development, market promotion and research, and educational and information services relative to the expansion of trade between Illinois and the African nations.

(c) The Department may develop and administer other programs it considers advisable and appropriate for the purpose of collecting and disseminating to prospective manufacturers and businesses information regarding export to and from and foreign investment by and in African nations.

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

Under the rules, the foregoing **Senate Bill No. 1148**, with House Amendment No. 1, was referred to the Secretary's Desk.

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

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

SENATE BILL NO 215

A bill for AN ACT to amend the School Code by changing Section 7-1.

SENATE BILL NO 233

A bill for AN ACT to amend the Upper Illinois River Valley Development Authority Act by adding Section 7.5.

SENATE BILL NO 564

A bill for AN ACT concerning business organizations, amending named Acts.

SENATE BILL NO 1075

A bill for AN ACT to amend the Illinois Income Tax Act by changing Section 201.

Passed the House, May 12, 1999.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

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

HOUSE JOINT RESOLUTION NO. 17

WHEREAS, In Illinois there were 213 collisions between vehicles and railroad trains in 1997; these collisions resulted in 27 fatalities and 85 injuries; Amtrak was involved in 245 accidents nationwide in 1997, with 75% of the accidents attributable to motorists' inattention or impatience; and

WHEREAS, Improving safety at Illinois' railroad crossings is of

paramount importance; therefore be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the Railroad Safety Task Force is created to investigate rail safety, determine what types of judicial and administrative action should be taken against motorists who cause railroad accidents, and investigate advances in technology that may improve railroad safety; and be it further

RESOLVED, That the Railroad Safety Task Force shall be composed of: 2 members from the House of Representatives, one member appointed by the Speaker of the House and one member appointed by the Minority Leader of the House of Representatives; 2 members from the Senate, one member appointed by the President of the Senate and one member appointed by the Minority Leader of the Senate; the Governor or a representative appointed by the Governor; the Secretary of State or a representative appointed by the Secretary of State; the Secretary of Transportation or a representative appointed by the Secretary of Transportation; the Chairman of the Illinois Commerce Commission or a representative appointed by the Chairman; 2 representatives of the railroad industry appointed by the Governor; 2 representatives of railroad labor unions appointed by the Governor; and 2 representatives of the trucking industry appointed by the Governor; and be it further

RESOLVED, That the Railroad Safety Task Force shall compile and submit a report to the General Assembly before January 1, 2000 on methods, procedures, and recommendations for improving railroad safety at railroad crossings throughout this State and on what types of judicial and administrative action should be taken against motorists who cause railroad accidents; and be it further

RESOLVED, That copies of this resolution be delivered to the Governor, the Secretary of State, the Secretary of Transportation, and the Chairman of the Illinois Commerce Commission.

Adopted by the House, May 5, 1999.

ANTHONY D. ROSSI, Clerk of the House

The foregoing message from the House of Representatives, reporting **House Joint Resolution No. 17**, was referred to the Committee on Rules.

REPORTS FROM STANDING COMMITTEES

Senator Lauzen, Chairperson of the Committee on Commerce and Industry, to which was referred **Senate floor Amendment No. 2 to House Bill No. 1959**, reported that the amendment has been tabled in Committee by the Sponsor.

Senator Lauzen, Chairperson of the Committee on Commerce and Industry to which was referred **Senate floor Amendment No. 3 to House Bill No. 1959,** 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 House Bill No. 17,** 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 House 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 Cronin, Chairperson of the Committee on Education to which was referred **Senate floor Amendment No. 2 to House Bill No. 878,** 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 House Bill No. 1670,** 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 House Bill No. 1812,** 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 House Bill No. 2218,** 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 House Bill No. 287,** 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 House Bill No. 379,** 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 House Bill No. 1409,** 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 House Bill No. 2031,** 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 House Bill No. 452,** 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 Klemm, Chairperson of the Committee on Executive to which was referred **Senate floor Amendment No. 2 to House Bill No. 702,** 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 Klemm, Chairperson of the Committee on Executive to which was referred **Senate floor Amendment No. 2 to House Bill No. 953,** 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 Klemm, Chairperson of the Committee on Executive to which was referred **Senate floor Amendment No. 2 to House Bill No. 1464,** 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 Klemm, Chairperson of the Committee on Executive to which was referred **Senate floor Amendment No. 2 to House Bill No. 2283,** 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 R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred **Senate floor Amendment No. 1 to House Bill No. 1348,** 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 Amendments numbered 1 and 2 to House Bill No. 1697,** 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 R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred **Senate floor Amendments numbered 1 and 2 to House Bill No. 2166,** 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 R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred **Senate floor Amendment No. 2 to House Bill No. 2271,** 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. 2 to House Bill No. 2713,** 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 House Bill No. 90,** 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 Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 2 to House Bill No. 777,** 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 Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendments numbered 1 and 2 to House Bill No. 839,** 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 Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 1 to House Bill No. 934,** 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 Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 1 to House Bill No. 1162,** 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 Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 2 to House Bill No. 1194,** 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 Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 1 to House Bill No. 1304,** 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 Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 2 to House Bill No. 1720,** 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 Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 1 to House Bill No. 1863,** 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 Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendments numbered 1 and 2 to House Bill No. 2103,** 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 Burzynski, Chairperson of the Committee on Licensed Activities to which was referred **Senate floor Amendment No. 2 to House Bill No. 245,** 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 Amendments numbered 2, 3, 4 and 5 to House Bill No. 619,** 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 Burzynski, Chairperson of the Committee on Licensed Activities to which was referred **Senate floor Amendment No. 1 to House Bill No. 1805,** 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 House Bill No. 1860,** 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 House Bill No. 835,** 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 Dillard, Chairperson of the Committee on Local Government to which was referred **Senate floor Amendments numbered 3 and 4 to House Bill No. 845,** 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 Dillard, Chairperson of the Committee on Local Government to which was referred **Senate floor Amendment No. 3 to House Bill No. 2005,** 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 Dillard, Chairperson of the Committee on Local Government to which was referred **Senate floor Amendment No. 1 to House Bill No. 2008,** 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 Syverson, Chairperson of the Committee on Public Health and Welfare to which was referred **Senate floor Amendment No. 1 to House Bill No. 1232,** 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 House Bill No. 1617,** 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 House Bill No. 1713,** 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 House Bill No. 1773,** 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 House Bill No. 1832,** 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. 2 to House Bill No. 134,** 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 House Bill No. 305,** 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 Peterson, Chairperson of the Committee on Revenue to which was referred **Senate floor Amendment No. 1 to House Bill No. 542,** 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 House Bill No. 1695,** 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 House Bill No. 1778,** 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 House Bill No. 1978,** 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 T. Walsh, Chairperson of the Committee on State Government Operations to which was referred **Senate floor Amendments numbered 1 and 2 to House Bill No. 2081,** 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 Fawell, Chairperson of the Committee on Transportation to which was referred **Senate floor Amendment No. 1 to House Bill No. 604,** 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. 1 to House Bill No. 2355,** reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for

consideration on second reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Clayborne, **House Bill No. 90** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on

Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 90 on page 1, line 2 by changing "Sections 1-7, 5-120, and 5-125" to "Section 1-7"; and
on page 1, line 6 by changing "Sections 1-7, 5-120, and 5-125" to "Section 1-7"; and
on page 4, line 25 by changing "Law" to "Except as otherwise provided in this subsection (E), law"; and
on page 4, by replacing lines 28 through 34 with the following:
"case involving a minor.

Upon petition by the victim or the victim's legal representative, and after a showing of the necessity for the disclosure by clear and convincing evidence, the court may order that the following information be disclosed to the victim or the victim's legal representative:

(i) If the minor is a not ward of the State, the court may order the disclosure of the names and addresses of the minor and the minor's parents or guardian and information pertaining to any disposition or alternative adjustment plan for the minor.

(ii) If the minor is a ward of the State, the court may order the disclosure of only the name and address of the minor's guardian.

In making the required showing of necessity for the disclosure, the petitioner shall bear the burden of showing the necessity for the disclosure."; and
by deleting lines 21 through 32 on page 5 and all of page 6.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 90, AS AMENDED, by replacing the title with the following:
"AN ACT to amend the Juvenile Court Act of 1987 by changing Section 5-905."; and
by replacing everything after the enacting clause with the following:
"Section 5. The Juvenile Court Act of 1987 is amended by changing Section 5-905 as follows:
(705 ILCS 405/5-905)
Sec. 5-905. Law enforcement records.
(1) Law Enforcement Records. Inspection and copying of law enforcement records maintained by law enforcement agencies that relate to a minor who has been arrested or taken into custody before his or her 17th birthday shall be restricted to the following and when necessary for the discharge of their official duties:

(a) A judge of the circuit court and members of the staff of the court designated by the judge;

(b) Law enforcement officers, probation officers or prosecutors or their staff;

(c) The minor, the minor's parents or legal guardian and their attorneys, but only when the juvenile has been charged with an offense;

(d) Adult and Juvenile Prisoner Review Boards;

(e) Authorized military personnel;

(f) Persons engaged in bona fide research, with the permission of the judge of juvenile court and the chief executive of the agency that prepared the particular recording: provided that publication of such research results in no disclosure of a minor's identity and protects the confidentiality of the record;

(g) Individuals responsible for supervising or providing temporary or permanent care and custody of minors pursuant to orders of the juvenile court or directives from officials of the Department of Children and Family Services or the Department of Human Services who certify in writing that the information will not be disclosed to any other party except as provided under law or order of court;

(h) The appropriate school official. Inspection and copying shall be limited to law enforcement records transmitted to the appropriate school official by a local law enforcement agency under a reciprocal reporting system established and maintained between the school district and the local law enforcement agency under Section 10-20.14 of the School Code concerning a minor enrolled in a school within the school district who has been arrested for any offense classified as a felony or a Class A or B misdemeanor.

(2) Information identifying victims and alleged victims of sex offenses, shall not be disclosed or open to public inspection under any circumstances. Nothing in this Section shall prohibit the victim or alleged victim of any sex offense from voluntarily disclosing his or her identity.

(3) Relevant information, reports and records shall be made available to the Department of Corrections when a juvenile offender has been placed in the custody of the Department of Corrections, Juvenile Division.

(4) Nothing in this Section shall prohibit the inspection or disclosure to victims and witnesses of photographs contained in the records of law enforcement agencies when the inspection or disclosure is conducted in the presence of a law enforcement officer for purposes of identification or apprehension of any person in the course of any criminal investigation or prosecution.

(5) The records of law enforcement officers concerning all minors under 17 years of age must be maintained separate from the records of adults and may not be open to public inspection or their contents disclosed to the public except by order of the court or when the institution of criminal proceedings has been permitted under Section 5-130 or 5-805 or required under Section 5-130 or 5-805 or such a person has been convicted of a crime and is the subject of pre-sentence investigation or when provided by law.

(6) Except as otherwise provided in this subsection (6), law enforcement officers may not disclose the identity of any minor in releasing information to the general public as to the arrest, investigation or disposition of any case involving a minor. Any victim or parent or legal guardian of a victim may petition the court to disclose the name and address of the minor and the minor's parents or legal guardian, or both. Upon a finding by clear and convincing evidence that the disclosure is either necessary for the victim to pursue a civil remedy against the minor or the minor's parents or legal guardian, or both, or to protect the victim's person or

property from the minor, then the court may order the disclosure of the information to the victim or to the parent or legal guardian of the victim only for the purpose of the victim pursuing a civil remedy against the minor or the minor's parents or legal guardian, or both, or to protect the victim's person or property from the minor. ~~Upon~~

~~written request, law enforcement officers may release the name and address of a minor who has been arrested for a criminal offense to the victim, or if the victim is a minor, to the victim's legal custodian, guardian or parent. The law enforcement officer may release the information only if he or she reasonably believes such release would not endanger the person or property of the arrested minor or his or her family.~~

(7) Nothing contained in this Section shall prohibit law enforcement agencies when acting in their official capacity from communicating with each other by letter, memorandum, teletype or intelligence alert bulletin or other means the identity or other relevant information pertaining to a person under 17 years of age. The information provided under this subsection (7) shall remain confidential and shall not be publicly disclosed, except as otherwise allowed by law.

(8) No person shall disclose information under this Section except when acting in his or her official capacity and as provided by law or order of court.

(Source: P.A. 90-590, eff. 1-1-99.)".

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

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

On motion of Senator R. Madigan, **House Bill No. 161** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 161, on page 1 by deleting lines 28 through 31; and

on page 2, by deleting lines 1 through 18.

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

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

On motion of Senator T. Walsh, **House Bill No. 429** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator O'Malley, **House Bill No. 462** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shaw, **House Bill No. 236** was taken up, read

by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, **House Bill No. 472** 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 House Bill 472, as follows:

on page 1, line 26, by replacing "shareholders" with "shareholders, partners, or members".

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

On motion of Senator T. Walsh, **House Bill No. 485** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Parker, **House Bill No. 520** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, **House Bill No. 542** having been printed, was taken up and read by title a second time.

Senators Burzynski - Bomke offered the following amendment:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 542 by replacing everything after the enacting clause with the following:

"Section 5. The Use Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit music or dramatic arts organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation of live public performances of musical or theatrical works on a regular basis.

(4) Personal property purchased by a governmental body, by a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or by a not-for-profit corporation, society, association, foundation, institution, or organization that has no

compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active exemption identification number issued by the Department.

(5) A passenger car that is a replacement vehicle to the extent that the purchase price of the car is subject to the Replacement Vehicle Tax.

(6) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order, certified by the purchaser to be used primarily for graphic arts production, and including machinery and equipment purchased for lease.

(7) Farm chemicals.

(8) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(9) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school

located in Illinois.

(10) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through to the living quarters from the driver's seat, or a motor vehicle of the second division that 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, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(11) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (11). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming

equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (11) is exempt from the provisions of Section 3-90.

(12) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(13) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages purchased at retail from a retailer, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(14) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery

and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(15) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(16) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(17) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(18) Manufacturing and assembling machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether that

sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether that sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(19) Personal property delivered to a purchaser or purchaser's donee inside Illinois when the purchase order for that personal property was received by a florist located outside Illinois who has a florist located inside Illinois deliver the personal property.

(20) Semen used for artificial insemination of livestock for direct agricultural production.

(21) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(22) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(23) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect

at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax

Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(24) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(25) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(26) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(Source: P.A. 89-16, eff. 5-30-95; 89-115, eff. 1-1-96; 89-349, eff. 8-17-95; 89-495, eff. 6-24-96; 89-496, eff. 6-25-96; 89-626, eff. 8-9-96; 90-14, eff. 7-1-97; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98.)

Section 10. The Service Use Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 110/3-5) (from Ch. 120, par. 439.33-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a non-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit music or dramatic arts organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation of live public performances of musical or theatrical works on a regular basis.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production.

(6) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-75.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption,

shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages acquired as an incident to the purchase of a service from a serviceman, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Proceeds from the sale of photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Semen used for artificial insemination of livestock for direct agricultural production.

(14) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(15) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to

collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(16) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed

by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(17) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(19) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this

exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(Source: P.A. 89-16, eff. 5-30-95; 89-115, eff. 1-1-96; 89-349, eff. 8-17-95; 89-495, eff. 6-24-96; 89-496, eff. 6-25-96; 89-626, eff. 8-9-96; 90-14, eff. 7-1-97; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98.)

Section 15. The Service Occupation Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 115/3-5) (from Ch. 120, par. 439.103-5)

Sec. 3-5. Exemptions. The following tangible personal property

is exempt from the tax imposed by this Act:

(1) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by any not-for-profit music or dramatic arts organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation of live public performances of musical or theatrical works on a regular basis.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased

for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-55 ~~3-75~~.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common

carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(14) Semen used for artificial insemination of livestock for direct agricultural production.

(15) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(16) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(17) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered

in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(19) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared

disaster area within 6 months after the disaster.

(20) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(Source: P.A. 89-16, eff. 5-30-95; 89-115, eff. 1-1-96; 89-349, eff. 8-17-95; 89-495, eff. 6-24-96; 89-496, eff. 6-25-96; 89-626, eff. 8-9-96; 90-14, eff. 7-1-97; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; revised 2-10-99.)

Section 20. The Retailers' Occupation Tax Act is amended by changing Section 2-5 as follows:

(35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:

(1) Farm chemicals.

(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming

equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and

mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 2-70 ~~3-75~~.

(3) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production.

(5) A motor vehicle of the first division, a motor vehicle of the second division that 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 that 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, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

(9) Personal property sold to a not-for-profit music or dramatic arts organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c) (3) of the Internal Revenue Code and that is organized and operated for the presentation of live public performances of musical or theatrical works on a regular basis.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and

operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by interstate carriers for hire for use as rolling stock moving in interstate commerce 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.

(13) Proceeds from sales to 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 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.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

(17) Tangible personal property sold to 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.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(19) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and

drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for

photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(21) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(22) Fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) A motor vehicle 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 is prima facie evidence that the motor vehicle will not be titled in this State.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an

active tax exemption identification number by the Department under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December

31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(32) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(Source: P.A. 89-16, eff. 5-30-95; 89-115, eff. 1-1-96; 89-349, eff. 8-17-95; 89-495, eff. 6-24-96; 89-496, eff. 6-25-96; 89-626, eff. 8-9-96; 90-14, eff. 7-1-97; 90-519, eff. 6-1-98; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; revised 2-10-99.)

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

Senator Burzynski moved the adoption of the foregoing amendment.

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

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

On motion of Senator Rauschenberger, **House Bill No. 578** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Karpiel, **House Bill No. 658** 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 House Bill 658 by replacing everything after the enacting clause with the following:

"Section 5. The Mechanics Lien Act is amended by changing Sections 1 and 21 as follows:

(770 ILCS 60/1) (from Ch. 82, par. 1)

Sec. 1. Any person who shall by any contract or contracts, express or implied, or partly expressed or implied, with the owner of a lot or tract of land, or with one whom the owner has authorized or knowingly permitted to contract, to improve the lot or tract of land or to manage a structure thereon, or to furnish material, fixtures, apparatus or machinery, forms or form work used in the process of construction where cement, concrete or like material is used for the

purpose of or in the building, altering, repairing or ornamenting any house or other building, walk or sidewalk, whether the walk or sidewalk is on the land or bordering thereon, driveway, fence or improvement or appurtenances to the lot or tract of land or connected therewith, and upon, over or under a sidewalk, street or alley adjoining; or fill, sod or excavate such lot or tract of land, or do landscape work thereon or therefor; or raise or lower any house thereon or remove any house thereto, or remove any house or other structure therefrom, or perform any services or incur any expense as an architect, structural engineer, professional engineer, land surveyor or property manager in, for or on a lot or tract of land for any such purpose; or drill any water well thereon; or furnish or perform labor or services as superintendent, time keeper, mechanic, laborer or otherwise, in the building, altering, repairing or ornamenting of the same; or furnish material, fixtures, apparatus, machinery, labor or services, forms or form work used in the process of construction where concrete, cement or like material is used, or drill any water well on the order of his agent, architect, structural engineer or superintendent having charge of the improvements, building, altering, repairing or ornamenting the same; or lease any equipment, with or without an operator, to a contractor of the owner of a parcel of land or a structure for use about the land or structure, is known under this Act as a contractor, and has a lien upon the whole of such lot or tract of land and upon adjoining or adjacent lots or tracts of land of such owner constituting the same premises and occupied or used in connection with such lot or tract of

land as a place of residence or business; and in case the contract relates to 2 or more buildings, on 2 or more lots or tracts of land, upon all such lots and tracts of land and improvements thereon for the amount due to him for such material, fixtures, apparatus, machinery, including the amount due to him or her for the equipment leased, services or labor, and interest at the rate of 10% per annum from the date the same is due. This lien extends to an estate in fee, for life, for years, or any other estate or any right of redemption, or other interest which the owner may have in the lot or tract of land at the time of making such contract or may subsequently acquire. The taking of additional security by the contractor or sub-contractor is not a waiver of any right of lien which he may have by virtue of this Act, unless made a waiver by express agreement of the parties and the waiver is not prohibited by this Act. This lien attaches as of the date of the contract.

(Source: P.A. 86-807; 87-361.)

(770 ILCS 60/21) (from Ch. 82, par. 21)

Sec. 21. Subject to the provisions of Section 5, every mechanic, worker or other person who shall furnish any materials, apparatus, machinery or fixtures, or shall lease any equipment, with or without an operator, or furnish or perform services or labor for the contractor, or shall furnish any material to be employed in the process of construction as a means for assisting in the erection of the building or improvement in what is commonly termed form or form work where concrete, cement or like material is used in whole or in part, shall be known under this Act as a sub-contractor, and shall have a lien for the value thereof, with interest on such amount from the date the same is due, from the same time, on the same property as provided for the contractor, and, also, as against the creditors and assignees, and personal and legal representatives of the contractor, on the material, fixtures, apparatus or machinery furnished, and on the moneys or other considerations due or to become due from the owner under the original contract. If the legal effect of any contract between the owner and contractor is that no lien or claim may be filed or maintained by any one and the waiver is not

prohibited by this Act, such provision shall be binding; but the only admissible evidence thereof as against a sub-contractor or material man, shall be proof of actual notice thereof to him before any labor or material is furnished by him; or proof that a duly written and signed stipulation or agreement to that effect has been filed in the office of the recorder of the county or counties where the house, building or other improvement is situated, prior to the commencement of the work upon such house, building or other improvement, or within 10 days after the execution of the principal contract or not less than 10 days prior to the contract of the sub-contractor or material man. The recorder shall record the same at length in the order of time of its reception in books provided by him for that purpose, and the recorder shall index the same, in the name of the contractor and in the name of the owner, in books kept for that purpose, and also in the tract or abstract book of the tract, lot, or parcel of land, upon which the house, building or other improvement is located, and the recorder shall receive therefor a fee, such as is provided for the

recording of instruments in his office.

It shall be the duty of each subcontractor who has furnished, or is furnishing, materials or labor for an existing owner-occupied single family residence, in order to preserve his lien, to notify the occupant either personally or by certified mail, return receipt requested, addressed to the occupant or his agent of the residence within 60 days from his first furnishing materials or labor, that he is supplying materials or labor; provided, however, that any notice given after 60 days by the subcontractor shall preserve his lien, but only to the extent that the owner has not been prejudiced by payments made prior to receipt of the notice. The notification shall include a warning to the owner that before any payment is made to the contractor, the owner should receive a waiver of lien executed by each subcontractor who has furnished materials or labor.

The notice shall contain the name and address of the subcontractor or material man, the date he started to work or to deliver materials, the type of work done and to be done or the type of materials delivered and to be delivered, and the name of the contractor requesting the work. The notice shall also contain the following warning:

"NOTICE TO OWNER

The subcontractor providing this notice has performed work for or delivered material to your home improvement contractor. These services or materials are being used in the improvements to your residence and entitle the subcontractor to file a lien against your residence if the services or materials are not paid for by your home improvement contractor. A lien waiver will be provided to your contractor when the subcontractor is paid, and you are urged to request this waiver from your contractor when paying for your home improvements."

Such warning shall be in at least 10 point bold face type. For purposes of this Section, notice by certified mail is considered served at the time of its mailing.

In no case, except as hereinafter provided, shall the owner be compelled to pay a greater sum for or on account of the completion of such house, building or other improvement than the price or sum stipulated in said original contract or agreement, unless payment be made to the contractor or to his order, in violation of the rights and interests of the persons intended to be benefited by this act: Provided, if it shall appear to the court that the owner and contractor fraudulently, and for the purpose of defrauding sub-contractors fixed an unreasonably low price in their original contract for the erection or repairing of such house, building or other improvement, then the court shall ascertain how much of a

difference exists between a fair price for labor and material used in said house, building or other improvement, and the sum named in said original contract, and said difference shall be considered a part of the contract and be subject to a lien. But where the contractor's statement, made as provided in Section 5, shows the amount to be paid to the sub-contractor, or party furnishing material, or the sub-contractor's statement, made pursuant to Section 22, shows the amount to become due for material; or notice is given to the owner,

as provided in Sections 24 and 25, and thereafter such sub-contract shall be performed, or material to the value of the amount named in such statements or notice, shall be prepared for use and delivery, or delivered without written protest on the part of the owner previous to such performance or delivery, or preparation for delivery, then, and in any of such cases, such sub-contractor or party furnishing or preparing material, regardless of the price named in the original contract, shall have a lien therefor to the extent of the amount named in such statements or notice. In case of default or abandonment by the contractor, the sub-contractor or party furnishing material, shall have and may enforce his lien to the same extent and in the same manner that the contractor may under conditions that arise as provided for in section 4 of this Act, and shall have and may exercise the same rights as are therein provided for the contractor.

Any provision in a contract, agreement, or understanding, when payment from a contractor to a subcontractor or supplier is conditioned upon receipt of the payment from any other party including a private or public owner, shall not be a defense by the party responsible for payment to a claim brought under Section 21, 22, 23, or 28 of this Act against the party. For the purpose of this Section, "contractor" also includes subcontractor or supplier. The provisions of Public Act 87-1180 shall be construed as declarative of existing law and not as a new enactment.

(Source: P.A. 87-361; 87-362; 87-895; 87-1180; 88-45.)

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

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

On motion of Senator Klemm, **House Bill No. 839** having been printed, was taken up and read by title a second time.

Senator Klemm offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 839 by replacing the title with the following:

"AN ACT to amend the Criminal Code of 1961 by adding Article 16G."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by adding Article 16G as follows:

(720 ILCS 5/Art. 16G heading new)

ARTICLE 16G

FINANCIAL IDENTITY THEFT LAW

(720 ILCS 5/16G-1 new)

Sec. 16G-1. Short title. This Article may be cited as the Financial Identity Theft Law.

(720 ILCS 5/16G-5 new)

Sec. 16G-5. Legislative declaration.

(a) It is the public policy of this State that the substantial burden placed upon the economy of this State as a result of the

rising incidence of financial identity theft and the negative effect of this crime on the People of this State and its victims is a matter of grave concern to the People of this State who have the right to be protected in their health, safety, and welfare from the effects of this crime, and therefore financial identity theft shall be identified and dealt with swiftly and appropriately considering the onerous nature of the crime.

(b) The widespread availability and unauthorized access to personal identification information have led and will lead to a substantial increase in identity theft related crimes.

(720 ILCS 5/16G-10 new)

Sec. 16G-10. Definitions. In this Article unless the context otherwise requires:

(a) "Personal identification document" means a birth certificate, a drivers license, a State identification card, a public, government, or private employment identification card, a social security card, a firearm owner's identification card, a credit card, a debit card, or a passport issued to or on behalf of a person other than the offender, or any such document made or altered in a manner that it purports to have been made on behalf of or issued to another person or by the authority of one who did not give that authority.

(b) "Personal identifying information" means any of the following information:

(1) A person's name;

(2) A person's address;

(3) A person's telephone number;

(4) A person's drivers license number or State of Illinois identification card as assigned by the Secretary of State of the State of Illinois or a similar agency of another state;

(5) A person's Social Security number;

(6) A person's public, private, or government employer, place of employment, or employment identification number;

(7) The maiden name of a person's mother;

(8) The number assigned to a person's depository account, savings account, or brokerage account;

(9) The number assigned to a person's credit or debit card, commonly known as a "Visa Card", "Master Card", "American Express Card", "Discover Card", or other similar cards whether issued by a financial institution, corporation, or business entity;

(10) Personal identification numbers;

(11) Electronic identification numbers;

(12) Digital signals;

(13) Any other numbers or information which can be used to access a person's financial resources.

(720 ILCS 5/16G-15 new)

Sec. 16G-15. Financial identity theft.

(a) A person commits the offense of financial identity theft when he or she knowingly uses any personal identifying information or personal identification document of another person to obtain credit, money, goods, services, or other property in the name of the other person, without the written authorization of the other person and knowingly representing that he or she is the other person or is acting with the authorization of the other person.

(b) Knowledge shall be determined by an evaluation of all circumstances surrounding the use of the other person's identifying

information or document.

(c) When a charge of financial identity theft of credit, money, goods, services, or other property exceeding a specified value is brought the value of the credit, money, goods, services, or other property is an element of the offense to be resolved by the trier of

fact as either exceeding or not exceeding the specified value.

(d) Sentence.

(1) Financial identity theft of credit, money, goods, services, or other property not exceeding $300 in value is a Class A misdemeanor. A person who has been previously convicted of financial identity theft of less than $300 who is convicted of a second or subsequent offense of financial identity theft of less than $300 is guilty of a Class 4 felony. A person who has been convicted of financial identity theft of less than $300 who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, home repair fraud, aggravated home repair fraud, or financial exploitation of an elderly or disabled person is guilty of a Class 4 felony. When a person has any such prior conviction, the information or indictment charging that person shall state the prior conviction so as to give notice of the State's intention to treat the charge as a felony. The fact of the prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during the trial.

(2) Financial identity theft of credit, money, goods, services, or other property exceeding $300 and not exceeding $2,000 in value is a Class 4 felony.

(3) Financial identity theft of credit, money, goods, services, or other property exceeding $2,000 and not exceeding $10,000 in value is a Class 3 felony.

(4) Financial identity theft of credit, money, goods, services, or other property exceeding $10,000 and not exceeding $100,000 in value is a Class 2 felony.

(5) Financial identity theft of credit, money, goods, services, or other property exceeding $100,000 in value is a Class 1 felony.

(720 ILCS 5/16G-20 new)

Sec. 16G-20. Aggravated financial identity theft.

(a) A person commits the offense of aggravated financial identity theft when he or she commits the offense of financial identity theft as set forth in subsection (a) of Section 16G-15 against a person 60 years of age or older or a disabled person as defined in Section 16-1.3 of this Code.

(b) Knowledge shall be determined by an evaluation of all circumstances surrounding the use of the other person's identifying information or document.

(c) When a charge of aggravated financial identity theft of credit, money, goods, services, or other property exceeding a specified value is brought the value of the credit, money, goods, services, or other property is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding

the specified value.

(d) A defense to aggravated financial identity theft does not exist merely because the accused reasonably believed the victim to be a person less than 60 years of age.

(e) Sentence.

(1) Aggravated financial identity theft of credit, money, goods, services, or other property not exceeding $300 in value is a Class 4 felony.

(2) Aggravated financial identity theft of credit, money, goods, services, or other property exceeding $300 and not exceeding $10,000 in value is a Class 3 felony.

(3) Aggravated financial identity theft of credit, money, goods, services, or other property exceeding $10,000 in value and not exceeding $100,000 in value is a Class 2 felony.

(4) Aggravated financial identity theft of credit, money, goods, services, or other property exceeding $100,000 in value is a Class 1 felony.

(5) A person who has been previously convicted of aggravated financial identity theft regardless of the value of the property involved who is convicted of a second or subsequent offense of aggravated financial identity theft regardless of the value of the property involved is guilty of a Class X felony.

(720 ILCS 5/16G-25 new)

Sec. 16G-25. Offenders interest in the property. It is no defense to a charge of aggravated financial identity theft or financial identity theft that the offender has an interest in the credit, money, goods, services, or other property obtained in the name of the other person.

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. 2

AMENDMENT NO. 2. Amend House Bill 839, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, on page 3, by replacing lines 23 through 27 with the following:

"person to fraudulently obtain credit, money, goods, services, or other property in the name of the other person.".

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

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

On motion of Senator Radogno, **House Bill No. 934** having been printed, was taken up and read by title a second time.

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 934 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Marriage and Dissolution of Marriage Act is amended by adding Section 505.3 as follows:

(750 ILCS 5/505.3 new)

Sec. 505.3. Pro se petitions for support and support enforcement. The circuit court shall provide, through the office of the clerk of the circuit court, simplified forms and clerical assistance to help with the writing and filing of a petition seeking to establish or enforce a child support order by any person not represented by counsel. This assistance may also be provided by the State's Attorney.

Section 10. The Illinois Parentage Act of 1984 is amended by adding Section 7.5 as follows:

(750 ILCS 45/7.5 new)

Sec. 7.5. Pro se petitions to establish parentage and support. The circuit court shall provide, through the office of the clerk of the circuit court, simplified forms and clerical assistance to help with the writing and filing of an action to determine the existence of the father and child relationship, and a petition to establish or enforce a child support order by any person not represented by

counsel. This assistance may also be provided by the State's Attorney.".

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

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

On motion of Senator T. Walsh, **House Bill No. 1234** 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 House Bill 1234 on page 5, line 34, by deleting "that contains any provision"; and

on page 7, by replacing lines 10 through 14 with the following:

"In any legal action challenging any cancellation, termination, or failure to renew, the brewer has the burden of proving the existence of good cause if the wholesaler first makes a prima facie showing that good cause does not exist."; and

on page 7, by replacing lines 21 through 31 with the following:

"of this Act.".

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

On motion of Senator Peterson, **House Bill No. 1268** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1268 by replacing the title with the following:

"AN ACT concerning taxation."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Use Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit music or dramatic arts organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation of live public performances of musical or theatrical works on a regular basis.

(4) Personal property purchased by a governmental body, by a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or by a not-for-profit corporation, society,

association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active exemption identification number issued by the Department.

(5) A passenger car that is a replacement vehicle to the extent that the purchase price of the car is subject to the Replacement Vehicle Tax.

(6) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order, certified by the purchaser to be used primarily for graphic arts production, and including machinery and equipment purchased for lease.

(7) Farm chemicals.

(8) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United

States of America, or the government of any foreign country, and bullion.

(9) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(10) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through to the living quarters from the driver's seat, or a motor vehicle of the second division that 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, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(11) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (11). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the

computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (11) is exempt from the provisions of Section 3-90.

(12) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(13) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages purchased at retail from a retailer, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(14) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(15) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(16) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(17) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(18) Manufacturing and assembling machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether that sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether that sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(19) Personal property delivered to a purchaser or purchaser's donee inside Illinois when the purchase order for that personal property was received by a florist located outside Illinois who has a florist located inside Illinois deliver the personal property.

(20) Semen used for artificial insemination of livestock for direct agricultural production.

(21) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate,

used for purposes of breeding or racing for prizes.

(22) Computers and communications equipment utilized for any

hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(23) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(24) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(25) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when

such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(26) Beginning on the effective date of this amendatory Act of the 91st General Assembly, production related tangible personal property and machinery and equipment, including repair and replacement parts, both new and used, and including those items manufactured on special order or purchased for lease, certified by the purchaser to be essential to and used in the integrated process of the production of electricity by an eligible facility owned, operated, or leased by an exempt wholesale generator. "Eligible facility" and "exempt wholesale generator" shall mean "eligible facility" and "exempt wholesale generator" as defined in Section 32 of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79z-5a, in effect as of the date of this amendatory Act of the 91st General Assembly. "Machinery" includes mechanical machines and components of those machines that directly contribute to or are directly used in or essential to the process of the production of electricity. "Equipment" includes an independent device or tool separate from machinery but essential to an integrated electricity generation process; including pipes of any kind used in the process of the production of electricity; computers used primarily in operating exempt machinery; any subunit or assembly comprising a component of any machinery or auxiliary, adjunct, or attachment parts of machinery, and any parts that require periodic replacement in the course of normal operation; but does not include hand tools. "Production related tangible personal property" means all tangible personal property directly used or consumed in or essential to the process of the production of electricity including, but not limited to, tangible personal property used or consumed in activities such as preproduction material handling, receiving, quality control, inventory control, storage, staging, and piping or lines necessary for the transportation of water, natural gas, steam, and similar items to and from an eligible facility for use in the process of the production of electricity. This paragraph (26) shall apply also to machinery and equipment used in the general maintenance or repair of exempt machinery and equipment. The provisions of this paragraph are exempt from the provisions of Section 3-90.

(Source: P.A. 89-16, eff. 5-30-95; 89-115, eff. 1-1-96; 89-349, eff. 8-17-95; 89-495, eff. 6-24-96; 89-496, eff. 6-25-96; 89-626, eff. 8-9-96; 90-14, eff. 7-1-97; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98.)

Section 10. The Service Use Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 110/3-5) (from Ch. 120, par. 439.33-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a non-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit music or dramatic arts organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation of live public performances of musical or theatrical works on a regular basis.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United

States of America, or the government of any foreign country, and bullion.

(5) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production.

(6) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-75.

(8) Fuel and petroleum products sold to or used by an air common

carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages acquired as an incident to the purchase of a service from a serviceman, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles

required to be registered under the Illinois Vehicle Code.

(11) Proceeds from the sale of photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Semen used for artificial insemination of livestock for direct agricultural production.

(14) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(15) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse

that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(16) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(17) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be

used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(19) Beginning on the effective date of this amendatory Act of the 91st General Assembly, production related tangible personal property and machinery and equipment, including repair and replacement parts, both new and used, and including those items manufactured on special order or purchased for lease, certified by the purchaser to be essential to and used in the integrated process

of the production of electricity by an eligible facility owned, operated, or leased by an exempt wholesale generator. "Eligible facility" and "exempt wholesale generator" shall mean "eligible facility" and "exempt wholesale generator" as defined in Section 32 of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79z-5a, in effect as of the date of this amendatory Act of the 91st General Assembly. "Machinery" includes mechanical machines and components of those machines that directly contribute to or are directly used in or essential to the process of the production of electricity. "Equipment" includes an independent device or tool separate from machinery but essential to an integrated electricity generation process; including pipes of any kind used in the process of the production of electricity; computers used primarily in operating exempt machinery; any subunit or assembly comprising a component of any machinery or auxiliary, adjunct, or attachment parts of machinery, and any parts that require periodic replacement in the course of normal operation; but does not include hand tools. "Production related tangible personal property" means all tangible personal property directly used or consumed in or essential to the process of the production of electricity including, but not limited to, tangible personal property used or consumed in activities such as preproduction material handling, receiving, quality control, inventory control, storage, staging, and piping or lines necessary for the transportation of water, natural gas, steam, and similar items to and from an eligible facility for use in the process of the production of electricity. This paragraph (19) shall apply also to machinery and equipment used in the general maintenance or repair of exempt machinery and equipment. The provisions of this paragraph are exempt from the provisions of Section 3-75.

(Source: P.A. 89-16, eff. 5-30-95; 89-115, eff. 1-1-96; 89-349, eff. 8-17-95; 89-495, eff. 6-24-96; 89-496, eff. 6-25-96; 89-626, eff. 8-9-96; 90-14, eff. 7-1-97; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98.)

Section 15. The Service Occupation Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 115/3-5) (from Ch. 120, par. 439.103-5)

Sec. 3-5. Exemptions. The following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by any not-for-profit music or dramatic arts organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation of live public performances of musical

or theatrical works on a regular basis.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-55 ~~3-75~~.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or

locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are

in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(14) Semen used for artificial insemination of livestock for direct agricultural production.

(15) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(16) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(17) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or

institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(19) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(20) Beginning on the effective date of this amendatory Act of the 91st General Assembly, production related tangible personal property and machinery and equipment, including repair and replacement parts, both new and used, and including those items manufactured on special order or purchased for lease, certified by the purchaser to be essential to and used in the integrated process of the production of electricity by an eligible facility owned, operated, or leased by an exempt wholesale generator. "Eligible facility" and "exempt wholesale generator" shall mean "eligible facility" and "exempt wholesale generator" as defined in Section 32 of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79z-5a, in effect as of the date of this amendatory Act of the 91st General Assembly. "Machinery" includes mechanical machines and components of those machines that directly contribute to or are directly used in or essential to the process of the production of electricity. "Equipment" includes an independent device or tool separate from machinery but essential to an integrated electricity generation process; including pipes of any kind used in the process of the production of electricity; computers used primarily in operating exempt machinery; any subunit or assembly comprising a component of any machinery or auxiliary, adjunct, or attachment parts of machinery, and any parts that require periodic replacement in the course of normal operation; but does not include hand tools. "Production related tangible personal property" means all tangible personal property directly used or consumed in or essential to the process of the production of electricity including, but not limited to, tangible personal property used or consumed in activities such as preproduction material handling, receiving, quality control, inventory control, storage, staging, and piping or lines necessary for the transportation of water, natural gas, steam, and similar items to and from an eligible facility for use in the process of the production of electricity. This paragraph (20) shall apply also to machinery and equipment used in the general maintenance or repair of exempt machinery and equipment. The provisions of this paragraph are exempt from the provisions of Section 3-55.

(Source: P.A. 89-16, eff. 5-30-95; 89-115, eff. 1-1-96; 89-349, eff. 8-17-95; 89-495, eff. 6-24-96; 89-496, eff. 6-25-96; 89-626, eff. 8-9-96; 90-14, eff. 7-1-97; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; revised 2-10-99.)

Section 20. The Retailers' Occupation Tax Act is amended by changing Section 2-5 as follows:

(35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:

(1) Farm chemicals.

(2) Farm machinery and equipment, both new and used, including

that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 2-70 ~~3-75~~.

(3) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production.

(5) A motor vehicle of the first division, a motor vehicle of the second division that 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 that 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, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

(9) Personal property sold to a not-for-profit music or dramatic arts organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c) (3) of the Internal Revenue Code and that is organized and

operated for the presentation of live public performances of musical or theatrical works on a regular basis.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by interstate carriers for hire for use as rolling stock moving in interstate commerce 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.

(13) Proceeds from sales to 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 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.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

(17) Tangible personal property sold to 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.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(19) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(21) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(22) Fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption,

shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) A motor vehicle 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 is prima facie evidence that the motor vehicle will not be titled in this State.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an

active tax exemption identification number by the Department under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December

31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(32) Beginning on the effective date of this amendatory Act of the 91st General Assembly, production related tangible personal property and machinery and equipment, including repair and replacement parts, both new and used, and including those items manufactured on special order or purchased for lease, certified by the purchaser to be essential to and used in the integrated process of the production of electricity by an eligible facility owned, operated, or leased by an exempt wholesale generator. "Eligible facility" and "exempt wholesale generator" shall mean "eligible facility" and "exempt wholesale generator" as defined in Section 32 of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79z-5a, in effect as of the date of this amendatory Act of the 91st General Assembly. "Machinery" includes mechanical machines and components of those machines that directly contribute to or are directly used in or essential to the process of the production of electricity. "Equipment" includes an independent device or tool separate from machinery but essential to an integrated electricity generation process; including pipes of any kind used in the process of the production of electricity; computers used primarily in operating exempt machinery; any subunit or assembly comprising a component of any machinery or auxiliary, adjunct, or attachment parts of machinery, and any parts that require periodic replacement in the course of normal operation; but does not include hand tools. "Production related tangible personal property" means all tangible personal property directly used or consumed in or essential to the process of the production of electricity including, but not limited to, tangible personal property used or consumed in activities such as preproduction material handling, receiving, quality control, inventory control, storage, staging, and piping or lines necessary for the transportation of water, natural gas, steam, and similar items to and from an eligible facility for use in the process of the production of electricity. This paragraph (32) shall apply also to machinery and equipment used in the general maintenance or repair of exempt machinery and equipment. The provisions of this paragraph are

exempt from the provisions of Section 2-70.

(Source: P.A. 89-16, eff. 5-30-95; 89-115, eff. 1-1-96; 89-349, eff. 8-17-95; 89-495, eff. 6-24-96; 89-496, eff. 6-25-96; 89-626, eff. 8-9-96; 90-14, eff. 7-1-97; 90-519, eff. 6-1-98; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; revised 2-10-99.)

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

Senator Peterson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1268, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 8, line 15, before the comma, by inserting "and ending 10 years after the effective date of this amendatory Act of the 91st General Assembly"; and

on page 9, lines 17 through 19, by deleting "The provisions of this paragraph are exempt from the provisions of Section 3-90."; and

on page 15, line 3, before the comma, by inserting "and ending 10 years after the effective date of this amendatory Act of the 91st General Assembly"; and

on page 16, lines 5 through 7, by deleting "The provisions of this paragraph are exempt from the provisions of Section 3-75."; and

on page 21, line 4, before the comma, by inserting "and ending 10 years after the effective date of this amendatory Act of the 91st General Assembly"; and

on page 22, lines 6 through 8, by deleting "The provisions of this paragraph are exempt from the provisions of Section 3-55."; and

on page 29, line 23, before the comma, by inserting "and ending 10 years after the effective date of this amendatory Act of the 91st General Assembly"; and

on page 30, lines 25 through 27, by deleting "The provisions of this paragraph are exempt from the provisions of Section 2-70.".

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

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

On motion of Senator Sullivan, **House Bill No. 1281** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator R. Madigan, **House Bill No. 1348** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1348 by replacing the title with the following:

"AN ACT concerning insurers, amending named Acts."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Sections 3.1, 35A-5, 35A-10, 35A-15, 35A-20, 35A-30, 35A-55, 35A-60, 245, 356h, 356v, 364, 367, and 367i as follows:

(215 ILCS 5/3.1) (from Ch. 73, par. 615.1)

Sec. 3.1. Definitions of admitted assets. "Admitted Assets" includes the investments authorized or permitted by this Code, the credit for reinsurance allowed by this Code, and in addition thereto, only the following:

~~(a) Petty cash and other cash funds in the company's principal or any official branch office and under the control of the company.~~

~~(b) Immediately withdrawable funds on deposit in demand accounts, in a bank or trust company as defined in Section 126.2MMM(1) or like funds actually in the principal or any official branch office at statement date, and, in transit to such bank or trust company with authentic deposit credit given prior to the close of business on the fifth bank working day following the statement date.~~

~~(c) The amount fairly estimated as recoverable on cash deposited in a closed bank or trust company, if qualifying under the provisions of this Section prior to the suspension of such bank or trust company.~~

~~(d) Bills and accounts receivable collateralized by securities of the kind in which the company is authorized to invest.~~

~~(e) Bills receivable not past due covering uncollected premiums taken by a company in the transaction of business described in Class 3 of Section 4, in an amount not to exceed the unearned premium reserve liability calculated on each respective policy.~~

~~(f) For in force insurance coverages written by fire, casualty, and reciprocal companies, excluding group accident and health business, premium deposits, gross premiums, and agents' balances (net of related commissions) not more than 90 days past due; installments booked but deferred and not yet due (net of related commissions), provided that all amounts having become due from the insured are not more than 90 days past due; and audit and retrospective premium to the extent permitted to be admitted pursuant to the Annual Statement Instructions and the Accounting Practices and Procedures Manual for Property and Casualty Insurers published by the National Association of Insurance Commissioners, unless the Director prescribes otherwise. However, audit and retrospective premiums that represent anticipated additional premiums on policies for which the policy period has not yet expired may not be admitted.~~

~~(g) Net amount of uncollected premiums on group life and group accident and health policies, not more than 90 days past due.~~

~~(h) Due and uncollected accident and health premiums on in force individual policies, on insurance written by Class 1, Section 4 companies, less commissions due thereon to agents; not exceeding in the aggregate the premium reserve liability computed on such business.~~

~~(i) Premium notes, policy loans and liens, and the net amount of uncollected and deferred premiums on individual life insurance policies, not in excess of the liability for the legal reserves specified in Section 223 or 281 of this Code on such individual life insurance policies.~~

~~(j) Premium and assessment notes, certificate loans and liens, and the gross amount less loading, of premiums or assessments actually collected by subordinate lodges not yet turned over to the Supreme Lodge on individual life insurance certificates not in excess of the liability for the legal reserves specified in Section 297.1 or 305.1 on such individual life insurance certificates.~~

~~(k) Mortuary assessments due and unpaid on last call made within 60 days, on insurance in force and for which notices have been issued, not in excess of the liability for the unpaid claims which are to be paid by the proceeds.~~

~~(l) Amounts fairly estimated as recoverable from advances made~~

~~on contracts under surety bonds.~~

~~(m) Amounts receivable from insurance companies authorized to do business in this State and from associations or bureaus owned or controlled by 5 or more separate and nonaffiliated, by ownership or management, insurance companies of which a majority thereof are~~

~~authorized to transact business in this State. The amount of those receivables allowed as admitted assets may not exceed the lesser of 5% of the company's total admitted assets or 10% of the company's surplus as regards policyholders. Amounts receivable from insurance companies or associations or bureaus not meeting the preceding standards of this Section if collateralized in the manner prescribed by Section 173.1.~~

~~(n) Tax refunds due from the United States or any state, the Government of Canada or any province, or the Commonwealth of Puerto Rico or amounts due to a subsidiary from a parent under a tax allocation agreement that conforms with rules adopted by the Director.~~

~~(o) The interest accrued on mortgage loans conforming to this Code, not exceeding an aggregate amount on an individual loan of one year's total due and accrued interest.~~

~~(p) The rents accrued and owing to the company on real and personal property, directly or beneficially owned, not exceeding on each individual property the amount of one year's total due and accrued rent.~~

~~(q) Interest or rents accrued on conditional sales agreements, security interests, chattel mortgages and real or personal property under lease to other corporations, all conforming to this Code, and not exceeding on any individual investment, the amount of one year's total due and accrued interest or rent.~~

~~(r) The fixed and required interest due and accrued on bonds and other like evidences of indebtedness, conforming to this Code, and not in default.~~

~~(s) Dividends receivable on shares of stock conforming to this Code; provided that the market price taken for valuation purposes does not include the value of the dividend.~~

~~(t) The interest or dividends due and payable, but not credited, on deposits in banks and trust companies or on accounts with savings and loan associations.~~

~~(u) Interest accrued on secured loans conforming to this Code, not exceeding the amount of one year's interest on any loan.~~

~~(v) Interest accrued on tax anticipation warrants.~~

~~(w) The value of electronic computer or data processing machines or systems purchased for use in connection with the business of the company, if such machines or systems whenever purchased have an aggregate original cost to the company of at least $75,000. The amortized value of such machines or systems at the end of any calendar year shall not be greater than the original purchase price less 10% for each completed year, or pro rata portion for any fraction thereof, after such purchase, with the total admissible value at any statement date to be limited to an amount not exceeding 2% of the company's admitted assets at such statement date.~~

(1) ~~(x)~~ Amounts, other than premium, receivable from affiliates,

not outstanding for more than 3 months, and arising under, management contracts or service agreements which meet the requirements of Section 141.1 of the Illinois Insurance Code to the extent that the affiliate has liquid assets sufficient to pay the balance. The amount of those receivables included in admitted assets may not exceed the lesser of 5% of the company's admitted assets or 10% of the company's surplus as regards policyholders. For purposes of this subsection, "affiliate" has the meaning given that term in Article VIII 1/2 of the Illinois Insurance Code.

(2) Amounts permitted under Section 136.

~~(y) Property and liability guaranty fund or guaranty association assessments paid in any state, but only to the extent it is probable the company will be able to offset those assessments against present or future premium taxes or income taxes payable in the state in which~~

~~the assessments were paid. The amount of those assessments allowed as admitted assets may not exceed the lesser of 5% of the company's total admitted assets or 10% of the company's surplus as regards policyholders. The Director may disallow any such assessment as an admitted asset to the extent he determines a company is unlikely to realize a present or future premium tax or income tax offset as a result of the assessment.~~

(Source: P.A. 89-97, eff. 7-7-95; 89-669, eff. 1-1-97; 90-418, eff. 8-15-97.)

(215 ILCS 5/35A-5)

Sec. 35A-5. Definitions. As used in this Article, the terms listed in this Section have the meaning given herein.

"Adjusted RBC Report" means an RBC Report that has been adjusted by the Director in accordance with subsection (f) ~~(e)~~ of Section 35A-10.

"Authorized control level RBC" means the number determined under the risk-based capital formula in accordance with the RBC Instructions.

"Company action level RBC" means the product of 2.0 and the insurer's authorized control level RBC.

"Corrective Order" means an order issued by the Director in accordance with Article XII 1/2 specifying corrective actions that the Director determines are required.

"Domestic insurer" means any insurance company domiciled in this State under Article II, Article III, Article III 1/2, or Article IV or a health organization as defined by this Article, except this shall include only those health maintenance organizations that are "domestic companies" in accordance with Section 5-3 of the Health Maintenance Organization Act and only those limited health service organizations that are "domestic companies" in accordance with Section 4003 of the Limited Health Service Organization Act.

"Foreign insurer" means any foreign or alien insurance company licensed under Article VI that is not domiciled in this State and any health maintenance organization that is not a "domestic company" in accordance with Section 5-3 of the Health Maintenance Organization Act and any limited health service organization that is not a "domestic company" in accordance with Section 4003 of the Limited Health Service Organization Act.

"Health organization" means an entity operating under a certificate of authority issued pursuant to the Health Maintenance Organization Act, the Dental Service Plan Act, the Limited Health Service Organization Act, or the Voluntary Health Services Plans Act, unless the entity is otherwise defined as a "life, health, or life and health insurer" pursuant to this Act.

"Life, health, or life and health insurer" means an insurance company that has authority to transact the kinds of insurance described in either or both clause (a) or clause (b) of Class 1 of Section 4 or a licensed property and casualty insurer writing only accident and health insurance.

"Mandatory control level RBC" means the product of 0.70 and the insurer's authorized control level RBC.

"NAIC" means the National Association of Insurance Commissioners.

"Negative trend" means, with respect to a life, health, or life and health insurer, a negative trend over a period of time, as determined in accordance with the trend test calculation included in the RBC Instructions.

"Property and casualty insurer" means an insurance company that has authority to transact the kinds of insurance in either or both Class 2 or Class 3 of Section 4 or a licensed insurer writing only insurance authorized under clause (c) of Class 1, but does not include monoline mortgage guaranty insurers, financial guaranty

insurers, and title insurers.

"RBC" means risk-based capital.

"RBC Instructions" means the RBC Report including risk-based capital instructions adopted by the NAIC as those instructions may be amended by the NAIC from time to time in accordance with the procedures adopted by the NAIC.

"RBC level" means an insurer's company action level RBC, regulatory action level RBC, authorized control level RBC, or mandatory control level RBC.

"RBC Plan" means a comprehensive financial plan containing the elements specified in subsection (b) of Section 35A-15.

"RBC Report" means the risk-based capital report required under Section 35A-10.

"Receivership" means conservation, rehabilitation, or liquidation under Article XIII.

"Regulatory action level RBC" means the product of 1.5 and the insurer's authorized control level RBC.

"Revised RBC Plan" means an RBC Plan rejected by the Director and revised by the insurer with or without the Director's recommendations.

"Total adjusted capital" means the sum of (1) an insurer's statutory capital and surplus and (2) any other items that the RBC Instructions may provide.

(Source: P.A. 89-97, eff. 7-7-95; 90-794, eff. 8-14-98.)

(215 ILCS 5/35A-10)

Sec. 35A-10. RBC Reports.

(a) On or before each March 1 (the "filing date"), every domestic insurer shall prepare and submit to the Director a report of its RBC levels as of the end of the previous calendar year in the

form and containing the information required by the RBC Instructions. Every domestic insurer shall also file its RBC Report with the NAIC in accordance with the RBC Instructions. In addition, if requested in writing by the chief insurance regulatory official of any state in which it is authorized to do business, every domestic insurer shall file its RBC Report with that official no later than the later of 15 days after the insurer receives the written request or the filing date.

(b) A life, health, or life and health insurer's RBC shall be determined under the formula set forth in the RBC Instructions. The formula shall take into account (and may adjust for the covariance between):

(1) the risk with respect to the insurer's assets;

(2) the risk of adverse insurance experience with respect to the insurer's liabilities and obligations;

(3) the interest rate risk with respect to the insurer's business; and

(4) all other business risks and other relevant risks set forth in the RBC Instructions.

These risks shall be determined in each case by applying the factors in the manner set forth in the RBC Instructions.

(c) A property and casualty insurer's RBC shall be determined in accordance with the formula set forth in the RBC Instructions. The formula shall take into account (and may adjust for the covariance between):

(1) asset risk;

(2) credit risk;

(3) underwriting risk; and

(4) all other business risks and other relevant risks set forth in the RBC Instructions.

These risks shall be determined in each case by applying the factors in the manner set forth in the RBC Instructions.

(d) A health organization's RBC shall be determined in accordance with the formula set forth in the RBC Instructions. The formula shall take the following into account (and may adjust for the covariance between):

(1) asset risk;

(2) credit risk;

(3) underwriting risk; and

(4) all other business risks and other relevant risks set forth in the RBC Instructions.

These risks shall be determined in each case by applying the factors in the manner set forth in the RBC Instructions.

(e) ~~(d)~~ An excess of capital over the amount produced by the risk-based capital requirements contained in this Code and the formulas, schedules, and instructions referenced in this Code is desirable in the business of insurance. Accordingly, insurers should seek to maintain capital above the RBC levels required by this Code. Additional capital is used and useful in the insurance business and helps to secure an insurer against various risks inherent in, or affecting, the business of insurance and not accounted for or only partially measured by the risk-based capital requirements contained

in this Code.

(f) ~~(e)~~ If a domestic insurer files an RBC Report that, in the judgment of the Director, is inaccurate, the Director shall adjust the RBC Report to correct the inaccuracy and shall notify the insurer of the adjustment. The notice shall contain a statement of the reason for the adjustment.

(Source: P.A. 88-364; 89-97, eff. 7-7-95.)

(215 ILCS 5/35A-15)

Sec. 35A-15. Company action level event.

(a) A company action level event means any of the following events:

(1) The filing of an RBC Report by an insurer that indicates that:

(A) the insurer's total adjusted capital is greater than or equal to its regulatory action level RBC, but less than its company action level RBC; or

(B) The insurer, if a life, health, or life and health insurer, has total adjusted capital that is greater than or equal to its company action level RBC, but less than the product of its authorized control level RBC and 2.5 and has a negative trend.

(2) The notification by the Director to the insurer of an Adjusted RBC Report that indicates an event described in paragraph (1), provided the insurer does not challenge the Adjusted RBC Report under Section 35A-35.

(3) The notification by the Director to the insurer that the Director has, after a hearing, rejected the insurer's challenge under Section 35A-35 to an Adjusted RBC Report that indicates the event described in paragraph (1).

(b) In the event of a company action level event, the insurer shall prepare and submit to the Director an RBC Plan that does all of the following:

(1) Identifies the conditions that contribute to the company action level event.

(2) Contains proposed corrective actions that the insurer intends to take and that are expected to result in the elimination of the company action level event. A health organization is not prohibited from proposing recognition of a parental guarantee or a letter of credit to eliminate the company action level event; however the Director shall, at his discretion, determine whether or the extent to which the proposed

parental guarantee or letter of credit is an acceptable part of a satisfactory RBC Plan or Revised RBC Plan.

(3) Provides projections of the insurer's financial results in the current year and at least the 4 succeeding years, both in the absence of proposed corrective actions and giving effect to the proposed corrective actions, including projections of statutory operating income, net income, capital, and surplus. The projections for both new and renewal business may include separate projections for each major line of business and separately identify each significant income, expense, and benefit component.

(4) Identifies the key assumptions affecting the insurer's projections and the sensitivity of the projections to the assumptions.

(5) Identifies the quality of, and problems associated with, the insurer's business including, but not limited to, its assets, anticipated business growth and associated surplus strain, extraordinary exposure to risk, mix of business, and use of reinsurance, if any, in each case.

(c) The insurer shall submit the RBC Plan to the Director within 45 days after the company action level event occurs or within 45 days after the Director notifies the insurer that the Director has, after a hearing, rejected its challenge under Section 35A-35 to an Adjusted RBC Report.

(d) Within 60 days after an insurer submits an RBC Plan to the Director, the Director shall notify the insurer whether the RBC Plan shall be implemented or is, in the judgment of the Director, unsatisfactory. If the Director determines the RBC Plan is unsatisfactory, the notification to the insurer shall set forth the reasons for the determination and may set forth proposed revisions that will render the RBC Plan satisfactory in the judgment of the Director. Upon notification from the Director, the insurer shall prepare a Revised RBC Plan, which may incorporate by reference any revisions proposed by the Director. The insurer shall submit the Revised RBC Plan to the Director within 45 days after the Director notifies the insurer that the RBC Plan is unsatisfactory or within 45 days after the Director notifies the insurer that the Director has, after a hearing, rejected its challenge under Section 35A-35 to the determination that the RBC Plan is unsatisfactory.

(e) In the event the Director notifies an insurer that its RBC Plan or Revised RBC Plan is unsatisfactory, the Director may, at the Director's discretion and subject to the insurer's right to a hearing under Section 35A-35, specify in the notification that the notification constitutes a regulatory action level event.

(f) Every domestic insurer that files an RBC Plan or Revised RBC Plan with the Director shall file a copy of the RBC Plan or Revised RBC Plan with the chief insurance regulatory official in any state in which the insurer is authorized to do business if that state has a law substantially similar to the confidentiality provisions in subsection (a) of Section 35A-50 and if that official requests in writing a copy of the plan. The insurer shall file a copy of the RBC Plan or Revised RBC Plan in that state no later than the later of 15 days after receiving the written request for the copy or the date on which the RBC Plan or Revised RBC Plan is filed under subsection (c) or (d) of this Section.

(Source: P.A. 88-364; 89-97, eff. 7-7-95.)

(215 ILCS 5/35A-20)

Sec. 35A-20. Regulatory action level event.

(a) A regulatory action level event means any of the following events:

(1) The filing of an RBC Report by the insurer that

indicates that the insurer's total adjusted capital is greater than or equal to its authorized control level RBC, but less than

its regulatory action level RBC.

(2) The notification by the Director to an insurer of an Adjusted RBC Report that indicates the event described in paragraph (1), provided the insurer does not challenge the Adjusted RBC Report under Section 35A-35.

(3) The notification by the Director to the insurer that the Director has, after a hearing, rejected the insurer's challenge under Section 35A-35 to an Adjusted RBC Report that indicates the event described in paragraph (1).

(4) The failure of the insurer to file an RBC Report by the filing date, unless the insurer has provided an explanation for the failure that is satisfactory to the Director and has cured the failure within 10 days after the filing date.

(5) The failure of the insurer to submit an RBC Plan to the Director within the time period set forth in subsection (c) of Section 35A-15.

(6) The notification by the Director to the insurer that the insurer's RBC Plan or revised RBC Plan is, in the judgment of the Director, unsatisfactory and that the notification constitutes a regulatory action level event with respect to the insurer, provided the insurer does not challenge the determination under Section 35A-35.

(7) The notification by the Director to the insurer that the Director has, after a hearing, rejected the insurer's challenge under Section 35A-35 to the determination made by the Director under paragraph (6).

(8) The notification by the Director to the insurer that the insurer has failed to adhere to its RBC Plan or Revised RBC Plan, but only if that failure has a substantial adverse effect on the ability of the insurer to eliminate the company action level event in accordance with its RBC Plan or Revised RBC Plan and the Director has so stated in the notification, provided the insurer does not challenge the determination under Section 35A-35.

(9) The notification by the Director to the insurer that the Director has, after a hearing, rejected the insurer's challenge under Section 35A-35 to the determination made by the Director under paragraph (8).

(b) In the event of a regulatory action level event, the Director shall do all of the following:

(1) Require the insurer to prepare and submit an RBC Plan or, if applicable, a Revised RBC Plan to the Director within 45 days after the regulatory action level event occurs or within 45 days after the Director notifies the insurer that the Director has, after a hearing, rejected its challenge under Section 35A-35 to either an Adjusted RBC Report or a Revised RBC Plan. However, if the insurer previously prepared and submitted an RBC Plan or a Revised RBC Plan in accordance with any provision of this Article, the Director may determine that the previously prepared RBC Plan or Revised RBC Plan satisfies the requirement of this subsection (b)(1).

(2) Perform any examination or analysis of the assets, liabilities, and operations of the insurer, including a review of its RBC Plan or Revised RBC Plan, that the Director deems necessary.

(3) After the examination or analysis, issue a Corrective Order specifying the corrective actions the Director determines

are required.

(c) In determining corrective actions, the Director may take

into account any factors the Director deems relevant based upon the examination or analysis of the assets, liabilities, and operations of the insurer including, but not limited to, the results of any sensitivity tests undertaken under the RBC Instructions. The regulatory action level event shall be deemed sufficient grounds for the Director to issue a Corrective Order in accordance with Article XII 1/2. The Director shall have rights, powers, and duties with respect to the insurer that are set forth in Article XII 1/2 and the insurer shall be entitled to the protections afforded insurers under Article XII 1/2.

(d) The Director may retain actuaries, investment experts, and other consultants necessary to review an insurer's RBC Plan or Revised RBC Plan, examine or analyze the assets, liabilities, and operations of the insurer, and formulate the Corrective Order with respect to the insurer. The fees, costs, and expenses related to the actuaries, investment experts, and other consultants shall be reasonable and customary for the nature of the services provided and shall be borne by the affected insurer or the party designated by the Director.

(Source: P.A. 89-97, eff. 7-7-95; 90-794, eff. 8-14-98.)

(215 ILCS 5/35A-30)

Sec. 35A-30. Mandatory control level event.

(a) A mandatory control level event means any of the following events:

(1) The filing of an RBC Report that indicates that the insurer's total adjusted capital is less than its mandatory control level RBC.

(2) The notification by the Director to the insurer of an Adjusted RBC Report that indicates the event described in paragraph (1), provided the insurer does not challenge the Adjusted RBC Report under Section 35A-35.

(3) The notification by the Director to the insurer that the Director has, after a hearing, rejected the insurer's challenge under Section 35A-35 to the Adjusted RBC Report that indicates the event described in paragraph (1).

(b) In the event of a mandatory control level event with respect to a life, health, or life and health insurer, the Director shall take actions necessary to place the insurer in receivership under Article XIII. In that event, the mandatory control level event shall be deemed sufficient grounds for the Director to take action under Article XIII, and the Director shall have the rights, powers, and duties with respect to the insurer that are set forth in Article XIII. If the Director takes action under this subsection regarding an Adjusted RBC Report, the insurer shall be entitled to the protections of Article XIII. If the Director finds that there is a reasonable expectation that the mandatory control level event may be eliminated within 90 days after it occurs, the Director may delay action for not more than 90 days after the mandatory control level event.

(c) In the case of a mandatory control level event with respect

to a property and casualty insurer, the Director shall take the actions necessary to place the insurer in receivership under Article XIII or, in the case of an insurer that is writing no business and that is running-off its existing business, may allow the insurer to continue its run-off under the supervision of the Director. In either case, the mandatory control level event is deemed sufficient grounds for the Director to take action under Article XIII, and the Director has the rights, powers, and duties with respect to the insurer that are set forth in Article XIII. If the Director takes action regarding an Adjusted RBC Report, the insurer shall be entitled to the protections of Article XIII. If the Director finds

that there is a reasonable expectation that the mandatory control level event may be eliminated within 90 days after it occurs, the Director may delay action for not more than 90 days after the mandatory control level event.

(d) In the case of a mandatory control level event with respect to a health organization, the Director shall take the actions necessary to place the insurer in receivership under Article XIII or, in the case of an insurer that is writing no business and that is running-off its existing business, may allow the insurer to continue its run-off under the supervision of the Director. In either case, the mandatory control level event is deemed sufficient grounds for the Director to take action under Article XIII, and the Director has the rights, powers, and duties with respect to the insurer that are set forth in Article XIII. If the Director takes action regarding an Adjusted RBC Report, the insurer shall be entitled to the protections of Article XIII. If the Director finds that there is a reasonable expectation that the mandatory control level event may be eliminated within 90 days after it occurs, the Director may delay action for not more than 90 days after the mandatory control level event.

(Source: P.A. 88-364; 89-97, eff. 7-7-95.)

(215 ILCS 5/35A-55)

Sec. 35A-55. Provisions of Article supplemental; exemptions.

(a) The provisions of this Article are supplemental to the provisions of any other laws of this State and do not preclude or limit other powers or duties of the Director under any other laws.

(b) The Director may exempt from the application of this Article any domestic property and casualty insurer that:

(1) writes direct business only in this State;

(2) writes direct annual premiums of $2,000,000 or less; and

(3) assumes no reinsurance in excess of 5% of direct premium written.

(c) The Director may exempt from the application of this Article any company that is organized under Article IV of this Code, that writes direct business only in this State, and that assumes no reinsurance in excess of 5% of direct written premiums.

(d) The Director may exempt from the application of this Article any domestic health organization upon a showing by the health organization of the reasons for requesting the exemption and a determination by the Director of good cause for an exemption.

(e) ~~(d)~~ The Director may by rule impose upon any insurer

exempted from the application of this Article under subsection (b), ~~or~~ (c), or (d) of this Section conditions to the exemption that require maintenance of adequate capital. These conditions shall not exceed the requirements of this Article.
(Source: P.A. 88-364; 89-97, eff. 7-7-95.)

(215 ILCS 5/35A-60)

Sec. 35A-60. Phase-in of Article.

(a) For RBC Reports filed with respect to the December 31, 1993 annual statement, instead of the provisions of Sections 35A-15, 35A-20, 35A-25, and 35A-30, the following provisions apply:

(1) In the event of a company action level event, the Director shall take no action under this Article.

(2) In the event of a regulatory action level event under paragraph (1), (2), or (3) of subsection (a) of Section 35A-20, the Director shall take the actions required under Section 35A-15.

(3) In the event of a regulatory action level event under paragraph (4), (5), (6), (7), (8), or (9) of subsection (a) of Section 35A-20 or an authorized control level event, the Director shall take the actions required under Section 35A-20.

(4) In the event of a mandatory control level event, the Director shall take the actions required under Section 35A-25.

(b) For RBC Reports required to be filed by property and casualty insurers with respect to the December 31, 1995 annual statement, instead of the provisions of Section 35A-15, 35A-20, 35A-25, and 35A-30, the following provisions apply:

(1) In the event of a company action level event with respect to a domestic insurer, the Director shall take no regulatory action under this Article.

(2) In the event of a ~~an~~ regulatory action level event under paragraph (1), (2) or (3) of subsection (a) of Section 35A-20, the Director shall take the actions required under Section 35A-15.

(3) In the event of a ~~an~~ regulatory action level event under paragraph (4), (5), (6), (7), (8), or (9) of subsection (a) of Section 35A-20 or an authorized control level event, the Director shall take the actions required under Section 35A-20.

(4) In the event of a mandatory control level event, the Director shall take the actions required under Section 35A-25.

(c) For RBC Reports required to be filed by health organizations with respect to the December 31, 1999 annual statement and the December 31, 2000 annual statement, instead of the provisions of Sections 35A-15, 35A-20, 35A-25, and 35A-30, the following provisions apply:

(1) In the event of a company action level event with respect to a domestic insurer, the Director shall take no regulatory action under this Article.

(2) In the event of a regulatory action level event under paragraph (1), (2), or (3) of subsection (a) of Section 35A-20, the Director shall take the actions required under Section 35A-15.

(3) In the event of a regulatory action level event under

paragraph (4), (5), (6), (7), (8), or (9) of subsection (a) of Section 35A-20 or an authorized control level event, the Director shall take the actions required under Section 35A-20.

(4) In the event of a mandatory control level event, the Director shall take the actions required under Section 35A-25.

This subsection does not apply to a health organization that provides or arranges for a health care plan under which enrollees may access health care services from contracted providers without a referral from their primary care physician.

Nothing in this subsection shall preclude or limit other powers or duties of the Director under any other laws.

(Source: P.A. 88-364; 89-97, eff. 7-7-95.)

(215 ILCS 5/245) (from Ch. 73, par. 857)

Sec. 245. Salaries; pensions.

(1) No domestic life company shall directly or indirectly pay any salary, compensation or emolument to any officer, trustee or director thereof, or any salary, compensation or emolument amounting in any year to more than $200,000 ~~$100,000~~ to any person, firm or corporation, unless such payment be first authorized by a vote of the board of directors of such company, which vote shall be duly recorded in the records of the company. No such domestic life company shall make any agreement with any of its officers, trustees or salaried employees whereby it agrees that for any services rendered or to be rendered he shall receive any salary, compensation or emolument, directly or indirectly, that will extend beyond a period of three years from the date of such agreement except that payment of an amount not in excess of 20% of the salary of any of its officers, trustees, or salaried employees may by written agreement be deferred beyond such period of three years, which agreement may include

conditions to be met by such officer, trustee, or salaried employee before payment will be made. The limitation as to time contained herein shall not apply to a contract for renewal commissions with any such officer, trustee or salaried employee who is also an agent of the company nor shall such limitation be construed as preventing a domestic company from entering into contracts with its agents for the payment of renewal commissions.

(2) No such life company shall grant any pension to any officer, director or trustee thereof or to any member of his family after his death except that it may provide a pension pursuant to the terms of the uniform retirement plan adopted by the board of directors and for any person who is or has been a salaried officer or employee of such company and who may retire by reason of age or disability.

(3) No such company shall hereafter create or establish any account or fund for the purpose of promoting the health or welfare of its employees except from annual accretions to earned surplus computed in the manner provided by this Code. Contributions to such fund by any company in any calendar year shall not exceed 15% of the accretion to earned surplus in such calendar year. Before such account or fund shall be established, maintained or operated, the plan for such account or fund and its method of operation shall be approved by the board of directors of the company, and submitted to the shareholders in the case of a stock company, or members in the

case of a mutual company, at a special meeting called for the purpose of considering such plan. Contributions to the fund from sources other than the company may be provided for in the operation of the plan. No amount held in such fund or account whether contributed by the company or from any other source shall be considered an admitted asset as defined in this Code, nor considered in determining the solvency of such company, nor be subject to the provisions of this Code.
(Source: P.A. 86-384.)

(215 ILCS 5/356h) (from Ch. 73, par. 968h)

Sec. 356h. No individual or group policy of accident and health insurance which covers the insured's immediate family or children, as well as covering the insured, shall exclude a child from coverage or limit coverage for a child solely because the child is an adopted child, or solely because the child does not reside with the insured. For purposes of this Section, a child who is in the custody of the insured, pursuant to an interim court order of adoption or, in the case of group insurance, placement of adoption, whichever comes first, vesting temporary care of the child in the insured, is an adopted child, regardless of whether a final order granting adoption is ultimately issued.
(Source: P.A. 86-649.)

(215 ILCS 5/356v)

Sec. 356v. Use of information derived from genetic testing. After the effective date of this amendatory Act of 1997, an insurer must comply with the provisions of the Genetic Information Privacy Act in connection with the amendment, delivery, issuance, or renewal of, or claims for or denial of coverage under, an individual or group policy of accident and health insurance. Additionally, genetic information shall not be treated as a condition described in item (1) of subsection (A) of Section 20 of the Illinois Health Insurance Portability and Accountability Act in the absence of a diagnosis of the condition related to that genetic information.
(Source: P.A. 90-25, eff. 1-1-98; 90-655, eff. 7-30-98.)

(215 ILCS 5/364) (from Ch. 73, par. 976)

Sec. 364. Discrimination prohibited. Discrimination between individuals of the same class of risk in the issuance of its policies or in the amount of premiums or rates charged for any insurance

covered by this article, or in the benefits payable thereon, or in any of the terms or conditions of such policy, or in any other manner whatsoever is prohibited. Nothing in this provision shall prohibit an insurer from providing incentives for insureds to utilize the services of a particular hospital or person. It is hereby expressly provided that whenever the terms "physician" or "doctor" appear or are used in any way in any policy of accident or health insurance issued in this state, said terms shall include within their meaning persons licensed to practice dentistry under the Illinois Dental Practice Act with regard to benefits payable for services performed by a person so licensed, which such services are within the coverage provided by the particular policy or contract of insurance and are within the professional services authorized to be performed by such person under and in accordance with the said Act.

No company, in any policy of accident or health insurance issued in this State, shall make or permit any distinction or discrimination against individuals solely because of handicaps or disabilities in the amount of payment of premiums or rates charged for policies of insurance, in the amount of any dividends or other benefits payable thereon, or in any other terms and conditions of the contract it makes, except where the distinction or discrimination is based on sound actuarial principles or is related to actual or reasonably anticipated experience.

No company shall refuse to insure, or refuse to continue to insure, or limit the amount or extent or kind of coverage available to an individual, or charge an individual a different rate for the same coverage solely because of blindness or partial blindness. With respect to all other conditions, including the underlying cause of the blindness or partial blindness, persons who are blind or partially blind shall be subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as are sighted persons. Refusal to insure includes denial by an insurer of disability insurance coverage on the grounds that the policy defines "disability" as being presumed in the event that the insured loses his or her eyesight. ~~However, an insurer may exclude from coverage disabilities consisting solely of blindness or partial blindness when such condition existed at the time the policy was issued.~~

(Source: P.A. 85-1209.)

(215 ILCS 5/367) (from Ch. 73, par. 979)

Sec. 367. Group accident and health insurance.

(1) Group accident and health insurance is hereby declared to be that form of accident and health insurance covering not less than 2 ~~10~~ employees, members, or employees of members, ~~(except in case of volunteer fire departments the number shall not be less than 5 members)~~ written under a master policy issued to any governmental corporation, unit, agency or department thereof, or to any corporation, copartnership, individual employer, or to any association upon application of an executive officer or trustee of such association having a constitution or bylaws and formed in good faith for purposes other than that of obtaining insurance, where officers, members, employees, employees of members or classes or department thereof, may be insured for their individual benefit. In addition a group accident and health policy may be written to insure any group which may be insured under a group life insurance policy. The term "employees" shall include the officers, managers and employees of subsidiary or affiliated corporations, and the individual proprietors, partners and employees of affiliated individuals and firms, when the business of such subsidiary or affiliated corporations, firms or individuals, is controlled by a common employer through stock ownership, contract or otherwise.

(2) Any insurance company authorized to write accident and health insurance in this State shall have power to issue group accident and health policies. No policy of group accident and health insurance may be issued or delivered in this State unless a copy of the form thereof shall have been filed with the department and

approved by it in accordance with Section 355, and it contains in substance those provisions contained in Sections 357.1 through 357.30 as may be applicable to group accident and health insurance and the following provisions:

(a) A provision that the policy, the application of the employer, or executive officer or trustee of any association, and the individual applications, if any, of the employees, members or employees of members insured shall constitute the entire contract between the parties, and that all statements made by the employer, or the executive officer or trustee, or by the individual employees, members or employees of members shall (in the absence of fraud) be deemed representations and not warranties, and that no such statement shall be used in defense to a claim under the policy, unless it is contained in a written application.

(b) A provision that the insurer will issue to the employer, or to the executive officer or trustee of the association, for delivery to the employee, member or employee of a member, who is insured under such policy, an individual certificate setting forth a statement as to the insurance protection to which he is entitled and to whom payable.

(c) A provision that to the group or class thereof originally insured shall be added from time to time all new employees of the employer, members of the association or employees of members eligible to and applying for insurance in such group or class.

(3) Anything in this code to the contrary notwithstanding, any group accident and health policy may provide that all or any portion of any indemnities provided by any such policy on account of hospital, nursing, medical or surgical services, may, at the insurer's option, be paid directly to the hospital or person rendering such services; but the policy may not require that the service be rendered by a particular hospital or person. Payment so made shall discharge the insurer's obligation with respect to the amount of insurance so paid. Nothing in this subsection (3) shall prohibit an insurer from providing incentives for insureds to utilize the services of a particular hospital or person.

(4) Special group policies may be issued to school districts providing medical or hospital service, or both, for pupils of the district injured while participating in any athletic activity under the jurisdiction of or sponsored or controlled by the district or the authorities of any school thereof. The provisions of this Section governing the issuance of group accident and health insurance shall, insofar as applicable, control the issuance of such policies issued to schools.

(5) No policy of group accident and health insurance may be issued or delivered in this State unless it provides that upon the death of the insured employee or group member the dependents' coverage, if any, continues for a period of at least 90 days subject to any other policy provisions relating to termination of dependents' coverage.

(6) No group hospital policy covering miscellaneous hospital expenses issued or delivered in this State shall contain any exception or exclusion from coverage which would preclude the payment of expenses incurred for the processing and administration of blood and its components.

(7) No policy of group accident and health insurance, delivered in this State more than 120 days after the effective day of the Section, which provides inpatient hospital coverage for sicknesses shall exclude from such coverage the treatment of alcoholism. This subsection shall not apply to a policy which covers only specified sicknesses.

(8) No policy of group accident and health insurance, which provides benefits for hospital or medical expenses based upon the actual expenses incurred, issued or delivered in this State shall contain any specific exception to coverage which would preclude the payment of actual expenses incurred in the examination and testing of a victim of an offense defined in Sections 12-13 through 12-16 of the Criminal Code of 1961, or an attempt to commit such offense, to establish that sexual contact did occur or did not occur, and to establish the presence or absence of sexually transmitted disease or infection, and examination and treatment of injuries and trauma sustained by the victim of such offense, arising out of the offense. Every group policy of accident and health insurance which specifically provides benefits for routine physical examinations shall provide full coverage for expenses incurred in the examination and testing of a victim of an offense defined in Sections 12-13 through 12-16 of the Criminal Code of 1961, or an attempt to commit such offense, as set forth in this Section. This subsection shall not apply to a policy which covers hospital and medical expenses for specified illnesses and injuries only.

(9) For purposes of enabling the recovery of State funds, any insurance carrier subject to this Section shall upon reasonable demand by the Department of Public Health disclose the names and identities of its insureds entitled to benefits under this provision to the Department of Public Health whenever the Department of Public Health has determined that it has paid, or is about to pay, hospital or medical expenses for which an insurance carrier is liable under this Section. All information received by the Department of Public Health under this provision shall be held on a confidential basis and shall not be subject to subpoena and shall not be made public by the Department of Public Health or used for any purpose other than that authorized by this Section.

(10) Whenever the Department of Public Health finds that it has paid all or part of any hospital or medical expenses which an insurance carrier is obligated to pay under this Section, the Department of Public Health shall be entitled to receive reimbursement for its payments from such insurance carrier provided that the Department of Public Health has notified the insurance carrier of its claim before the carrier has paid the benefits to its insureds or the insureds' assignees.

(11) (a) No group hospital, medical or surgical expense policy shall contain any provision whereby benefits otherwise payable thereunder are subject to reduction solely on account of the existence of similar benefits provided under other group or group-type accident and sickness insurance policies where such reduction would operate to reduce total benefits payable under these policies below an amount equal to 100% of total allowable expenses provided under these policies.

(b) When dependents of insureds are covered under 2 policies, both of which contain coordination of benefits provisions, benefits of the policy of the insured whose birthday falls earlier in the year are determined before those of the policy of the insured whose birthday falls later in the year. Birthday, as used herein, refers only to the month and day in a calendar year, not the year in which the person was born. The Department of Insurance shall promulgate rules defining the order

of benefit determination pursuant to this paragraph (b).

(12) Every group policy under this Section shall be subject to the provisions of Sections 356g and 356n of this Code.

(13) No accident and health insurer providing coverage for hospital or medical expenses on an expense incurred basis shall deny reimbursement for an otherwise covered expense incurred for any organ transplantation procedure solely on the basis that such procedure is deemed experimental or investigational unless supported by the determination of the Office of Health Care Technology Assessment within the Agency for Health Care Policy and Research within the federal Department of Health and Human Services that such procedure is either experimental or investigational or that there is insufficient data or experience to determine whether an organ transplantation procedure is clinically acceptable. If an accident and health insurer has made written request, or had one made on its behalf by a national organization, for determination by the Office of Health Care Technology Assessment within the Agency for Health Care Policy and Research within the federal Department of Health and Human Services as to whether a specific organ transplantation procedure is clinically acceptable and said organization fails to respond to such a request within a period of 90 days, the failure to act may be deemed a determination that the procedure is deemed to be experimental or investigational.

(14) Whenever a claim for benefits by an insured under a dental prepayment program is denied or reduced, based on the review of x-ray films, such review must be performed by a dentist.

(Source: P.A. 89-187, eff. 7-19-95.)

(215 ILCS 5/367i) (from Ch. 73, par. 979i)

Sec. 367i. Discontinuance and replacement of coverage. Group health insurance policies issued, amended, delivered or renewed on and after the effective date of this amendatory Act of 1989, shall provide a reasonable extension of benefits in the event of total disability on the date the policy is discontinued for any reason.

Any applicable extension of benefits or accrued liability shall be described in the policy and group certificate. Benefits payable during any extension of benefits may be subject to the policy's regular benefit limits.

Any insurer discontinuing a group health insurance policy shall provide to the policyholder for delivery to covered employees or members a notice as to the date such discontinuation is to be effective and urging them to refer to their group certificates to determine what contract rights, if any, are available to them.

In the event a discontinued policy is replaced by another group policy, the prior insurer or plan shall be liable only to the extent

of its accrued liabilities and extension of benefits. Persons eligible for coverage under the succeeding insurer's plan ~~or policy~~ shall include all employees and dependents covered under the prior insurer's plan, including disabled individuals covered under the prior plan but absent from work on the effective date and thereafter. The prior insurer shall provide extension of benefits for an insured's disabling condition when no coverage is available under the succeeding insurer's plan whether due to the absence of coverage in the contract or lack of required creditable coverage for a preexisting condition. ~~be covered by that policy. Persons not eligible for coverage under the succeeding insurer's policy shall, until such time as such person becomes eligible, be covered by the succeeding insurer's policy in such a way as to ensure that such persons shall be treated no less favorably than had the change in insurers not occurred.~~

The Director shall promulgate reasonable rules as necessary to carry out this Section.

(Source: P.A. 86-537.)

Section 10. The Dental Service Plan Act is amended by changing Section 25 as follows:

(215 ILCS 110/25) (from Ch. 32, par. 690.25)

Sec. 25. Application of Insurance Code provisions. Dental service plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and ~~Article~~ XII 1/2 and Sections 3.1, 133, 140, 143, 143c, 149, 355.2, 367.2, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and subsection (15) of Section 367 of the Illinois Insurance Code.

(Source: P.A. 86-600; 87-587; 87-1090.)

Section 15. The Health Maintenance Organization Act is amended by changing Sections 1-3, 2-7, 4-9, and 5-3 as follows:

(215 ILCS 125/1-3) (from Ch. 111 1/2, par. 1402.1)

Sec. 1-3. Definitions of admitted assets. "Admitted Assets" includes the investments authorized or permitted by Section 3-1 of this Act and, in addition thereto, only the following:

~~(a) Petty cash and other cash funds in the organization's principal or any official branch office and under the control of the organization.~~

~~(b) Immediately withdrawable funds on deposit in demand accounts, in a bank or trust company as defined in paragraph (3) of subsection (g) of Section 3-1 or like funds actually in the principal or any official branch office at statement date, and, in transit to such bank or trust company with authentic deposit credit given prior to the close of business on the fifth bank working day following the statement date.~~

~~(c) The amount fairly estimated as recoverable on cash deposited in a closed bank or trust company, if qualifying under the provisions of this Sec. prior to the suspension of such bank or trust company.~~

~~(d) Bills and accounts receivable collateralized by securities of the kind in which the organization is authorized to invest.~~

~~(e) Premiums receivable from groups or individuals which are not more than 60 days past due. Premiums receivable from the United States, any state thereof or any political subdivision of either~~

~~which is not more than 90 days past due.~~

~~(f) Amounts due under insurance policies or reinsurance arrangements from insurance companies authorized to do business in this State.~~

~~(g) Tax refunds due from the United States, any state or any political subdivision thereof.~~

~~(h) The interest accrued on mortgage loans conforming to Section 3-1 of this Act, not exceeding in aggregate amount on an individual loan of one year's total due and accrued interest.~~

~~(i) The rents accrued and owing to the organization on real and personal property, directly or beneficially owned, not exceeding on each individual property the amount of one year's total due and accrued rent.~~

~~(j) Interest or rents accrued on conditional sales agreements, security interests, chattel mortgages and real or personal property under lease to other corporations, all conforming to Section 3-1 of this Act, and not exceeding on any individual investment, the amount of one year's total due and accrued interest or rent.~~

~~(k) The fixed and required interest due and accrued on bonds and other like evidences of indebtedness, conforming to Section 3-1 of this Act, and not in default.~~

~~(l) Dividends receivable on shares of stock conforming to Section 3-1 of this Act; provided that the market price taken for valuation purposes does not include the value of the dividend.~~

~~(m) The interest or dividends due and payable, but not credited, on deposits in banks and trust companies or on accounts with savings~~

~~and loan associations.~~

~~(n) Interest accrued on secured loans conforming to this Act, not exceeding the amount of one year's interest on any loan.~~

~~(o) Interest accrued on tax anticipation warrants.~~

~~(p) The amortized value of electronic computer or data processing machines or systems purchased for use in connection with the business of the organization, including software purchased and developed specifically for the organization's use and purposes.~~

~~(q) The cost of furniture, equipment and medical equipment, less accumulated depreciation thereon, and medical and pharmaceutical supplies that are used in the delivery of health care and under the control of the organization, provided such assets do not exceed 30% of admitted assets.~~

(1) ~~(r)~~ Amounts due from affiliates pursuant to management contracts or service agreements which meet the requirements of Section 141.1 of the Illinois Insurance Code to the extent that the affiliate has liquid assets with which to pay the balance and maintain its accounts on a current basis; provided that the aggregate amount due from affiliates may not exceed the lesser of 10% of the organization's admitted assets or 25% of the organization's net worth as defined in Section 3-1. Any amount outstanding more than 3 months shall be deemed not current. For purpose of this subsection "affiliates" are as defined in Article VIII 1/2 of the Illinois Insurance Code.

~~(s) Intangible assets, including, but not limited to, organization goodwill and purchased goodwill, to the extent reported~~

~~in the most recent annual or quarterly financial statement filed with the Director preceding the effective date of this Amendatory Act of 1987. However, such assets shall be amortized, by the straight-line method, to a value of zero no later than December 31, 1990; provided, however, that no organization shall be required pursuant to the foregoing provision to amortize such assets in an amount greater than $300,000 in any one year, and in cases where amortization of such assets by December 31, 1990 would otherwise require amortization of an annual amount in excess of $300,000, the organization shall be required only to amortize such assets at a rate of $300,000 per year until all such assets have been amortized to a value of zero, unless the continuation of the current amortization schedule would result in an earlier zero value, in which case the current amortization schedule shall be applied.~~

~~(t) Amounts due from patients or enrollees for health care services rendered which are not more than 60 days past due.~~

(2) ~~(u)~~ Amounts advanced to providers under contract to the organization for services to be rendered to enrollees pursuant to the contract. Amounts advanced must be for period of not more than 3 months and must be based on historical or estimated utilization patterns with the provider and must be reconciled against actual incurred claims at least semi-annually. Amounts due in the aggregate may not exceed 50% of the organization's net worth as defined in Section 3-1. Amounts due from a single provider may not exceed the lesser of 5% of the organization's admitted assets or 10% of the organization's net worth.

(3) Amounts permitted under Section 2-7.

~~(v) Cost reimbursement due from the Health Care Financing Administration for furnishing covered medicare services to medicare enrollees which are not more than twelve months past due.~~

~~(w) Prepaid rent or lease payments no greater than 3 months in advance, on real property used for the administration of the organizations business or for the delivery of medical care.~~

(Source: P.A. 88-364; revised 10-31-98.)

(215 ILCS 125/2-7) (from Ch. 111 1/2, par. 1407)

Sec. 2-7. Annual statement; audited financial reports ~~enrollment projections and budget filings~~.

(a) A health maintenance organization shall file with the Director by March 1st in each year 2 copies of its financial statement for the year ending December 31st immediately preceding on forms prescribed by the Director, which shall conform substantially to the form of statement adopted by the National Association of Insurance Commissioners. Unless the Director provides otherwise, the annual statement is to be prepared in accordance with the annual statement instructions and the Accounting Practices and Procedures Manual adopted by the National Association of Insurance Commissioners. The Director shall have power to make such modifications and additions in this form as he may deem desirable or necessary to ascertain the condition and affairs of the organization. The Director shall have authority to extend the time for filing any statement by any organization for reasons which he considers good and sufficient. The statement shall be verified by oaths of the president

and secretary of the organization or, in their absence, by 2 other principal officers. In addition, any organization may be required by the Director, when he considers that action to be necessary and appropriate for the protection of enrollees, creditors, shareholders, subscribers, or claimants, to file, within 60 days after mailing to the organization a notice that such is required, a supplemental summary statement as of the last day of any calendar month occurring during the 100 days next preceding the mailing of such notice designated by him on forms prescribed and furnished by the Director. The Director may require supplemental summary statements to be certified by an independent actuary deemed competent by the Director or by an independent certified public accountant. ~~Every Health Maintenance Organization shall annually, on or before the first day of March, file 2 original copies of its annual statement with the Director verified by at least two principal officers, covering the two preceding calendar years. Such annual statement shall be on forms prescribed by the Director and shall include: (1) financial statements of the organization; (2) the number of persons enrolled during the year, the number of enrollees at the end of the year and the number of enrollments terminated during the year; and (3) such other information relating to the performance of the Health Maintenance Organization as is necessary to enable the Director to carry out his duties under this Act.~~

~~Any organization failing, without just cause, to file its annual statement as required in this Act shall be required, after notice and hearing, to pay a penalty of $100 for each day's delay, to be recovered by the Director of Insurance of the State of Illinois and the penalty so recovered shall be paid into the General Revenue Fund of the State of Illinois. The Director may reduce the penalty if the company demonstrates to the Director that the imposition of the penalty would constitute a financial hardship to the organization.~~

~~An annual statement which is not materially complete when filed shall not be considered to have been properly filed until those deficiencies which make the filing incomplete have been corrected and file~~.

(b) Audited financial reports shall be filed on or before June 1 of each year for the two calendar years immediately preceding and shall provide an opinion expressed by an independent certified public accountant on the accompanying financial statement of the Health Maintenance Organization and a detailed reconciliation for any differences between the accompanying financial statements and each of the related financial statements filed in accordance with subsection (a) of this Section. Any organization failing, without just cause, to file the annual audited financial statement as required in this Act

shall be required, after the notice and hearing, to pay a penalty of $100 for each day's delay, to be recovered by the Director of Insurance of the State of Illinois and the penalty so recovered shall be paid into the General Revenue Fund of the State of Illinois. The Director may reduce the penalty if the organization demonstrates to the Director that the imposition of the penalty would constitute a financial hardship to the organization.

(c) The Director may require that additional summary financial

information be filed no more often than 3 times per year on reporting forms provided by him. However, he may request certain key information on a more frequent basis if necessary for a determination of the financial viability of the organization.

(d) The Director shall have the authority to extend the time for filing any statement by any organization for reasons which the Director considers good and sufficient.

(Source: P.A. 85-20; revised 10-31-98.)

(215 ILCS 125/4-9) (from Ch. 111 1/2, par. 1409.2)

Sec. 4-9. Adopted children. No contract or evidence of coverage issued by a Health Maintenance Organization which provides for coverage of dependents of the principal enrollees shall exclude a child from coverage or eligibility for coverage or limit coverage for a child solely on the basis that he or she is an adopted child. For purposes of this Section, a child who is in the custody of a principal enrollee, pursuant to an interim court order of adoption or, in the case of group insurance, placement of adoption, whichever comes first, vesting temporary care of the child in the enrollee, is an adopted child, regardless of whether a final order granting adoption is ultimately issued.

(Source: P.A. 86-620.)

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

Sec. 5-3. Insurance Code provisions.

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

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

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

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

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

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

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

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

(ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

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

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

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

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

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

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

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

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

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

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and

marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund

period and the immediately preceding 2 plan years.

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

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

(Source: P.A. 89-90, eff. 6-30-95; 90-25, eff. 1-1-98; 90-177, eff. 7-23-97; 90-372, eff. 7-1-98; 90-583, eff. 5-29-98; 90-655, eff. 7-30-98; 90-741, eff. 1-1-99; revised 9-8-98.)

Section 20. The Limited Health Service Organization Act is amended by changing Sections 2007 and 4003 as follows:

(215 ILCS 130/2007) (from Ch. 73, par. 1502-7)

Sec. 2007. Annual statement; audited financial reports~~; enrollment projections and budget; filings~~.

(a) A limited health service organization shall file with the Director by March 1st in each year 2 copies of its financial statement for the year ending December 31st immediately preceding on forms prescribed by the Director, which shall conform substantially to the form of statement adopted by the National Association of Insurance Commissioners. Unless the Director provides otherwise, the annual statement is to be prepared in accordance with the annual statement instructions and the Accounting Practices and Procedures Manual adopted by the National Association of Insurance Commissioners. The Director shall have power to make such modifications and additions in this form as he may deem desirable or necessary to ascertain the condition and affairs of the organization. The Director shall have authority to extend the time for filing any statement by any organization for reasons which he considers good and sufficient. The statement shall be verified by oaths of the president and secretary of the organization or, in their absence, by 2 other principal officers. In addition, any organization may be required by the Director, when he considers that action to be necessary and appropriate for the protection of enrollees, creditors, shareholders, subscribers, or claimants, to file, within 60 days after mailing to the organization a notice that such is required, a supplemental summary statement as of the last day of any calendar month occurring during the 100 days next preceding the mailing of such notice

designated by him on forms prescribed and furnished by the Director. The Director may require supplemental summary statements to be certified by an independent actuary deemed competent by the Director or by an independent certified public accountant. ~~Every limited health service organization shall annually, on or before the first day of March, file 2 original copies of its annual statement with the Director verified by at least 2 principal officers, covering the 2 preceding calendar years. Such annual statement shall be on forms prescribed by the Director and shall include:~~

~~(1) the financial statements of the organization;~~

~~(2) the number of persons enrolled during the year, the number of enrollees at the end of the year and the number of enrollments terminated during the year; and~~

~~(3) such other information relating to the performance of~~

~~the limited health service organization as the Director deems necessary to enable the Director to carry out his duties under this Act.~~

~~Any organization failing, without just cause, to file its annual statement as required in this Act shall be required, after notice and opportunity for hearing, to pay a penalty of $100 for each day's delay, to be recovered by the Director of Insurance. The penalty so recovered shall be paid into the General Revenue Fund of the State of Illinois. The Director may reduce the penalty if the organization demonstrates to the Director that the imposition of the penalty would constitute a financial hardship to the organization.~~

~~An annual statement which is not materially complete when filed shall not be considered to have been properly filed until those deficiencies which make the filing incomplete have been corrected and filed.~~

(b) Audited financial reports shall be filed on or before June 1 of each year for the 2 calendar years immediately preceding and shall provide an opinion expressed by an independent certified public accountant on the accompanying financial statement of the limited health service organization and detailed reconciliation for any differences between the accompanying financial statements and each of the related financial statements filed in accordance with subsection (a) of this Section. Any organization failing, without just cause, to file the annual audited financial statement as required in this Act shall be required, after the notice and opportunity for hearing, to pay a penalty of $100 for each day's delay, to be recovered by the Director of Insurance. The penalty so recovered shall be paid into the General Revenue Fund of the State of Illinois. The Director may reduce the penalty if the organization demonstrates to the Director that the imposition of the penalty would constitute a financial hardship to the organization.

(c) The Director may require that additional summary financial information be filed no more often than 3 times per year on reporting forms provided by him. However, he may request certain key information on a more frequent basis if necessary for a determination of the financial viability of the organization.

(d) The Director shall have the authority to extend the time for filing any statements by an organization for reasons which the

Director considers good and sufficient.
(Source: P.A. 86-600.)

(215 ILCS 130/4003) (from Ch. 73, par. 1504-3)

Sec. 4003. Illinois Insurance Code provisions. Limited health service organizations shall be subject to the provisions of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 355.2, 356v, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1 and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code. For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, limited health service organizations in the following categories are deemed to be domestic companies:

(1) a corporation under the laws of this State; or

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

(Source: P.A. 90-25, eff. 1-1-98; 90-583, eff. 5-29-98; 90-655, eff. 7-30-98.)

Section 25. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:

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

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and ~~Article~~ XII 1/2 and Sections 3.1, 133, 140, 143, 143c, 149, 354, 355.2, 356r, 356t, 356u, 356v, 356w, 356x, 367.2, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code.
(Source: P.A. 89-514, eff. 7-17-96; 90-7, eff. 6-10-97; 90-25, eff. 1-1-98; 90-655, eff. 7-30-98; 90-741, eff. 1-1-99.)

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

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

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

On motion of Senator Parker, **House Bill No. 1622** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1622, on page 2, by deleting lines 2 through 34; and
by deleting all of pages 3 through 7.

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

ordered to a third reading.

On motion of Senator Radogno, **House Bill No. 1713** having been printed, was taken up and read by title a second time.

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1713 as follows:
on page 1, line 25, by replacing "than" with the following:
"than (A) for fiscal year 2000, the Supplemental Security Income maximum income level (which for 1999 is equal to the Supplemental Security Income payment level of $500 per month plus a $20 per month income disregard) and (B) for fiscal year 2001 and thereafter,"; and
on page 2, line 3, by replacing "than" with the following:
"than (A) for fiscal year 2000, the Supplemental Security Income maximum income level (which for 1999 is equal to the Supplemental Security Income payment level of $500 per month plus a $20 per month income disregard) and (B) for fiscal year 2001 and thereafter,".

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

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

On motion of Senator Silverstein, **House Bill No. 1769** 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 Karpiel, **House Bill No. 1774** was taken up,

read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **House Bill No. 1805** having been printed, was taken up and read by title a second time.

Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1805, on page 2, by replacing line 7 with the following:
"property, including the sale or lease of property via mail, telecommunications, or the internet."; and
on page 3, line 31, by replacing "personal; and" with "personal;"; and
on page 4, line 3, by replacing "Act." with "Act; and"; and
on page 4, immediately below line 3, by inserting the following:

"(4) an auction conducted by a business registered as a market agency under the federal Packers and Stockyards Act (7 U.S.C. 181 et seq.) or under the Livestock Auction Market Law."; and

on page 4, immediately below line 9, by inserting the following:

"(c) Nothing in this Act shall be construed to prohibit a person under the age of 18 from selling property under $250 in value while under the direct supervision of a licensed auctioneer."; and

on page 12, line 11, after "written", by inserting "or oral".

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

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

On motion of Senator Obama, **House Bill No. 1778** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1778 by replacing the title with the following:

"AN ACT to amend the Property Tax Code."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 17-5, 17-10, 17-15, 17-20, 17-25, 17-30, 17-35, 31-10, 31-15, 31-25, 31-30, 31-35, 31-45, 31-50, 31-60, and 31-70 and adding Section 31-47 as follows:

(35 ILCS 200/17-5)

Sec. 17-5. Equalization among counties. The Department shall act as an equalizing authority. It shall examine the abstracts of property assessed for taxation in the counties and in the assessment districts in counties having assessment districts, as returned by the county clerks, and shall equalize the assessments between counties as provided in this Code. Except as hereinafter provided, the Department shall lower or raise the total assessed value of property in each ~~any~~ county as returned by the county clerk, other than property assessed under Sections 10-110 through 10-140 and 10-170 through 10-200, so that the property will be assessed at 33 1/3% of its fair cash value.

The Department shall annually determine the percentage relationship, for each county of the State, between the valuations at which locally-assessed property, other than property assessed under the Sections 10-110 through 10-140 and 10-170 through 10-200, as ~~is~~

listed by assessors and revised by boards of review ~~or boards of appeal~~, and the estimated 33 1/3% of the fair cash value of the property. To make this analysis, the Department shall use property transfers, property appraisals, and other means as it deems proper and reasonable.

With the ratio determined for each county, the Department shall then determine the percentage to be added to or deducted from the aggregate reviewed assessment on property subject to local assessment jurisdiction, other than property assessed under the Sections cited above, to produce a ratio of assessed value to 33 1/3% of the fair cash value equivalent to 100%.

~~If the Department determines that there are substantial differences in the level of assessment among different townships in the same county, it shall, upon the request of the county executive or, in counties not having an elected county executive, of the county board under a resolution adopted by the board, apply separate township equalization factors determined by the Department, in lieu of a single equalization factor for the entire county, but this provision does not apply within any county which elects a county assessor under Sections 3-45 or 3-50.~~

(Source: P.A. 84-1343; 88-455.)

(35 ILCS 200/17-10)

Sec. 17-10. Sales ratio studies. The Department shall monitor the quality of local assessments by designing, preparing and using ratio studies, and shall use the results as the basis for equalization decisions. In compiling sales ratio studies, the Department shall exclude from the reported sales price of any property any amounts included for personal property and, for sales occurring through December 31, 1999, shall exclude seller paid points. The Department shall not include in its sales ratio studies sales of property which have been platted and for which an increase in the assessed valuation is restricted by Section 10-30. The Department shall not include in its sales ratio studies the initial sale of residential property that has been converted to condominium property.

When the declaration required under the Real Estate Transfer Tax Law contains financing information required under Section 31-25, the Department shall adjust sales prices to exclude seller-paid points and shall adjust sales prices to "cash value" when seller related financing is used that is different than the prevailing cost of cash. The prevailing cost of cash for sales occurring on or after January 1, 1992 shall be established as the monthly average 30-year fixed Primary Mortgage Market Survey rate for the North Central Region as published weekly by the Federal Home Loan Mortgage Corporation, as computed by the Department, or such other rate as determined by the Department. This rate shall be known as the survey rate. For sales occurring on or after January 1, 1992, through December 31, 1999, adjustments in the prevailing cost of cash shall be made only after the survey rate has been at or above 13% for 12 consecutive months and will continue until the survey rate has been below 13% for 12 consecutive months. For sales occurring on or after January 1, 2000, adjustments for seller paid points and adjustments in the prevailing cost of cash shall be made only after the survey rate has been at or above 13% for 12 consecutive months and will continue until the survey rate has been below 13% for 12 consecutive months. ~~The Department shall not include in its sales ratio studies the initial sale of residential property that has been converted to condominium property.~~ The Department shall make public its adjustment procedure upon request.

(Source: P.A. 86-1481; 87-877; 88-455.)

(35 ILCS 200/17-15)

Sec. 17-15. Tentative equalization factor. The Department shall forward to the County Clerk of each county in each year its estimate

of the percentage, established under Section 17-5, to be added to or deducted from the aggregate of the locally assessed property in that county, other than property assessed under Sections 10-110 through 10-140 and 10-170 through 10-200. The percentage relationship to be certified to each county ~~or to the several townships therein~~ by the Department as provided by Section 17-25 shall be determined by the ratio between the percentage estimate so made and forwarded, as provided by this Section, and the level of assessments of the assessed valuations as made by the assessors and thereafter finally revised by the board of review ~~or board of appeals~~ of that county. Such estimate shall be forwarded by the Department to the County Clerk of any County within 15 days after the chief county assessment officer files with the Department an abstract of the assessments of the locally assessed property in the county, as finally revised. The abstract shall be in substantially the same form as required of the County Clerk by Sections 9-250 and 9-255 after completion of the revisions thereafter to be made by the board of review ~~or board of appeals~~ of the county, except that the abstract shall specify separately the amount of omitted property, and the amount of improvements upon property assessed for the first time in that year. The chief county assessment officer shall forward the abstract to the Department within 30 days after returning the county assessment books to the county board of review ~~or board of appeals~~.

(Source: P.A. 86-905; 88-455.)

(35 ILCS 200/17-20)

Sec. 17-20. Hearing on tentative equalization factor. The Department shall, after publishing its tentative equalization factor and giving notice of hearing to the public in a newspaper of general circulation in the county, hold a hearing on its estimate not less than 10 days nor more than 30 days from the date of the publication. The notice shall state the date and time of the hearing, which shall be held in either Chicago or Springfield, the basis for the estimate of the Department, and further information as the Department may prescribe. The Department shall, after giving a hearing to all interested parties and opportunity for submitting testimony and evidence in support of or adverse to the estimate as the Department considers requisite, either confirm or revise the estimate so as to correctly represent the considered judgment of the Department respecting the estimated percentage to be added to or deducted from the aggregate assessment of all locally assessed property in the county except property assessed under Sections 10-110 through 10-140 or 10-170 through 10-200. Within 30 days after the conclusion of the hearing the Department shall mail to the County Clerk, by certified mail, its determination with respect to such estimated percentage to be added to or deducted from the aggregate assessment. ~~The amendment made by P.A. 77-714 does not apply in any county which elects a county assessor under Sections 3-45 or 3-50.~~

(Source: P.A. 86-905; 88-455.)

(35 ILCS 200/17-25)

Sec. 17-25. Application of final equalization factor. The assessments of all property, other than property assessed under Sections 10-110 through 10-140 and 10-170 through 10-200, as returned by the county clerks, shall be equalized by adding to the aggregate assessed value thereof in every county in which the Department finds the valuation to be less than 33 1/3% of the fair cash value of the property, the rate per cent which will raise the aggregate assessed valuation to 33 1/3% of fair cash value, and by deducting from the

aggregate assessed value thereof, in every county ~~or township~~ in which the Department finds the valuation to be more than 33 1/3% of

the fair cash value, the rate per cent which will reduce the aggregate assessed valuation to 33 1/3% of fair cash value.

However, no equalization factor shall be certified by the Department to raise or reduce the aggregate assessed value of any county ~~or township~~ in which the aggregate assessed value of property other than that assessed under the Sections cited above, is more than 99% and less than 101% of 33 1/3% of fair cash value. ~~The amendment made by P.A. 77-714 does not apply within the jurisdiction of any county which elects a county assessor under Sections 3-45 or 3-50.~~

(Source: P.A. 84-1343; 88-455.)

(35 ILCS 200/17-30)

Sec. 17-30. Certification of final equalization factor. When the Department has completed its equalization of assessments in each year, it shall certify to each ~~the several~~ county clerk ~~clerks~~ the percentage finally determined by it to be added to or deducted from the listed or assessed valuation of property in the county ~~several counties or townships~~ as returned by the county clerk.

(Source: P.A. 78-255; 88-455.)

(35 ILCS 200/17-35)

Sec. 17-35. Certification of assessments. The Department shall certify to the county clerks of the proper counties the assessments made by it on certified pollution control facilities, low sulfur dioxide emission coal fueled devices and on property owned or used by railroad companies operating within this State, along with the distribution of those railroad assessments among the respective taxing districts within the counties. The county clerks shall extend the taxes for all purposes on the amounts so certified, in the same manner as taxes are extended against other property in the taxing districts in which the pollution control facilities, low sulfur dioxide emission coal fueled devices and railroad property are allocated or distributed.

~~The amendment made by P.A. 77-714 does not apply within the jurisdiction of any county which elects a county assessor under Sections 3-45 or 3-50.~~

(Source: P.A. 78-255; 88-455.)

(35 ILCS 200/31-10)

Sec. 31-10. Imposition of tax. A tax is imposed on the privilege of transferring title to real estate, as represented by the deed that is filed for recordation, and on the privilege of transferring a beneficial interest in real property that is the subject of a land trust as represented by the trust document that is filed for recordation, at the rate of 50¢ for each $500 of value or fraction of $500 stated in the declaration required by Section 31-25. ~~If, however, the deed or trust document states that the real estate is transferred subject to a mortgage the amount of the mortgage remaining outstanding at the time of transfer shall not be included in the basis of computing the tax.~~

(Source: P.A. 86-624; 86-925; 86-1028; 86-1475; 87-543; 88-455.)

(35 ILCS 200/31-15)

Sec. 31-15. Collection of tax. The tax shall be collected by

the recorder or registrar of titles of the county in which the property is situated ~~several counties~~ through the sale of revenue stamps, the design, denominations and form of which shall be prescribed by the Department. If requested by the recorder or registrar of titles of a county that has imposed a county real estate transfer tax under Section 5-1031 of the Counties Code, the Department shall design the stamps furnished to that county under this Section so that the same stamp also provides evidence of the payment of the county real estate transfer tax and shall include in the design of the stamp the name of the county and an indication that the stamp is evidence of the payment of both State and county real

estate transfer taxes. The revenue stamps shall be sold by the Department to the recorder or registrar of titles who shall cause them to be sold for the purposes prescribed. The Department shall charge at a rate of 50¢ per $500 of value in units of not less than $500. The recorder or registrar of titles of the several counties shall sell the revenue stamps at a rate of 50¢ per $500 of value or fraction of $500. The recorder or registrar of titles may use the proceeds for the purchase of revenue stamps from the Department.
(Source: P.A. 86-624; 86-925; 86-1028; 86-1475; 87-543; 88-455.)

(35 ILCS 200/31-25)

Sec. 31-25. Transfer declaration. At the time a deed or trust document is presented for recordation, there shall also be presented to the recorder or registrar of titles a declaration, signed by at least one of the sellers and also signed by at least one of the buyers in the transaction or by the attorneys or agents for the sellers or buyers. The declaration shall state information including, but not limited to: (a) the full consideration for the property so transferred; (b) the parcel identifying ~~permanent real estate index~~ number of the property~~, if any~~; (c) the legal description of the property; (d) the date of the deed or trust document; (e) the type of deed or trust document; (f) the address of the property; (g) the type of improvement, if any, on the property ~~conveyed~~; (h) information as to whether the transfer is between related individuals or corporate affiliates ~~relatives~~ or is a compulsory transaction; (i) ~~that the parties are advised that the State of Illinois has enacted the Smoke Detector Act; and (j)~~ the lot size or acreage; (j) the value of personal property sold with the real estate; (k) the year the contract was initiated if an installment sale; and (l) the name, address, and telephone number of the person preparing the declaration. Except as provided in Section 31-45, a deed or trust document shall not be accepted for recordation unless it is accompanied by a declaration containing all the information requested in the declaration. When the declaration is signed by an attorney or agent on behalf of sellers or buyers who have the power of direction to deal with the title to the real estate under a land trust agreement, the trustee being the mere repository of record legal title with a duty of conveying the real estate only when and if directed in writing by the beneficiary or beneficiaries having the power of direction, the attorneys or agents executing the declaration on behalf of the sellers or buyers need identify only the land trust that is the repository of record legal title and not the

beneficiary or beneficiaries having the power of direction under the land trust agreement. The declaration form shall be prescribed by the Department and shall contain sales information questions. For sales occurring during a period in which the provisions of Section 17-10 require the Department to adjust sale prices for seller paid points and prevailing cost of cash ~~The subject of the sales information questions shall include, but not be limited to, information on compulsory transactions, sales between relatives and related corporations, contractual sales, and deed or trust document types. In addition~~, the declaration form shall contain questions regarding the financing of the sale. The subject of the financing questions shall include any direct seller participation in the financing of the sale or information on financing that is unconventional so as to affect the fair cash value received by the seller. The intent of the sales and financing questions is to aid in the reduction in the number of buyers required to provide financing information necessary for the adjustment outlined in Section 17-10. For sales occurring during a period in which the provisions of Section 17-10 require the Department to adjust sale prices for seller paid points and prevailing cost of cash, the declaration form shall include, at a

minimum, ~~an appropriate place for the inclusion of special facts or circumstances, if any, and shall include~~ the following data: (a) seller paid points, ~~value of personal property sold with the real estate,~~ (b) ~~sales finance charges (points) paid by the seller,~~ (c) the sales price, (c) ~~(d)~~ type of financing (conventional, VA, FHA, seller-financed, or other), (d) ~~(e)~~ down payment, (e) ~~(f)~~ term, (f) ~~(g)~~ interest rate, (g) ~~(h)~~ type and description of interest rate (fixed, adjustable or renegotiable), and (h) an appropriate place for the inclusion of special facts or circumstances, if any. ~~(i) the year the contract was initiated if a contractual sale, and (j) the name, address and telephone number of the person filling out the real estate transfer declaration. In counties of 3,000,000 or more inhabitants, the declaration shall also contain a sworn or affirmed statement executed by the grantor or the grantor's agent stating that, to the best of his or her knowledge, the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire and hold title to real estate under the laws of Illinois. In counties of 3,000,000 or more inhabitants, the declaration shall also contain a sworn or affirmed statement executed by the grantee or the grantee's agent verifying that the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire and hold title to real estate under the laws of Illinois.~~ The Department shall provide

an adequate supply of forms to each recorder and registrar of titles in the State.
(Source: P.A. 86-624; 86-925; 86-1028; 86-1475; 87-543; 88-455.)

(35 ILCS 200/31-30)

Sec. 31-30. Use of transfer declaration. The recorder or registrar of titles shall not record the declaration, but shall insert on the declaration and all attachments the Document Number assigned to the deed or trust document, and shall within 30 days of receipt ~~then~~ transmit the declaration to the chief county assessment officer. The chief county assessment officer shall insert on the declaration the most recent assessed value for each parcel of the transferred property and other information required by the Department, and, within 30 days of receipt or within 30 days of the adjournment of the board of review for the previous assessment year, whichever is later ~~at least once during every month~~, shall transmit all the declarations to the Department. The chief county assessment officer may also copy and retain any information relating to the property transferred to assist in determining the proper assessed valuation of the property transferred and other properties in his county.
(Source: P.A. 86-624; 86-925; 86-1028; 86-1475; 87-543; 88-455.)

(35 ILCS 200/31-35)

Sec. 31-35. Deposit of tax revenue. ~~Beginning July 1, 1993 through June 30, 1994, 50% of the monies collected under Section 31-15 shall be deposited into the Illinois Affordable Housing Trust Fund, 10% into the General Revenue Fund, 28% into the Open Space Lands Acquisition and Development Fund and 12% into the Natural Areas Acquisition Fund.~~ Beginning July 1, 1994, 50% of the monies collected under Section 31-15 shall be deposited into the Illinois

Affordable Housing Trust Fund, 35% into the Open Space Lands Acquisition and Development Fund and 15% into the Natural Areas Acquisition Fund.
(Source: P.A. 86-624; 86-925; 86-1028; 86-1475; 87-543; 88-455.)

(35 ILCS 200/31-45)

Sec. 31-45. Exemptions. The following deeds or trust documents shall be exempt from the provisions of this Article except as provided in this Section:

(a) Deeds representing real estate transfers made before January 1, 1968, but recorded after that date and trust documents executed before January 1, 1986, but recorded after that date.

(b) Deeds to or trust documents relating to (1) property acquired by any governmental body or from any governmental body, (2) property or interests transferred between governmental bodies, or (3) property acquired by or from any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes. However, deeds or trust documents, other than those in which the Administrator of Veterans' Affairs of the United States is the grantee pursuant to a foreclosure proceeding, shall not be exempt from filing the declaration.

(c) Deeds or trust documents that secure debt or other obligation.

(d) Deeds or trust documents that, without additional consideration, confirm, correct, modify, or supplement a deed or trust document previously recorded.

(e) Deeds or trust documents where the actual consideration is less than $100.

(f) Tax deeds.

(g) Deeds or trust documents that release property that is security for a debt or other obligation.

(h) Deeds of partition.

(i) Deeds or trust documents made pursuant to mergers, consolidations or transfers or sales of substantially all of the assets of corporations under plans of reorganization under the Federal Internal Revenue Code or Title 11 of the Federal Bankruptcy Act.

(j) Deeds or trust documents made by a subsidiary corporation to its parent corporation for no consideration other than the cancellation or surrender of the subsidiary's stock.

(k) Deeds when there is an actual exchange of real estate and trust documents when there is an actual exchange of beneficial interests, except that that money difference or money's worth paid from one to the other is not exempt from the tax. These deeds or trust documents, however, shall not be exempt from filing the declaration.

(l) Deeds issued to a holder of a mortgage, as defined in Section 15-103 of the Code of Civil Procedure, pursuant to a mortgage foreclosure proceeding or pursuant to a transfer in lieu of foreclosure.

(m) A deed or trust document related to the purchase of a principal residence by a participant in the program authorized by the Home Ownership Made Easy Act, except that those deeds and trust documents shall not be exempt from filing the declaration.

(Source: P.A. 87-1206; 88-455.)

(35 ILCS 200/31-47 new)

Sec. 31-47. Verification. In all counties, each transfer declaration filed under this Law shall include a written statement by both the grantor or grantor's agent and the grantee or grantee's agent that the information contained in the declaration is true and correct to the best of his or her knowledge and belief. In counties

of 3,000,000 or more inhabitants, the declaration shall also contain a written statement executed by the grantor or the grantor's agent verifying that, to the best of his or her knowledge, the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire and hold title to real estate under the laws of Illinois. In counties of 3,000,000 or more inhabitants, the declaration shall also contain a written statement executed by the grantee or the grantee's agent verifying that the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural

person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire and hold title to real estate under the laws of Illinois.

(35 ILCS 200/31-50)

Sec. 31-50. Penalties. Any person, including any person preparing the declaration, who willfully falsifies the value of transferred real estate on the transfer declaration required by Section 31-25 or who willfully falsifies or willfully omits any other information required by Section 31-25 or who willfully and falsely claims a transaction to be exempt under Section 31-45 is guilty of a Class B misdemeanor. Any person who knowingly submits a false statement concerning the identity of a grantee under the provisions of this Article is guilty of a Class C misdemeanor. A second or subsequent conviction of an offense is a Class A misdemeanor. A prosecution for any act in violation of this Article may be commenced at any time within 5 years ~~3 years~~ of the commission of the act. Only the buyer or the buyer's representative shall attest to the accuracy of the financing information reported on the declaration and required by Section 31-25. Any person convicted of any offense under this Law is liable for the tax due in addition to any fines imposed by the court.

(Source: P.A. 84-1308; 88-455.)

(35 ILCS 200/31-60)

Sec. 31-60. Check for violations. The Department shall conduct spot checks or investigations of declarations required to be filed by this Article and may ~~shall~~ forward information of violations to the State's Attorney of the county where the violations occur for prosecution and collection of taxes.

(Source: P.A. 81-936; 88-455.)

(35 ILCS 200/31-70)

Sec. 31-70. Rules. The Department may prescribe reasonable rules for the administration of this Article, including rules permitting a transfer declaration in a prescribed electronic form and permitting the electronic transmission of the transfer declaration using a prescribed method and format.

(Source: Laws 1967, p. 1716; P.A. 88-455.)

Section 99. Effective date. This Act takes effect on January 1, 2000.".

Senator E. Jones offered the following amendment:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1778, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on

page 1, line 9, by deleting "31-10,"; and
on page 7, by deleting lines 19 through 33; and
on page 15, lines 14 and 15, by replacing "person, including any person preparing the declaration," with "person".

Senator Obama moved the adoption of the foregoing amendment.

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

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

On motion of Senator Lauzen, **House Bill No. 1812** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1812 as follows:

on page 1, line 2, after "10-17a", by inserting "and adding Sections 10-20.31 and 34-18.18"; and

on page 1, line 6, after "10-17a", by inserting "and adding Sections 10-20.31 and 34-18.18"; and

on page 3, immediately below line 16, by inserting the following:

"(105 ILCS 5/10-20.31 new)

Sec. 10-20.31. Computer access by minors; explicit sexual materials.

(a) In this Section:

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

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

(b) A school board shall require a school that provides a public access computer to equip the computer with software that seeks to prevent minors from gaining access to explicit sexual materials or obtain Internet connectivity from an Internet service provider that provides filter services to limit access to explicit sexual materials.

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

(105 ILCS 5/34-18.18 new)

Sec. 34-18.18. Computer access by minors; explicit sexual materials.

(a) In this Section:

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

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

(b) The Board shall require a school that provides a public access computer to equip the computer with software that seeks to prevent minors from gaining access to explicit sexual materials or obtain Internet connectivity from an Internet service provider that provides filter services to limit access to explicit sexual materials.

(c) This Section shall not be construed to exclude any authorized adult employee of a public school from having unfiltered

access to the Internet or an online service for legitimate scientific or educational purposes."; and
on page 3, by replacing lines 17 and 18 with the following:
"Section 99. Effective date. This Act takes effect 90 days after becoming law.".

Senator Lauzen offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1812, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, by replacing lines 2 through 4, with "sexual materials through Internet connectivity"; and
on page 2, by replacing lines 24 through 26 with "sexual materials through Internet connectivity"; and
on page 2, line 32, by replacing "90" with "January 1, 2000"; and
on page 3, line 1, by deleting "days after becoming law".

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

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

On motion of Senator Donahue, **House Bill No. 1897** 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 House Bill 1897 as follows:
by replacing everything after the enacting clause with the following:
"Section 5. The Civil Administrative Code of Illinois is amended by adding Section 40.43 as follows:
(20 ILCS 205/40.43 new)
Sec. 40.43. Value Added Agricultural Products.
(a) To expend funds appropriated to the Department of Agriculture to develop and implement a grant program for value added agricultural products, to be called the "Illinois Value-Added Agriculture Enhancement Program". The grants are to provide 50% of (i) the cost of undertaking feasibility studies, competitive assessments, and consulting or productivity services that the Department determines may result in enhancement of value added agricultural products and (ii) seed money for new or expanding agribusiness.
(b) "Agribusiness" means any sole proprietorship, limited partnership, copartnership, joint venture, corporation, or cooperative that operates or will operate a facility located within the State of Illinois that is related to the processing of agricultural commodities (including, without limitation, the products of aquaculture, hydroponics, and silviculture) or the manufacturing, production, or construction of agricultural buildings, structures, equipment, implements, and supplies, or any other facilities or

processes used in agricultural production. Agribusiness includes but is not limited to the following:

(1) grain handling and processing, including grain storage, drying, treatment, conditioning, milling, and packaging;

(2) seed and feed grain development and processing;

(3) fruit and vegetable processing, including preparation, canning, and packaging;

(4) processing of livestock and livestock products, dairy

products, poultry and poultry products, fish, or apiarian products, including slaughter, shearing, collecting, preparation, canning, and packaging;

(5) fertilizer and agricultural chemical manufacturing, processing, application, and supplying;

(6) farm machinery, equipment, and implement manufacturing and supplying;

(7) manufacturing and supplying of agricultural commodity processing machinery and equipment, including machinery and equipment used in slaughter, treatment, handling, collecting, preparation, canning, or packaging of agricultural commodities;

(8) farm building and farm structure manufacturing, construction, and supplying;

(9) construction, manufacturing, implementation, supplying, or servicing of irrigation, drainage, and soil and water conservation devices or equipment;

(10) fuel processing and development facilities that produce fuel from agricultural commodities or by-products;

(11) facilities and equipment for processing and packaging agricultural commodities specifically for export;

(12) facilities and equipment for forestry product processing and supplying, including sawmilling operations, wood chip operations, timber harvesting operations, and manufacturing of prefabricated buildings, paper, furniture, or other goods from forestry products; and

(13) facilities and equipment for research and development of products, processes, and equipment for the production, processing, preparation, or packaging of agricultural commodities and by-products.

(c) The "Illinois Value-Added Agriculture Enhancement Program Fund" is created as a special fund in the State Treasury to provide grants to Illinois' small agribusinesses, subject to appropriation for that purpose. Each grant awarded under this program shall provide funding for up to 50% of the cost of (i) the development of valued added agricultural products or (ii) seed money for new or expanding agribusiness, not to exceed 50% percent of appropriated funds. Notwithstanding the other provisions of this paragraph, the fund shall not be used to provide seed money to an Illinois small agribusiness for the purpose of compliance with the provisions of the Livestock Management Facilities Act.

(d) For the purposes of this Section, "Illinois small agribusiness" means a "small business concern" as defined in Title 15 United States Code, Section 632, that primarily conducts its business in Illinois.

(e) The Department shall make such rules and regulations as may be necessary to carry out its statutory duties. Among other duties, the Department, through the program, may do all of the following:

(1) Make and enter into contracts, including but not limited to making grants specified by the General Assembly pursuant to appropriations by the General Assembly from the Illinois Value-Added Agriculture Enhancement Program Fund, and generally to do all such things as, in its judgment, may be necessary, proper, and expedient in accomplishing its duties.

(2) Provide for, staff, and administer a program in which the Department shall plan and coordinate State efforts designed to aid and stimulate the development of value-added agribusiness.

(3) Make grants on the terms and conditions that the Department shall determine, except that no grant made under the provisions of this item (3) shall exceed 50% of the direct costs.

(4) Act as the State Agriculture Planning Agency, and accept and use planning grants or other financial assistance from

the Federal government (i) for statewide comprehensive planning work including research and coordination activity directly related to agriculture needs; and (ii) for state and inter-state comprehensive planning and research and coordination activity related thereto. All such grants shall be subject to the terms and conditions prescribed by the federal government.

(f) The Illinois Value-Added Agricultural Enhancement Fund is subject to the provisions of the Illinois Grant Funds Recovery Act (GFRA).

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 Illinois Value-Added Agriculture Enhancement Program Fund.

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

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

On motion of Senator Halvorson, **House Bill No. 1959** 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 House Bill 1959 on page 1, line 11 by replacing "contracts with or" with the following:
"enters into reimbursement agreements with, contracts with, and"; and
on page 1, line 21 by replacing "contracts" with the following:
"reimbursement agreements, contracts,"; and
on page 2, line 21 by inserting "reimbursement agreement or" after "has a"; and
on page 2, line 25 by replacing "contract" with the following:
"reimbursement agreement, contract,"; and

on page 2, line 29 by replacing "grantee." with the following:
"grantee and any other entity controlled in whole or in part by the contractor, or an entity in which the contractor has a substantial beneficial interest, or an entity which contributes money, goods, or services to the contractor."; and
on page 2, line 30 by inserting after "contractor" the following:
"and any other entity controlled in whole or in part by the grantee, or an entity in which the grantee has a substantial beneficial interest, or an entity which contributes money, goods, or services to the grantee"; and
on page 3, by replacing lines 8 through 18 with the following:
"or a grantee which includes all of the following provisions:

(i) not to use State funds, directly or indirectly, to promote, assist, or to deter union organizing or to otherwise seek to influence the decision of any of its employees to be represented or not represented by a labor organization; and

(ii) not to require or prohibit the attendance of employees at any meeting related to union representation; and

(iii) not to schedule or hold meetings related to union representation during an employee's work time or in work areas; and

(iv) to allow a labor organization the same opportunity to communicate with employees as is used by the contractor or the grantee, including the right to have access to the premises of the contractor or grantee, post notices, distribute literature, and use the premises of the employer to hold meetings with

employees.

"State funds" means any money or other thing of value provided directly or indirectly by the State of Illinois, a State agency, or a political subdivision of the State of Illinois."; and
on page 3, line 27 by replacing "contract" with the following:
"reimbursement agreement, contract, or grant"; and
on page 3, line 28 by inserting after "contractor" the following:
"or a grantee"; and
on page 3, line 31 by inserting after "contractor" the following:
"or grantee"; and
on page 4, by inserting after line 13 the following:

"Section 20. Reporting. Any labor organization may file a complaint with the Department of Human Services if it believes that a contractor or grantee is expending funds in violation of this Act. Upon the filing of such a complaint, the Department of Human Services shall, within one week, notify the contractor or grantee that it must provide the following accounting:

(a) the date, the amount of, and the nature of any use of money or other things of value for the production or distribution of literature or other similar communications, the holding of meetings, including meetings with supervisors and managerial employees, and the use of consultants or lawyers;

(b) the source of the money or other things of value so used.

The accounting shall be made to the Department of Human Services within 14 calendar days of the receipt of the request for it. The accounting shall be made available to the complainant upon receipt by

the Department of Human Services."; and
on page 4, line 14 by changing "20" to "25"; and
on page 4, line 16 by inserting after "agreement" the following: "or fails to comply with the reporting requirements of Section 20".

Floor Amendment No. 2 was tabled in Committee by the Sponsor.

Senator Halvorson offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 1959, AS AMENDED, by replacing the title with the following:

"AN ACT regarding certain contracts for the delivery of human services."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Human Services Delivery Neutrality Agreement Act.

Section 5. Legislative findings and declaration of policy.

(a) The purpose of this Act is to set forth a program to better provide human services to needy citizens of the State of Illinois. The State of Illinois enters into reimbursement agreements with, contracts with, and provides grants to private entities (contractors and grantees) for the purpose of providing residential and day treatment services to the mentally ill and developmentally disabled. The State of Illinois enters into these contracts and provides these grants to best provide the human services necessary for the care and development of its neediest citizens.

(b) The General Assembly finds that the needs of its mentally ill and developmentally disabled citizens cannot be met if the services provided to them through reimbursement agreements, contracts, or grant agreements between the State of Illinois and contractors and grantees are subject to disruption. The General Assembly further finds that the likelihood of service disruption is enhanced when contention arises between contractors and grantees and labor organizations seeking to represent the employees of those

entities. The General Assembly finds that contractors and grantees that seek to influence their employees with respect to the decision of those employees to be or not to be represented by a labor organization, that is contractors and grantees who fail to remain neutral during periods when labor organizations are seeking to become the representative of their employees, are most likely to be subject to strikes, work stoppages, or work disruptions by their employees. These strikes, work stoppages, or work disruptions have a detrimental effect on the services being provided to Illinois citizens who are mentally ill or developmentally disabled.

(c) It is hereby declared to be the policy of the State of Illinois that, to prevent the disruption of residential and day treatment services to its mentally ill and developmentally disabled citizens, the State of Illinois shall require as a condition of any contract or grant that the contractor or grantee remain neutral, as set forth in this Act, when a labor organization seeks to become the representative of their employees with respect to the decision of

those employees to be represented or not to be represented by the labor organization.

Section 10. Definitions. As used in this Act:

"Contractor or grantee" means an individual or entity other than the State of Illinois, a State agency, or a political subdivision of the State of Illinois, which has a reimbursement agreement or contractual or other relationship with or has received moneys from the State of Illinois or a State agency to provide residential or day treatment services to mentally ill or developmentally disabled persons, which reimbursement agreement, contract, or grant is funded in whole or in part by the State of Illinois, or through the Medicaid program of the State of Illinois. "Contractor" includes a subcontractor and a contractor of a grantee and any other entity controlled in whole or in part by the contractor, or an entity in which the contractor has a substantial beneficial interest. "Grantee" includes a sub-grantee and a grantee of a contractor and any other entity controlled in whole or in part by the grantee, or an entity in which the grantee has a substantial beneficial interest.

"Employee" means a person employed by a contractor or grantee other than a person employed in a bona fide supervisory or managerial position as defined by applicable law.

"Labor organization" means an organization of any kind in which employees participate and which exists for the purpose, in whole or in part, of representing employees concerning grievances, labor disputes, wages, rates of pay, benefits, hours of employment, or working conditions.

"Neutrality agreement" means an agreement by a contractor or a grantee which includes all of the following provisions:

(i) not to use State funds to promote, assist, or deter union organizing or to otherwise seek to influence the decision of any of its employees to be represented or not represented by a labor organization; and

(ii) not to require or prohibit the attendance of employees at any meeting related to union representation; and

(iii) not to schedule or hold meetings related to union representation during an employee's work time or in work areas; and

(iv) to allow a labor organization the same opportunity to communicate with employees as is used by the contractor or the grantee, including the right to have access to the premises of the contractor or grantee, post notices, distribute literature, and use the premises of the employer to hold meetings with employees.

"State funds" means any money or other thing of value provided by

the State of Illinois, a State agency, or a political subdivision of the State of Illinois.

Section 15. Policy requirements.

(a) All contractors and grantees shall be subject to and shall abide by a neutrality agreement.

(b) No contractor or grantee shall receive a contract or grant to provide residential or day treatment services for the mentally ill or developmentally disabled citizens of the State of Illinois unless

the contractor or grantee has agreed to a neutrality agreement.

(c) Any reimbursement agreement, contract, or grant entered into by and between a contractor or a grantee and the State of Illinois or a State agency to provide residential or day treatment services to the mentally ill or developmentally disabled shall include a neutrality agreement and an agreement by the contractor or grantee to comply with the terms of the neutrality agreement.

(d) Any grant agreement entered into by and between a grantee and the State of Illinois or a State agency to provide residential or day treatment services to the mentally ill or developmentally disabled shall include a neutrality agreement and an agreement by the grantee to comply with the terms of the neutrality agreement.

(e) Any contractor or grantee entering into a contract with any person or entity to provide any of the services subject to the contract or grant agreement between the contractor or grantee and the State of Illinois or a State agency shall include in the contract or grant agreement a neutrality agreement identical to the neutrality agreement in the contract or grant agreement between the contractor or grantee and the State of Illinois or State agency.

Section 20. Reporting. Any labor organization may file a complaint with the Department of Human Services if it believes that a contractor or grantee is expending funds in violation of this Act. Upon the filing of such a complaint, the Department of Human Services shall, within one week, notify the contractor or grantee that it must provide the following accounting:

(a) the date, the amount of, and the nature of any use of money or other things of value for the production or distribution of literature or other similar communications, the holding of meetings, including meetings with supervisors and managerial employees, and the use of consultants or lawyers;

(b) the source of the money or other things of value so used.

The accounting shall be made to the Department of Human Services within 14 calendar days of the receipt of the request for it. The accounting shall be made available to the complainant upon receipt by the Department of Human Services.

Section 25. Enforcement.

(a) If a contractor or grantee breaches a neutrality agreement or fails to comply with the reporting requirements of Section 20, the State of Illinois may take any action necessary to enforce compliance, including but not limited to a civil action for injunctive relief, declaratory relief, specific performance, or damages or a combination of those remedies.

(b) If the State of Illinois brings an enforcement action for violation of this Act, any person or labor organization with a direct interest in compliance with this Act may join in that enforcement action as a real party in interest.

(c) If the State of Illinois declines to institute an action for enforcement for violation of this Act, any person or labor organization with a direct interest in compliance with this Act may institute and enforce a civil action on his or her or its own behalf against the contractor or grantee and seek injunctive relief, declaratory relief, specific performance, or damages or a combination of those remedies.

(d) Remedies for violation of this Act include but are not limited to injunctive and declaratory relief, specific performance, and monetary damages. In view of the difficulty of determining actual damages incurred because of a violation of this Act, liquidated damages shall be awarded at the rate of $1,000 for each violation plus an additional $500 for each day the violation continues without remedy. Damages shall be distributed equally between the State of Illinois and the private plaintiffs, if any.

Section 90. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

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

And **House Bill No. 1959**, as amended, was held on the order of second reading.

On motion of Senator Trotter, **House Bill No. 2005** 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 House Bill 2005 by replacing the title with the following:

"AN ACT in relation to municipal officers, amending named Acts."; and

by replacing everything after the enacting clause with the following:

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

(65 ILCS 5/3.1-10-5) (from Ch. 24, par. 3.1-10-5)

Sec. 3.1-10-5. Qualifications; elective office.

(a) A person is not eligible for an elective municipal office unless that person is a qualified elector of the municipality and has resided in the municipality at least one year next preceding the election.

(b) A person is not eligible for an elective municipal office if that person is in arrears in the payment of a tax or other indebtedness due to the municipality or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony.

(c) A person is not eligible for the office of alderman of a ward or trustee of a district unless that person has resided in the municipality~~, as the case may be,~~ at least one year next preceding the election or appointment, except as provided in subsection (b) of Section 3.1-25-75.

(d) In municipalities with a population of more than 500,000, a person is not eligible for the office of alderman of a ward unless that person resides in the ward from which he or she is elected.

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

Section 10. The Revised Cities and Villages Act of 1941 is amended by changing Sections 21-5, 21-12, and 21-22 as follows:

(65 ILCS 20/21-5) (from Ch. 24, par. 21-5)

Sec. 21-5. Mayor; Term of office.

(a) The mayor of the city of Chicago shall be elected in 1943

and quadrennially thereafter in a nonpartisan election. The candidate receiving a majority of the votes cast for mayor at the consolidated primary election shall be declared mayor. If no candidate receives a majority of the votes, a runoff election shall be held at the consolidated election, when only the names of the

candidates receiving the highest and second highest number of votes at the consolidated primary election shall appear on the ballot. If more than one candidate received the highest or second highest number of votes at the consolidated primary election, the names of all candidates receiving the highest and second highest number of votes shall appear on the ballot at the consolidated election. The candidate receiving the highest number of votes at the consolidated election shall be declared elected.

(b) The mayor shall hold his or her office for 4 ~~four~~ years beginning at noon on the first Monday in May ~~of the month~~ following his or her election, and until his or her successor is elected and qualified.

(Source: P.A. 89-95, eff. 1-1-96.)

(65 ILCS 20/21-12) (from Ch. 24, par. 21-12)

Sec. 21-12. City clerk and city treasurer; Election; Tenure. At the time of election of the mayor there shall be elected also a city clerk and a city treasurer. The candidates receiving a majority of the votes cast for clerk and treasurer at the consolidated primary election shall be declared the clerk and treasurer. If no candidate receives a majority of the votes for one of the offices, a runoff election shall be held at the consolidated election, when only the names of the candidates receiving the highest and second highest number of votes for that office at the consolidated primary election shall appear on the ballot. If more than one candidate received the highest or second highest number of votes for one of the offices at the consolidated primary election, the names of all candidates receiving the highest and second highest number of votes for that office shall appear on the ballot at the consolidated election. The candidate receiving the highest number of votes at the consolidated election shall be declared elected.

The clerk and treasurer each shall hold office for a term of 4 years beginning at noon on the first Monday in May ~~of the month~~ following the election and until a successor is elected and qualified. No person, however, shall be elected to the office of city treasurer for 2 terms in succession.

(Source: P.A. 89-95, eff. 1-1-96.)

(65 ILCS 20/21-22) (from Ch. 24, par. 21-22)

Sec. 21-22. General election for aldermen; vacancies.

(a) A general election for aldermen shall be held in the year 1943 and every 4 years thereafter, at which one alderman shall be elected from each of the 50 wards provided for by this Article. The aldermen elected shall serve for a term of 4 years beginning at noon on the first Monday in May ~~of the month~~ following the election of city officers, and until their successors are elected and have qualified. All elections for aldermen shall be in accordance with the provisions of law in force and operative in the City of Chicago for such elections at the time the elections are held.

(b) Vacancies occurring in the office of alderman shall be filled in the manner prescribed for filling vacancies in Section 3.1-10-50 of the Illinois Municipal Code. An appointment to fill a vacancy shall be made within 60 days after the vacancy occurs. The requirement that an appointment be made within 60 days is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to require that an appointment be made within a different period after the vacancy occurs.
(Source: P.A. 87-1052; 87-1119; 88-45.)".

Floor Amendment No. 2 was held in the Committee on Local Government.

Senator Trotter offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 2005, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, line 8, by replacing "elected." with the following:
"elected, except that in an election following a redistricting, whether the redistricting is under the Revised Cities and Villages Act of 1941 or pursuant to court order, a person may be eligible for the office of alderman of any ward that contains a part of the ward in which he or she resided at the time of the redistricting. A person who, following redistricting, is elected to the office of alderman of a ward in which he or she does not reside must reside within the ward no later than 12 months following the election, or the alderman will be considered to have removed his or her residence from the ward.".

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

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

On motion of Senator Radogno, **House Bill No. 2031** 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 House Bill 2031 as follows:
on page 1, line 16, by deleting "13-101,"; and
on page 1, line 16, by deleting "13-109,"; and
on page 1, line 17, by inserting "13-109.1, 13-109.2, 13-109.3," after "13-102.1,"; and
by deleting lines 25 and 26 on page 1, all of pages 2 through 4, and lines 1 through 13 on page 5; and
on page 5, by replacing line 16 with the following:
"emission inspections.

(a) The Department of State Police is"; and
on page 5, line 19, by changing "and", to ","; and
on page 5, line 20, by replacing "8,000 pounds", with "16,000 pounds, and are a 2 year or older model year"; and
on page 5, immediately below line 31, by inserting the following:
"(b) Except as otherwise provided in Section 13-109.1, it is unlawful for any person to operate a diesel powered vehicle that is registered for a gross weight of more than 16,000 pounds upon the roadways of this State within the affected areas in violation of the diesel emission standards set forth in subsection (b) Section 13-109.1.
Notwithstanding any other penalty, until December 31, 2000, whenever a law enforcement officer of the Department of State Police determines that a diesel powered vehicle that is registered for a gross weight of more than 16,000 pounds is in violation of the diesel emission standards, the law enforcement officer shall issue a written warning citation informing the person that he or she is in violation of the State's diesel emission standards. Beginning January 1, 2001, whenever a law enforcement officer of the Department of State Police determines that a diesel powered vehicle that is registered for a gross weight of more than 16,000 pounds is in violation of the diesel emission standards, as evidenced by the issuance of a citation for a violation of the diesel emission standards, the operator of the

vehicle shall be guilty of a petty offense punishable by a $400 fine, except that a third or subsequent violation within one year of the first violation is a petty offense punishable by a $1,000 fine. In no event may an operator who has received a citation under this Section receive, within 30 days of the initial citation, a second or subsequent citation for operating the same vehicle in violation of the diesel emission standard under this Chapter."; and
on page 6, line 10, by changing "January 1, 2001" to "July 1, 2000"; and
on page 6, line 15, by replacing "8,000" with "16,000"; and
on page 6, line 16, by changing "December 31, 2001, and every December 31" to "June 30, 2001, and every June 30"; and
on page 8, by replacing lines 7 through 14 with the following:
"division vehicles and issue certificates of safety and conduct emission inspections of his or its own second division vehicles in accordance with the requirements of Section 13-109.1 with respect to any such second division vehicles owned, operated, or controlled by him or it."; and
by replacing lines 28 through 33 on page 8, all of pages 9 through 12, and lines 1 through 21 on page 13 with the following:
"(625 ILCS 5/13-109.1 new)
Sec. 13-109.1. Annual emission inspection tests; standards; penalties; funds.
(a) For each diesel powered vehicle that is registered for a gross weight of more than 16,000 pounds, is registered within an affected area, and is a 2 year or older model year, an annual emission inspection test shall be conducted at an official testing station certified by the Department to perform diesel emission inspections pursuant to the standards set forth in subsection (b) of

this Section. This annual emission inspection test may be conducted in conjunction with a semi-annual safety test.

(b) Diesel emission inspections conducted under this Chapter 13 shall be conducted in accordance with the Society of Automotive Engineers Recommended Practice J1667 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles" and the cutpoint standards set forth in the United States Environmental Protection Agency guidance document "Guidance to States on Smoke Opacity Cutpoints to be used with the SAE J1667 In-Use Smoke Test Procedure". Those procedures and standards, as now in effect, are made a part of this Code, in the same manner as though they were set out in full in this Code.

Notwithstanding the above, for motor vehicles that are model years 1973 and older, until December 31, 2002, the level of peak smoke opacity shall not exceed 70 percent. Beginning January 1, 2003, for motor vehicles that are model years 1973 and older, the level of peak smoke opacity shall not exceed 55 percent.

(c) If the annual emission inspection reveals that the vehicle is not in compliance with the diesel emission standards set forth in subsection (b) of this Section, the operator of the official testing station shall issue a warning notice requiring correction of the violation. The correction shall be made and the vehicle submitted to an emissions retest at an official testing station certified by the Department to perform diesel emission inspections within 30 days from the issuance of the warning notice requiring correction of the violation.

If, within 30 days from the issuance of the warning notice, the vehicle is not in compliance with the diesel emission standards set forth in subsection (b) as determined by an emissions retest at an official testing station, the operator of the official testing station or the Department shall place the vehicle out-of-service in accordance with the rules promulgated by the Department. Operating a

vehicle that has been placed out-of-service under this subsection (c) is a petty offense punishable by a $1,000 fine. The vehicle must pass a diesel emission inspection at an official testing station before it is again placed in service. The Secretary of State, Department of State Police, and other law enforcement officers shall enforce this Section.

The Department or an official testing station may issue a certificate of waiver subsequent to a reinspection of a vehicle that failed the emissions inspection. Certificate of waiver shall be issued upon determination that documented proof demonstrates that emissions repair costs for the noncompliant vehicle of at least $3,000 have been spent in an effort to achieve compliance with the emission standards set forth in subsection (b). The Department of Transportation shall adopt rules for the implementation of this subsection including standards of documented proof as well as the criteria by which a waiver shall be granted.

(d) There is hereby created within the State Treasury a special fund to be known as the Diesel Emissions Testing Fund, constituted from the fines collected pursuant to subsection (c) of this Section, Section 13-101.2, and Section 13-109.2. Subject to appropriation,

moneys from the Diesel Emissions Testing Fund shall be available, as a supplement to moneys appropriated from the General Revenue Fund, to the Department of Transportation and the Department of State Police for their implementation of the diesel emission inspection requirements under this Chapter 13. All moneys received from fines imposed under this Section shall be paid into the Diesel Emissions Testing Fund. All citations issued pursuant to this Section, Section 13-101.2, and Section 13-109.2 shall be considered non-moving violations. The Department of Transportation and the Department of State Police are authorized to promulgate rules to implement their responsibilities under this Section.

(625 ILCS 5/13-109.2 new)

Sec. 13-109.2. Diesel emission violations by owners. Except as otherwise provided in Section 13-109.1, it is unlawful for the owner of a diesel powered vehicle to permit the operation of that vehicle upon the highways of this State within the affected areas that (i) has been placed out of service pursuant to subsection (c) of Section 13-109.1 and has not passed a retest at an official testing station or been granted a waiver; or (ii) is registered for a gross weight of more than 16,000 pounds and exceeds the diesel emission standards, as evidenced by the issuance of a citation for a violation of the diesel emission standards.

Notwithstanding any other penalty, until December 31, 2000, an owner of a diesel powered vehicle who violates this Section shall be issued a warning citation informing him or her that the person's vehicle is in violation of the State's diesel emission standards. Beginning January 1, 2001, whenever a law enforcement officer determines that a diesel powered vehicle that is registered for a gross weight of more than 16,000 pounds is in violation of the diesel emission standards and the owner of that vehicle permitted the operation of that vehicle within the affected areas, as evidenced by the issuance of a citation for a violation of the diesel emission standards, the owner of the vehicle is guilty of a petty offense punishable by a $400 fine, except that a third or subsequent violation within one year of the first violation is a petty offense punishable by a $1,000 fine. In no event may the owner of a vehicle who has received a citation under this Section receive, within 30 days of the initial citation, a second or subsequent citation for permitting the operation of the same vehicle in violation of the diesel emission standards.

(625 ILCS 5/13-109.3 new)

Sec. 13-109.3. Exemption from diesel emissions inspections. The following vehicles are exempt from the diesel emissions inspection requirements set forth in this Chapter:

(1) Second division vehicles being operated on mileage plates issued pursuant to section 3-818; and

(2) Second division vehicles being operated on plates issued pursuant to subsection (c) of Section 3-815."; and

on page 14, by replacing lines 15 and 16 with the following:

"of more than 16,000 pounds, registered within this State, and operated by an interstate carrier of property or a"; and

on page 15, by replacing lines 4 through 15 with the following:

"not require or conduct a diesel emission inspection program. This Section is a limitation under subsection (h) of Section 6 of Article VII of the Illinois Constitution on the exclusive exercise by home rule units of powers and functions exercised by the State.

Section 99. Effective date. This Act takes effect on July 1, 2000.".

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2031, AS AMENDED, 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 Diesel Emissions Testing Fund.

Section 7. 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 10. The Illinois Vehicle Code is amended by changing Sections 13-103, 13-106, and 13-114 and adding Sections 13-100.1, 13-102.1, 13-109.1, 13-109.2, 13-109.3, 13-116.1, and 13-117 as follows:

(625 ILCS 5/13-100.1 new)

Sec. 13-100.1. Definitions. As used in this Chapter, "affected areas" means the counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison, St. Clair, and Monroe and the townships of Aux Sable and Goose Lake in Grundy County and the township of Oswego in Kendall County.

(625 ILCS 5/13-102.1 new)

Sec. 13-102.1. Diesel powered vehicle emission inspection report. Beginning July 1, 2000, the Department of Transportation shall conduct an annual study concerned with the results of emission inspections for diesel powered vehicles registered for a gross weight of more than 16,000 pounds. The study shall be reported to the General Assembly by June 30, 2001, and every June 30 thereafter. The study shall also be sent to the Illinois Environmental Protection Agency for its use in environmental matters.

The studies shall include, but not be limited to, the following information:

(a) the number of diesel powered vehicles that were inspected for emission compliance pursuant to this Chapter 13 during the previous year;

(b) the number of diesel powered vehicles that failed and passed the emission inspections required pursuant to this Chapter

13 during the previous year; and

(c) the number of diesel powered vehicles that failed the

emission inspections pursuant to this Chapter 13 more than once in the previous year.

(625 ILCS 5/13-103) (from Ch. 95 1/2, par. 13-103)

Sec. 13-103. Official testing stations - Fee - Permit - Bond. Upon the payment of a fee of $10 and the filing of an application by the proprietor of any vehicle service station or public or private garage upon forms furnished by the Department, accompanied by proof of experience, training and ability of the operator of the testing equipment, together with proof of installation of approved testing equipment as defined in Section 13-102 and the giving of a bond conditioned upon faithful observance of this Section and of rules and regulations issued by the Department in the amount of $1,000 with security approved by the Department, the Department shall issue a permit to the proprietor of such vehicle service station or garage to operate an Official Testing Station. Such permit shall expire 12 months following its issuance, but may be renewed annually by complying with the requirements set forth in this Section and upon the payment of a renewal fee of $10. Proprietors of official testing stations for which permits have been issued prior to the effective date of this Act may renew such permits for the renewal fee of $10 on the expiration of each 12 months following issuance of such permits, by complying with the requirements set forth in this Section. However, any city, village or incorporated town shall upon application to the Department and without payment of any fee or filing of any bond, but upon proof of experience, training and ability of the operator of the testing equipment, and proof of the installation of approved testing equipment as defined in Section 13-102, be issued a permit to operate such testing station as an Official Testing Station under this Act. The permit so issued shall at all times be displayed in a prominent place in the vehicle service station, garage or municipal testing station which is licensed as an Official Testing Station under this Act. No person or vehicle service station, garage or municipal testing station shall in any manner claim or represent himself or itself to be an official testing station unless a permit has been issued to him or it as provided in this Section.

Any person or municipality who or which has received a permit under this Section may test his or its own second division vehicles and issue certificates of safety and conduct emission inspections of his or its own second division vehicles in accordance with the requirements of Section 13-109.1 with respect to any such second division vehicles owned, operated or controlled by him or it.

Each such permit issued by the Department shall state on its face the location of the official testing station to be operated under the permit and safety tests shall be made only at such location. However, the Department may, upon application, authorize a change in the location of the official testing station and the removal of the testing equipment to the new location. Upon approval of such application, the Department shall issue an endorsement which the applicant shall affix to his permit. Such endorsement constitutes authority for the applicant to make such change in location and to remove his testing equipment at the times and to the places stated in the endorsement.

(Source: P.A. 80-606.)

(625 ILCS 5/13-106) (from Ch. 95 1/2, par. 13-106)

Sec. 13-106. Rates and charges by official testing stations-Schedule to be filed. Every operator of an official testing

station shall file with the Department, in the manner prescribed by the Department, a schedule of all rates and charges made by him for

performing the tests ~~test~~ provided for in Section 13-101 and Section 13-109.1. Such rate or charge shall include an amount to reimburse the operator of the official testing station for the purchase from the Department of the certificate of safety required by this chapter, not to exceed that fee paid to the Department by the operator authorized by this chapter. Such rates and charges shall be just and reasonable and the Department upon its own initiative or upon complaint of any person or corporation may require the testing station operator to appear for a hearing and prove that the rates so filed are just and reasonable. A "just and reasonable" rate or charge, for the purposes of this Section, means a rate or charge which is the same, or nearly the same, as the prevailing rate or charge for the same or similar tests made in the community where the station is located. No operator may change this schedule of rates and charges until the proposed changes are filed with and approved by the Department. No license may be issued to any official testing station unless the applicant has filed with the Department a proposed schedule of rates and charges and unless such rates and charges have been approved by the Department. No operator of an official testing station shall charge more or less than the rates so filed with and approved by the Department.

(Source: P.A. 80-606.)

(625 ILCS 5/13-109.1 new)

Sec. 13-109.1. Annual emission inspection tests; standards; penalties; funds.

(a) For each diesel powered vehicle that is registered for a gross weight of more than 16,000 pounds, is registered within an affected area, and is a 2 year or older model year, an annual emission inspection test shall be conducted at an official testing station certified by the Department to perform diesel emission inspections pursuant to the standards set forth in subsection (b) of this Section. This annual emission inspection test may be conducted in conjunction with a semi-annual safety test.

(b) Diesel emission inspections conducted under this Chapter 13 shall be conducted in accordance with the Society of Automotive Engineers Recommended Practice J1667 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles" and the cutpoint standards set forth in the United States Environmental Protection Agency guidance document "Guidance to States on Smoke Opacity Cutpoints to be used with the SAE J1667 In-Use Smoke Test Procedure". Those procedures and standards, as now in effect, are made a part of this Code, in the same manner as though they were set out in full in this Code.

Notwithstanding the above cutpoint standards, for motor vehicles that are model years 1973 and older, until December 31, 2002, the level of peak smoke opacity shall not exceed 70 percent. Beginning January 1, 2003, for motor vehicles that are model years 1973 and older, the level of peak smoke opacity shall not exceed 55 percent.

(c) If the annual emission inspection reveals that the vehicle is not in compliance with the diesel emission standards set forth in

subsection (b) of this Section, the operator of the official testing station shall issue a warning notice requiring correction of the violation. The correction shall be made and the vehicle submitted to an emissions retest at an official testing station certified by the Department to perform diesel emission inspections within 30 days from the issuance of the warning notice requiring correction of the violation.

If, within 30 days from the issuance of the warning notice, the vehicle is not in compliance with the diesel emission standards set forth in subsection (b) as determined by an emissions retest at an official testing station, the operator of the official testing

station or the Department shall place the vehicle out-of-service in accordance with the rules promulgated by the Department. Operating a vehicle that has been placed out-of-service under this subsection (c) is a petty offense punishable by a $1,000 fine. The vehicle must pass a diesel emission inspection at an official testing station before it is again placed in service. The Secretary of State, Department of State Police, and other law enforcement officers shall enforce this Section. No emergency vehicle, as defined in Section 1-105, may be placed out-of-service pursuant to this Section.

The Department or an official testing station may issue a certificate of waiver subsequent to a reinspection of a vehicle that failed the emissions inspection. Certificate of waiver shall be issued upon determination that documented proof demonstrates that emissions repair costs for the noncompliant vehicle of at least $3,000 have been spent in an effort to achieve compliance with the emission standards set forth in subsection (b). The Department of Transportation shall adopt rules for the implementation of this subsection including standards of documented proof as well as the criteria by which a waiver shall be granted.

(d) There is hereby created within the State Treasury a special fund to be known as the Diesel Emissions Testing Fund, constituted from the fines collected pursuant to subsection (c) of this Section. Subject to appropriation, moneys from the Diesel Emissions Testing Fund shall be available, as a supplement to moneys appropriated from the General Revenue Fund, to the Department of Transportation for its implementation of the diesel emission inspection requirements under this Chapter 13. All moneys received from fines imposed under this Section shall be paid into the Diesel Emissions Testing Fund. All citations issued pursuant to this Section shall be considered non-moving violations. The Department of Transportation is authorized to promulgate rules to implement its responsibilities under this Section.

(625 ILCS 5/13-109.2 new)

Sec. 13-109.2. Pollution Control Board diesel emission standards and tests. Within 8 months of the effective date of this amendatory Act of the 91st General Assembly, the Pollution Control Board shall amend its heavy-duty diesel smoke opacity standards and test procedures to be consistent with the procedures and standards set forth in Section 13-109.1.

(625 ILCS 5/13-109.3 new)

Sec. 13-109.3. Exemption from diesel emissions inspections.

Second division vehicles being operated on plates issued pursuant to subsection (c) of Section 3-815 are exempt from the diesel emissions inspection requirements set forth in this Chapter.

(625 ILCS 5/13-114) (from Ch. 95 1/2, par. 13-114)

Sec. 13-114. Interstate carriers of property. Any vehicle registered in Illinois and operated by an interstate carrier of property shall be exempt from the provisions of this Chapter provided such carrier has registered with the Bureau of Motor Carrier Safety of the Federal Highway Administration as an interstate motor carrier of property and has been assigned a federal census number by such Bureau. An interstate carrier of property, however, is not exempt from the provisions of Section 13-111(b) of this Chapter.

Any vehicle registered in Illinois and operated by a private interstate carrier of property shall be exempt from the provisions of this Chapter, except the provisions of Section 13-111(b), provided it:

1. is registered with the Bureau of Motor Carrier Safety of the Federal Highway Administration, and

2. carries in the motor vehicle documentation issued by the Bureau of Motor Carrier Safety of the Federal Highway

Administration displaying the federal census number assigned, and

3. displays on the sides of the motor vehicle the census number, which must be no less than 2 inches high, with a brush stroke no less than 1/4 inch wide in a contrasting color.

Notwithstanding any other provision of this Section, each diesel powered vehicle that is registered for a gross weight of more than 16,000 pounds, registered within the affected area, and operated by an interstate carrier of property or a private interstate carrier of property within the affected area is subject to the provisions of this Chapter that pertain to diesel emission inspections.

(Source: P.A. 85-1407.)

(625 ILCS 5/13-116.1 new)

Sec. 13-116.1. Emission inspection funding. The Department of Transportation shall be reimbursed for all expenses related to the training, equipment, recordkeeping, and conducting of diesel powered emission inspections pursuant to this Chapter 13 when that testing is conducted within the affected areas, subject to appropriation, from the General Revenue Fund and the Diesel Emissions Testing Fund. No moneys from any funds other than the General Revenue Fund and the Diesel Emissions Testing Fund shall be appropriated for diesel emission inspections under this Chapter 13.

(625 ILCS 5/13-117 new)

Sec. 13-117. Home rule. A unit of local government within the affected areas, including home rule units, shall not require or conduct a diesel emission inspection program that does not meet or exceed the standards of the diesel emission inspections provided for in this Chapter 13. A unit of local government within the affected areas, including home rule units, must affirmatively comply with the diesel emission inspection requirements of this Chapter 13. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 99. Effective date. This Act takes effect on July 1, 2000.".

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

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

On motion of Senator O'Malley, **House Bill No. 2038** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2038, on page 2, by replacing lines 2 through 30 with the following:

"(a-5) In any criminal prosecution for reckless homicide under Section 9-3 of the Criminal Code of 1961 or driving under the influence of alcohol, other drug, or combination of both, in violation of Section 11-501 of the Illinois Vehicle Code or in any civil action held under a statutory summary suspension hearing under Section 2-118.1 of the Illinois Vehicle Code, a laboratory report from the Department of State Police, Division of Forensic Services, that is signed and sworn to by the person performing an analysis, and that states that the sample of blood or urine was tested for alcohol or drugs, and contains the person's findings as to the presence and amount of alcohol or drugs and type of drug is prima facie evidence of the presence, content, and amount of the alcohol or drugs analyzed in the blood or urine. Attached to the report must be a copy of a

notarized statement by the signer of the report giving the name of the signer and stating (1) that he or she is an employee of the Department of State Police, Division of Forensic Services, (2) the name and location of the laboratory where the analysis was performed, (3) that performing the analysis is a part of his or her regular duties, (4) that the signer is qualified by education, training, and experience to perform the analysis, and (5) that scientifically accepted tests were performed with due caution and that the evidence was handled in accordance with established and accepted procedures while in the custody of the laboratory.".

Senator O'Malley offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2038 on page 3, by replacing lines 4 and 5 with the following:

"(c) The report shall not be prima facie evidence ~~of the contents, identity, and weight of the substance~~ if the".

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

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

ordered to a third reading.

REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, reported that **House Bill No. 606**, which was referred to the Committee on Executive recommends that the bill be re-referred back to the Committee on Rules and that the bill has been approved for consideration by the Rules Committee.

Under the rules, the bill was ordered to a second reading.

Senator Weaver, Chairperson of the Committee on Rules, during its May 12, 1999 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Judiciary: **Senate Amendment No. 3 to House Bill 1177.**
Local Government: **Senate Amendment No. 1 to House Bill 819.**
Transportation: **Senate Amendment No. 2 to House Bill 1869.**

Senator Weaver, Chairperson of the Committee on Rules, during its May 12, 1999 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Education: **Motions to concur with House Amendment No. 1 to Senate Bill 463; House Amendments numbered 1 and 2 to Senate Bill No. 529**.
Executive: **Motions to concur with House Amendment No. 1 to Senate Bill No. 167; House Amendment No. 1 to Senate Bill No. 916; House Amendment No. 1 to Senate Bill No. 1072**.
Judiciary: **Motion to concur with House Amendment No. 1 to Senate Bill No. 48; House Amendment No. 1 to Senate Bill No. 304; House Amendment No. 1 to Senate Bill No. 315; House Amendment No. 1 to Senate Bill No. 644; House Amendment No. 1 to Senate Bill No. 673**.
Public Health and Welfare: **Motions to concur with House Amendment No. 1 to Senate Bill No. 13; House Amendment No. 1 to Senate Bill No. 82; House Amendment No. 1 to Senate Bill No. 1065; House Amendment**

No. 1 to Senate Bill No. 1116; House Amendment No. 1 to Senate Bill No. 1117.
Revenue: **Motions to concur with House Amendment No. 1 to Senate Bill No. 33; House Amendment No. 1 to Senate Bill No. 40; House Amendment No. 1 to Senate Bill No. 468; House Amendment No. 1 to Senate Bill No. 799; House Amendments numbered 1 and 2 to Senate Bill No. 1025**.
State Government Operations: **Motion to concur with House Amendment No. 1 to Senate Bill No. 81**.

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

Senate Amendment 3 to House Bill No. 134

Senate Amendment 1 to House Bill No. 733
Senate Amendment 1 to House Bill No. 2330

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

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Joint Action Motions have been approved for consideration:

Motion to concur with House Amendment 1 to Senate Bill 541
Motion to concur with House Amendment 1 to Senate Bill 734
Motion to concur with House Amendment 1 to Senate Bill 1107
Motion to concur with House Amendment 1 to Senate Bill 1183

The foregoing concurrences were placed on the Secretary's Desk.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Clayborne, **House Bill No. 2148** 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 Geo-Karis, **House Bill No. 2219** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Klemm, **House Bill No. 2263** having been printed, was taken up and read by title a second time.
Senator Klemm offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2263, on page 2, line 2, by replacing "90" with "60".

The motion prevailed and the amendment was adopted and ordered printed.
There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Klemm, **House Bill No. 2264** having been printed, was taken up and read by title a second time.
Senator Klemm offered the following amendment and moved its

adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2264, on page 2, line 8, by replacing "90" with "60".

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

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

On motion of Senator R. Madigan, **House Bill No. 2271** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2271 by replacing the title with the following:

"Section 1. Short title. This Act may be cited as the Small Employer Health Insurance Rating Act.

Section 5. Purpose. The legislature recognizes that all too often, small employers are forced to increase employee co-pays and deductibles or drop health insurance coverage altogether because of unexpected rate increases as a result of one major medical problem. It is the intent of this Act to improve the efficiency and fairness of the small group health insurance marketplace.

Section 10. Definitions. For purposes of this Act:

"Actuarial certification" means a written statement by a member of the American Academy of Actuaries or other individual acceptable to the Director that a small employer carrier is in compliance with the provisions of Section 30 of this Act, based upon an examination which includes a review of the appropriate records and of the actuarial assumptions and methods utilized by the small employer carrier in establishing premium rates for the applicable health benefit plans.

"Base premium rate" means for each class of business as to a rating period, the lowest premium rate charged or which could be charged under a rating system for that class of business by the small employer carrier to small employers with similar case characteristics for health benefit plans with the same or similar coverage.

"Carrier" means any entity which provides health insurance in this State. For the purposes of this Act, carrier includes a licensed insurance company, a prepaid hospital or medical service plan, a health maintenance organization, a multiple-employer welfare arrangement, or any other entity providing a plan of health insurance or health benefits subject to state insurance regulation.

"Case characteristics" means demographic, geographic or other objective characteristics of a small employer, that are considered by the small employer carrier, in the determination of premium rates for the small employer. Claim experience, health status, and duration of coverage shall not be characteristics for the purposes of the Small Employer Health Insurance Act.

"Class of business" means all or a separate grouping of small employers established pursuant to Section 25.

"Director" means the Director of Insurance.

"Department" means the Department of Insurance.

"Eligible employee" means an employee who works on a full-time basis for the small employer, with a normal week of 30 or more hours, and has satisfied the waiting period and is a member of the class eligible for insurance. Eligible employee may also include a sole

proprietor, a partner of a partnership or an independent contractor, provided such sole proprietor, partner or independent contractor is included as an employee under a health benefit plan of a small employer. It does not include an employee who works on a part-time, temporary, seasonal or substitute basis.

"ERISA" means the Employee Retirement Income Security Act of 1974, as amended.

"Health benefit plan" or plan shall mean any hospital or medical expense-incurred policy or certificate, hospital or medical service plan contract, or health maintenance organization subscriber contract. Health benefit plan shall not include individual, accident-only, credit, dental, vision, medicare supplement, hospital indemnity, long term care or disability income insurance, coverage issued as a supplement to liability insurance, workers' compensation or similar insurance, or automobile medical payment insurance.

"Index rate" means, for each class of business as to a rating period for small employers with similar case characteristics, the arithmetic average of the applicable base premium rate and the corresponding highest premium rate.

"Late enrollee" means an eligible employee or dependent who requests enrollment in a health benefit plan of a small employer following the initial enrollment period during which the individual is entitled to enroll under the terms of the health benefit plan, provided that the initial enrollment period is a period of at least 30 days. However, an eligible employee or dependent shall not be considered a late enrollee if:

(1) the individual meets each of the following:

(A) the individual was covered under an employer based health benefit plan at the time of the initial enrollment;

(B) the individual lost coverage under qualifying previous coverage as a result of termination of employment or eligibility, the involuntary termination of the qualifying previous coverage, death of a spouse or divorce; and

(C) the individual requests enrollment within 30 days after the termination of the qualifying previous coverage;

(2) the individual is employed by an employer which offers multiple health benefit plans and the individual elects a different plan during an open enrollment period; or

(3) a court has ordered coverage be provided for a spouse or minor or dependent child under a covered employee's health benefit plan and request for enrollment is made within 30 days after issuance of the court order.

"MEWA" means an "multiple-employer welfare arrangement" as defined in Section 3 of ERISA, as amended, except for any arrangement which is fully insured within the meaning of Section 514(b)(6) of ERISA, as amended.

"New business premium rate" means, for each class of business as to a rating period, the lowest premium rate charged or offered or which could have been charged or offered by the small employer carrier to small employers with similar case characteristics for newly issued health benefit plans with the same or similar coverage.

"Preexisting condition" means a condition which, during a 12

month period immediately preceding the effective date of coverage, had manifested itself in such a manner as would cause an ordinarily prudent person to seek medical advice, diagnosis, care or treatment or for which medical advice, diagnosis care, or treatment was recommended or received, or a pregnancy existing on the effective date of coverage.

"Premium" means all monies paid by a small employer and eligible employees as a condition of receiving coverage from a small employer

carrier, including any fees or other contributions associated with the health benefit plan.

"Rating period" means the calendar period for which premium rates established by a small employer carrier are assumed to be in effect.

"Small employer" means any person, firm, corporation, partnership, or association that is actively engaged in business that, on at least 50% of its working days during the preceding calendar quarter, employed at least 2 but no more than 25 eligible employees, the majority of whom were employed in this State. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of state taxation, shall be considered one employer.

"Small employer carrier" means a carrier that offers health benefit plans covering eligible employees of one or more small employers in this State.

Section 15. Applicability and Scope.

(a) This Act shall apply to each health benefit plan for a small employer that is delivered, issued for deliver, renewed or continued in this State after January 1, 2000. For purposes of this Section, the date a plan is continued shall be the first rating period which commences after January 1, 2000.

The Act shall apply to any such health benefit plan which provides coverage to employees of a small employer, except that the Act shall not apply to individual health insurance policies.

(b)(1) Except as provided in paragraph (2) for the purposes of this Act, carriers that are affiliated companies or that are eligible to file a consolidate tax return shall be treated as one carrier and any restrictions or limitations imposed by this Act shall apply as if all health benefit plans delivered or issued for delivery to small employers in this State by such affiliated carriers were issued by one carrier.

(2) An affiliated carrier that is a health maintenance organization having a certificate of authority under Section 2-1 of the Health Maintenance Organization Act may be considered to be a separate carrier for the purposes of this Act.

Section 20. Underwriting Provisions.

Health benefit plans covering small employers and, to the extent permitted by ERISA, other benefit arrangements covering small employers shall be subject to the following provisions, as applicable:

(1) Preexisting condition limitation: No policy provision shall exclude or limit coverage for a preexisting condition for a period beyond 12 months following the effective date of a

person's coverage.

(2) Portability of coverage: The preexisting condition limitation period shall be reduced to the extent a person was covered under a prior employer-based health benefit plan if:

(A) the person is not a late enrollee; and

(B) the prior coverage was continuous to a date not more than 30 days prior to the effective date of the new coverage, exclusive of any applicable waiting period.

(3) If a small employer carrier offers coverage to a small employer, the small employer carrier shall offer coverage to all of the eligible employees of a small employer and their dependents. A small employer carrier shall not offer coverage to only certain individuals in an eligible class of a small employer group, except in the case of late enrollees. Persons lawfully excluded by a carrier prior to the effective date of this Act may continue to be excluded by that carrier.

(4) A small employer carrier shall not modify a health

benefit plan with respect to a small employer or any eligible employee or dependent, except that for employees to whom the preexisting condition limitations may apply, a small employer carrier may restrict or exclude coverage or benefits for a specific condition for a maximum period of 12 months from the effective date of the eligible employee's or dependent's coverage by way of rider or endorsement. As to employees to whom the portability of coverage provisions apply, no riders or endorsements may reduce or limit benefits to be provided under the portability of coverage provisions. Any modification legally implemented by a carrier prior to the effective date of this Act may be continued by that carrier.

Section 25. Establishment of Class of Business.

(a) A small employer carrier may establish a separate class of business only to reflect substantial differences in expected claims experience or administrative costs related to the following reasons:

(1) the small employer carrier uses more than one type of system for the marketing and sale of health benefit plans to small employers;

(2) the small employer carrier has acquired a class of business from another small employer carrier; or

(3) the small employer carrier provides coverage to one or more association groups.

(b) A small employer carrier may establish up to 3 separate classes of business under subsection (a).

(c) The Director may establish regulations to provide for a period of transition in order for a small employer carrier to come into compliance with subsection (b) in the instance of acquisition of an additional class of business from another small employer carrier.

(d) The Director may approve the establishment of additional classes of business upon application to the Director and a finding by the Director that such action would enhance the efficiency and fairness of the small employer marketplace.

Section 30. Premium Rates.

(a) Premium rates for health benefit plans subject to this Act

shall be subject to all of the following provisions:

(1) The index rate for a rating period for any class of business shall not exceed the index rate for any other class of business by more than 20%.

(2) For a class of business, the premium rates charged during a rating period to small employers with similar case characteristics for the same or similar coverage, or the rates that could be charged to such employers under the rating system for that class of business, shall not vary from the index rate by more than 25% of the index rate.

(3) The percentage increase in the premium rate charged to a small employer for a new rating period shall not exceed the sum of the following:

(A) the percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period. In the case of a health benefit plan into which the small employer carrier is no longer enrolling new small employers, the small employer carrier shall use the percentage change in the base premium rate;

(B) an adjustment, not to exceed 15% annually and adjusted pro rata for rating periods of less than one year, due to claim experience, health status, or duration of coverage of the employees or dependents of the small employer as determined from the small employer carrier's rate manual for the class of business; and

(C) any adjustment due to change in coverage or change in the case characteristics of the small employer as determined from the small employer carrier's rate manual for the class of business.

(4) Adjustments in rates for a new rating period due to claim experience, health status and duration of coverage shall not be charged to individual employees or dependents. Any such adjustment shall be applied uniformly to the rates charged for all employees and dependents of the small employer.

(5) In the case of health benefit plans delivered or issued for deliver prior to the effective date of this Act, a premium rate for a rating period may exceed the ranges set forth in items (1) and (2) of subsection (a) for a period of 3 years following the effective date of this Act. In such case, the percentage increase in the premium rate charged to a small employer for a new rating period shall not exceed the sum of the following:

(A) the percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period; in the case of a class of business into which the small employer carrier is no longer enrolling new small employes, the small employer carrier shall use the percentage change in the base premium rate, provided that such change does not exceed, on a percentage basis, the change in the new business premium rate for the most similar class of business into which the small employer carrier is actively enrolling new small

employers; and

(B) any adjustment due to change in coverage or change in the case characteristics of the small employer as determined from the carrier's rate manual for the class of business.

(6) Small employer carriers shall apply rating factors, including case characteristics, consistently with respect to all small employers in a class of business. A small employer carrier shall treat all health benefit plans issued or renewed in the same calendar month as having the same rating period.

(7) For the purposes of this subsection, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restriction of benefits to network providers results in substantial differences in claim costs.

(b) A small employer carrier shall not transfer a small employer involuntarily into or out of a class of business. A small employer carrier shall not offer to transfer a small employer into or out of a class of business unless such offer is made to transfer all small employers in the class of business without regard to case characteristics, claim experience, health status or duration of coverage since issue.

(c) The Director may suspend for a specified period the application of item (1) of subsection (a) as to the premium rates applicable to one or more small employers included within a class of business of a small employer carrier for one or more rating periods upon a filing by the small employer carrier and a finding by the Director either that the suspension is reasonable in light of the financial condition of the small employer carrier or that suspension would enhance the efficiency and fairness of the marketplace for small employer health insurance.

Section 35. Rating and underwriting records.

(a) A small employer carrier shall maintain at its principal place of business a complete and detailed description of its rating

practices and renewal underwriting practices, including information and documentation that demonstrates that its rating methods and practices are based upon commonly accepted actuarial assumptions and are in accordance with sound actuarial principles.

(b) A small employer carrier shall file with the Director annually on or before March 15, an actuarial certification certifying that the carrier is in compliance with this Act, and that the rating methods of the small employer carrier are actuarially sound. Such certification shall be in a form and manner, and shall contain such information, as specified by the Director. A copy of the certification shall be retained by the small employer carrier at its principal place of business.

(c) A small employer carrier shall make the information and documentation described in subsection (a) available to the Director upon request. Except in cases of violations of this Act, the information shall be considered proprietary and trade secret information and shall not be subject to disclosure by the Director to

persons outside of the Department except as agreed to by the small employer carrier or as ordered by a court of competent jurisdiction.

Section 40. Suspension of Rate Requirements. The Director may suspend all or any part of Section 30 as to the premium rates applicable to one or more small employers for one or more rating periods upon a filing by the small employer carrier and a finding by the Director that either the suspension is reasonable in light of the financial condition of the carrier or the suspension would enhance the efficiency and fairness of the small employer health insurance marketplace.

Section 45. Director's Regulatory Authority. The Director may adopt and promulgate rules and regulations to carry out the provisions of this Act.

Section 99. Effective date. This Act takes effect January 1, 2000.".

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2271, AS AMENDED, by replacing the title with the following:

"AN ACT to create the Small Employer Health Insurance Rating Act."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Small Employer Health Insurance Rating Act.

Section 5. Purpose. The legislature recognizes that all too often, small employers are forced to increase employee co-pays and deductibles or drop health insurance coverage altogether because of unexpected rate increases as a result of one major medical problem. It is the intent of this Act to improve the efficiency and fairness of the small group health insurance marketplace.

Section 10. Definitions. For purposes of this Act:

"Actuarial certification" means a written statement by a member of the American Academy of Actuaries or other individual acceptable to the Director that a small employer carrier is in compliance with the provisions of Section 25 of this Act, based upon an examination which includes a review of the appropriate records and of the actuarial assumptions and methods utilized by the small employer carrier in establishing premium rates for the applicable health benefit plans.

"Base premium rate" means for each class of business as to a rating period, the lowest premium rate charged or which could be

charged under a rating system for that class of business by the small employer carrier to small employers with similar case characteristics for health benefit plans with the same or similar coverage.

"Carrier" means any entity which provides health insurance in this State. For the purposes of this Act, carrier includes a licensed insurance company, a prepaid hospital or medical service plan, a health maintenance organization, or any other entity providing a plan of health insurance or health benefits subject to

state insurance regulation.

"Case characteristics" means demographic, geographic or other objective characteristics of a small employer, that are considered by the small employer carrier, in the determination of premium rates for the small employer. Claim experience, health status, and duration of coverage shall not be characteristics for the purposes of the Small Employer Health Insurance Rating Act.

"Class of business" means all or a separate grouping of small employers established pursuant to Section 20.

"Director" means the Director of Insurance.

"Department" means the Department of Insurance.

"Health benefit plan" or "plan" shall mean any hospital or medical expense-incurred policy, hospital or medical service plan contract, or health maintenance organization subscriber contract. Health benefit plan shall not include individual, accident-only, credit, dental, vision, medicare supplement, hospital indemnity, long term care, specific disease, stop loss or disability income insurance, coverage issued as a supplement to liability insurance, workers' compensation or similar insurance, or automobile medical payment insurance.

"Index rate" means, for each class of business as to a rating period for small employers with similar case characteristics, the arithmetic mean of the applicable base premium rate and the corresponding highest premium rate.

"Late enrollee" has the meaning given that term in the Illinois Health Insurance Portability and Accountability Act.

"New business premium rate" means, for each class of business as to a rating period, the lowest premium rate charged or offered or which could have been charged or offered by the small employer carrier to small employers with similar case characteristics for newly issued health benefit plans with the same or similar coverage.

"Objective characteristics" means measurable or observable phenomena. An example of a measurable characteristic would be the number of employees who were late enrollees. Examples of observable characteristics would be geographic location of the employer or gender of the employee.

"Premium" means all monies paid by a small employer and eligible employees as a condition of receiving coverage from a small employer carrier, including any fees or other contributions associated with the health benefit plan.

"Rating period" means the calendar period for which premium rates established by a small employer carrier are assumed to be in effect.

"Small employer" has the meaning given that term in the Illinois Health Insurance Portability and Accountability Act.

"Small employer carrier" means a carrier that offers health benefit plans covering employees of one or more small employers in this State.

Section 15. Applicability and Scope.

(a) This Act shall apply to each health benefit plan for a small employer that is delivered, issued for deliver, renewed or continued in this State after July 1, 2000. For purposes of this Section, the date a plan is continued shall be the first rating period which commences after July 1, 2000.

The Act shall apply to any such health benefit plan which provides coverage to employees of a small employer, except that the Act shall not apply to individual health insurance policies.

Section 20. Establishment of Class of Business.

(a) A small employer carrier may establish a separate class of business only to reflect substantial differences in expected claims experience or administrative costs related to the following reasons:

(1) the small employer carrier uses more than one type of system for the marketing and sale of health benefit plans to small employers;

(2) the small employer carrier has acquired a class of business from another small employer carrier; or

(3) the small employer carrier provides coverage to one or more association groups.

(b) A small employer carrier may establish up to 4 separate classes of business under subsection (a).

(c) The Director may approve the establishment of additional classes of business upon application to the Director and a finding by the Director that such action would enhance the efficiency and fairness of the small employer marketplace.

Section 25. Premium Rates.

(a) Premium rates for health benefit plans subject to this Act shall be subject to all of the following provisions:

(1) The index rate for a rating period for any class of business shall not exceed the index rate for any other class of business by more than 20%.

(2) For a class of business, the premium rates charged during a rating period to small employers with similar case characteristics for the same or similar coverage, or the rates that could be charged to such employers under the rating system for that class of business, shall not vary from the index rate by more than 25% of the index rate.

(3) The percentage increase in the premium rate charged to a small employer for a new rating period shall not exceed the sum of the following:

(A) the percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period. In the case of a health benefit plan into which the small employer carrier is no longer enrolling new small employers, the small employer carrier shall use the percentage change in the base premium rate;

(B) an adjustment, not to exceed 15% annually and adjusted pro rata for rating periods of less than one year, due to claim experience, health status, or duration of coverage of the employees or dependents of the small employer as determined from the small employer carrier's rate manual for the class of business; and

(C) any adjustment due to change in coverage or change in the case characteristics of the small employer as determined from the small employer carrier's rate manual for the class of business.

(4) Adjustments in rates for a new rating period due to claim experience, health status and duration of coverage shall not be charged to individual employees or dependents. Any such adjustment shall be applied uniformly to the rates charged for

all employees and dependents of the small employer.

(5) In the case of health benefit plans delivered or issued for deliver prior to the effective date of this Act, a premium rate for a rating period may exceed the ranges set forth in items (1) and (2) of subsection (a) for a period of 3 years following

the effective date of this Act. In such case, the percentage increase in the premium rate charged to a small employer for a new rating period shall not exceed the sum of the following:

(A) the percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period; in the case of a class of business into which the small employer carrier is no longer enrolling new small employes, the small employer carrier shall use the percentage change in the base premium rate, provided that such change does not exceed, on a percentage basis, the change in the new business premium rate for the most similar class of business into which the small employer carrier is actively enrolling new small employers; and

(B) any adjustment due to change in coverage or change in the case characteristics of the small employer as determined from the carrier's rate manual for the class of business.

(6) Small employer carriers shall apply rating factors, including case characteristics, consistently with respect to all small employers in a class of business. A small employer carrier shall treat all health benefit plans issued or renewed in the same calendar month as having the same rating period.

(7) For the purposes of this subsection, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restriction of benefits to network providers results in substantial differences in claim costs.

(b) A small employer carrier shall not transfer a small employer involuntarily into or out of a class of business. A small employer carrier shall not offer to transfer a small employer into or out of a class of business unless such offer is made to transfer all small employers in the class of business without regard to case characteristics, claim experience, health status or duration of coverage since issue.

Section 30. Rating and underwriting records.

(a) A small employer carrier shall maintain at its principal place of business a complete and detailed description of its rating practices and renewal underwriting practices, including information and documentation that demonstrates that its rating methods and practices are based upon commonly accepted actuarial assumptions and are in accordance with sound actuarial principles.

(b) A small employer carrier shall file with the Director annually on or before May 15, an actuarial certification certifying that the carrier is in compliance with this Act, and that the rating methods of the small employer carrier are actuarially sound. Such

certification shall be in a form and manner, and shall contain such information, as specified by the Director. A copy of the certification shall be retained by the small employer carrier at its principal place of business for a period of three years from the date of certification. This shall include any work papers prepared in support of the actuarial certification.

(c) A small employer carrier shall make the information and documentation described in subsection (a) available to the Director upon request. Except in cases of violations of this Act, the information shall be considered proprietary and trade secret information and shall not be subject to disclosure by the Director to persons outside of the Department except as agreed to by the small employer carrier or as ordered by a court of competent jurisdiction.

Section 35. Suspension of Rate Requirements. The Director may

suspend all or any part of Section 25 as to the premium rates applicable to one or more small employers for one or more rating periods upon a filing by the small employer carrier and a finding by the Director that either the suspension is reasonable in light of the financial viability of the carrier or the suspension would enhance the efficiency and fairness of the small employer health insurance marketplace.

Section 40. Director's Regulatory Authority. The Director may adopt and promulgate rules and regulations to carry out the provisions of this Act.

Section 99. Effective date. This Act takes effect January 1, 2000.".

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

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

On motion of Senator Klemm, **House Bill No. 2330** having been printed, was taken up and read by title a second time.

Senator Klemm offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2330, on page 1 by replacing line 11 with the following:

"by a board of health consisting of 8 members appointed by"; and

on page 1 by replacing lines 18 through 21 with the following:

"successor is appointed. Each board of health which has 8 members, may have one additional member appointed by the president or chairman of the county board, with the approval of the county board. The additional member shall first be appointed within 90 days after the effective date of this Amendatory Act for a term ending July 1, 2002.

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

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

ordered to a third reading.

On motion of Senator R. Madigan, **House Bill No. 2713** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2713 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Section 370b as follows:

(215 ILCS 5/370b) (from Ch. 73, par. 982b)

Sec. 370b. Timely reimbursement on equal basis. Notwithstanding any provision of any individual or group policy of accident and health insurance, or any provision of a policy, contract, plan or agreement for hospital or medical service or indemnity, wherever such policy, contract, plan or agreement provides for reimbursement for any service provided by persons licensed under the Medical Practice Act of 1987 or the Podiatric Medical Practice Act of 1987, the person entitled to benefits or person performing services under such policy, contract, plan or agreement is entitled to reimbursement on an equal basis for such service, when the service is performed by a person

licensed under the Medical Practice Act of 1987 or the Podiatric Medical Practice Act of 1987. The provisions of this Section do not apply to any policy, contract, plan or agreement in effect prior to September 19, 1969 or to preferred provider arrangements or benefit agreements.

(Source: P.A. 90-14, eff. 7-1-97.)".

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2713, AS AMENDED, by replacing the title with the following:

"AN ACT concerning payment for medical services, amending named Acts."; and

by replacing everything after the enacting clause with the following:

"Section 5. The State Employees Group Insurance Act of 1971 is amended by adding Section 6.12 as follows:

(5 ILCS 375/6-12 new)

Sec. 6.12. Payment for services. The program of health benefits is subject to the provisions of Section 356y of the Illinois Insurance Code.

Section 10. The Illinois Insurance Code is amended by adding Section 356y and changing Sections 357.9 and 370a as follows:

(215 ILCS 5/356y new)

Sec. 356y. Timely payment for health care services.

(a) This Section applies to insurers, health maintenance organizations, managed care plans, health care plans, preferred provider organizations, third party administrators, independent

practice associations, and physician-hospital organizations (hereinafter referred to as "payors") that provide periodic payments, which are payments not requiring a claim, bill, capitation encounter data, or capitation reconciliation reports, such as prospective capitation payments, to health care professionals and health care facilities to provide medical or health care services for insureds or enrollees.

(1) A payor shall make periodic payments in accordance with item (3). Failure to make periodic payments within the period of time specified in item (3) shall entitle the health care professional or health care facility to interest at the rate of 9% per year from the date payment was required to be made to the date of the late payment, provided that interest amounting to less than $1 need not be paid. Any required interest payments shall be made within 30 days after the payment.

(2) When a payor requires selection of a health care professional or health care facility, the selection shall be completed by the insured or enrollee no later than 30 days after enrollment. The payor shall provide written notice of this requirement to all insureds and enrollees. Nothing in this Section shall be construed to require a payor to select a health care professional or health care facility for an insured or enrollee.

(3) A payor shall provide the health care professional or health care facility with notice of the selection as a health care professional or health care facility by an insured or enrollee and the effective date of the selection within 60 calendar days after the selection. No later than the 60th day following the date an insured or enrollee has selected a health care professional or health care facility or the date that selection becomes effective, whichever is later, or in cases of retrospective enrollment only, 30 days after notice by an

employer to the payor of the selection, a payor shall begin periodic payment of the required amounts to the insured's or enrollee's health care professional or health care facility, or the designee of either, calculated from the date of selection or the date the selection becomes effective, whichever is later. All subsequent payments shall be made in accordance with a monthly periodic cycle.

(b) Notwithstanding any other provision of this Section, independent practice associations and physician-hospital organizations shall begin making periodic payment of the required amounts within 60 days after an insured or enrollee has selected a health care professional or health care facility or the date that selection becomes effective, whichever is later. Before January 1, 2001, subsequent periodic payments shall be made in accordance with a 60-day periodic schedule, and after December 31, 2000, subsequent periodic payments shall be made in accordance with a monthly periodic schedule.

Notwithstanding any other provision of this Section, independent practice associations and physician-hospital organizations shall make all other payments for health services within 60 days after receipt

of due proof of loss received before January 1, 2001 and within 30 days after receipt of due proof of loss received after December 31, 2000. Independent practice associations and physician-hospital organizations shall notify the insured, insured's assignee, health care professional, or health care facility of any failure to provide sufficient documentation for a due proof of loss within 30 days after receipt of the claim for health services.

Failure to pay within the required time period shall entitle the payee to interest at the rate of 9% per year from the date the payment is due to the date of the late payment, provided that interest amounting to less that $1 need not be paid. Any required interest payments shall be made within 30 days after the payment.

(c) All insurers, health maintenance organizations, managed care plans, health care plans, preferred provider organizations, and third party administrators shall ensure that all claims and indemnities concerning health care services other than for any periodic payment shall be paid within 30 days after receipt of due written proof of such loss. An insured, insured's assignee, health care professional, or health care facility shall be notified of any failure to provide sufficient documentation for a due proof of loss within 30 days after receipt of the claim for health care services. Failure to pay within such period shall entitle the payee to interest at the rate of 9% per year from the 30th day after receipt of such proof of loss to the date of late payment, provided that interest amounting to less than one dollar need not be paid. Any required interest payments shall be made within 30 days after the payment.

(d) The Department shall enforce the provisions of this Section pursuant to the enforcement powers granted to it by law.

(e) The Department is hereby granted specific authority to issue a cease and desist order, fine, or otherwise penalize independent practice associations and physician-hospital organizations that violate this Section. The Department shall adopt reasonable rules to enforce compliance with this Section by independent practice associations and physician-hospital organizations.

(215 ILCS 5/357.9) (from Ch. 73, par. 969.9)

Sec. 357.9. "TIME OF PAYMENT OF CLAIMS: Indemnities payable under this policy for any loss other than loss for which this policy provides any periodic payment will be paid immediately upon receipt of due written proof of such loss. Subject to due written proof of loss, all accrued indemnities for loss for which this policy provides periodic payment will be paid .... (insert period for payment which

must not be less frequently than monthly) and any balance remaining unpaid upon the termination of liability, will be paid immediately upon receipt of due written proof."

All claims and indemnities payable under the terms of a policy of accident and health insurance shall be paid within 30 days following receipt by the insurer of due proof of loss. Failure to pay within such period shall entitle the insured to interest at the rate of 9 per cent per annum from the 30th day after receipt of such proof of loss to the date of late payment, provided that interest amounting to less than one dollar need not be paid. An insured or an insured's assignee shall be notified by the insurer, health maintenance

organization, managed care plan, health care plan, preferred provider organization, or third party administrator of any failure to provide sufficient documentation for a due proof of loss within 30 days after receipt of the claim. Any required interest payments shall be made within 30 days after the payment.

The requirements of this Section shall apply to any policy of accident and health insurance delivered, issued for delivery, renewed or amended on or after 180 days following the effective date of this amendatory Act of 1985. The requirements of this Section also shall specifically apply to any group policy of dental insurance only, delivered, issued for delivery, renewed or amended on or after 180 days following the effective date of this amendatory Act of 1987.
(Source: P.A. 85-395.)

(215 ILCS 5/370a) (from Ch. 73, par. 982a)

Sec. 370a. Assignability of Accident and Health Insurance.

No provision of the Illinois Insurance Code, or any other law, prohibits an insured under any policy of accident and health insurance or any other person who may be the owner of any rights under such policy from making an assignment of all or any part of his rights and privileges under the policy including but not limited to the right to designate a beneficiary and to have an individual policy issued in accordance with its terms. Subject to the terms of the policy or any contract relating thereto, an assignment by an insured or by any other owner of rights under the policy, made before or after the effective date of this amendatory Act of 1969 is valid for the purpose of vesting in the assignee, in accordance with any provisions included therein as to the time at which it is effective, all rights and privileges so assigned. However, such assignment is without prejudice to the company on account of any payment it makes or individual policy it issues before receipt of notice of the assignment. This amendatory Act of 1969 acknowledges, declares and codifies the existing right of assignment of interests under accident and health insurance policies. If an enrollee or insured of an insurer, health maintenance organization, managed care plan, health care plan, preferred provider organization, or third party administrator assigns a claim to a health care professional or health care facility, then payment shall be made directly to the health care professional or health care facility including any interest required under Section 356y of this Code for failure to pay claims within 30 days after receipt by the insurer of due proof of loss. Nothing in this Section shall be construed to prevent any parties from reconciling duplicate payments.
(Source: P. A. 76-1709.)

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

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

Sec. 5-3. Insurance Code provisions.

(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8,

155.04, 355.2, 356m, 356v, 356w, 356x, 356y, 367i, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of

subsection (2) of Section 367, and Articles VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.

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

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

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

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

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

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

(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

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

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

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

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

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

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

(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the

management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health

maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

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

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

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

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

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

(Source: P.A. 89-90, eff. 6-30-95; 90-25, eff. 1-1-98; 90-177, eff. 7-23-97; 90-372, eff. 7-1-98; 90-583, eff. 5-29-98; 90-655, eff. 7-30-98; 90-741, eff. 1-1-99; revised 9-8-98.)

Section 20. The Limited Health Service Organization Act is amended by changing Section 4003 as follows:

(215 ILCS 130/4003) (from Ch. 73, par. 1504-3)

Sec. 4003. Illinois Insurance Code provisions. Limited health

service organizations shall be subject to the provisions of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 355.2, 356v, 356y, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1 and Articles VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code. For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, limited health service organizations in the following categories are deemed to be domestic companies:

(1) a corporation under the laws of this State; or

(2) a corporation organized under the laws of another

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

(Source: P.A. 90-25, eff. 1-1-98; 90-583, eff. 5-29-98; 90-655, eff. 7-30-98.)

Section 25. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:

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

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

(Source: P.A. 89-514, eff. 7-17-96; 90-7, eff. 6-10-97; 90-25, eff. 1-1-98; 90-655, eff. 7-30-98; 90-741, eff. 1-1-99.)

Section 99. Effective date. This Act takes effect 120 days after becoming law.".

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

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

HOUSE BILLS RECALLED

On motion of Senator O'Malley, **House Bill No. 17** was recalled from the order of third reading to the order of second reading.

Senator O'Malley offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 17, AS AMENDED, by replacing the title with the following:

"AN ACT to amend the School Code by adding Section 17-2C."; and

by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 17-2C as follows:

(105 ILCS 5/17-2C)

Sec. 17-2C. Transfer from Tort Immunity Fund or Transportation Fund ~~by financially distressed school districts~~.

(a) The school board of any school district that is certified under Section 19-1.5 as a financially distressed school district may by resolution transfer from the Tort Immunity Fund to any other school district fund an amount of money not to exceed the lesser of $2,500,000 or 0.6% of the value of the taxable property within the district, provided the amount transferred is not then required for the payment of any liabilities created by a settlement or a tort judgement, defense costs, or for the payment of any liabilities under the Unemployment Insurance Act, Workers' Compensation Act, Workers' Occupational Diseases Act, or risk care management programs.

(b) The school board of any school district (i) with a population of less than 50,000, (ii) that has sold tax anticipation warrants during the last 3 years before the effective date of this amendatory Act of the 91st General Assembly, and (iii) that has a tax base of more than 75% residential property may by resolution transfer from the Tort Immunity Fund to any other school district fund an amount of money not to exceed the lesser of $2,500,000 or 0.6% of the

value of the taxable property within the district, provided the amount transferred is not then required for the payment of any liabilities created by a settlement or a tort judgment, for defense costs, or for the payment of any liabilities under the Unemployment Insurance Act, Workers' Compensation Act, Workers' Occupational Diseases Act, or risk care management programs.

(c) The school board of any school district (i) with a population of less than 50,000, (ii) that has sold tax anticipation warrants during the last 3 years before the effective date of this amendatory Act of the 91st General Assembly, and (iii) that has a tax base of more than 75% residential property may by resolution transfer from the Transportation Fund to any other school district fund an amount of money not to exceed the lesser of $2,500,000 or 0.6% of the value of the taxable property within the district.

(Source: P.A. 88-641, eff. 9-9-94; revised 10-31-98.)

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 17**, as amended, was returned to the order of third reading.

On motion of Senator O'Malley, **House Bill No. 230** 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 House Bill 230, on page 1, lines 21 and 22, by deleting ", with not more than one charter school per school district,"; and

on page 1, line 25, after "500,000", by inserting ", with not more than one charter school that has been initiated by a board of education, or by an intergovernmental agreement between or among boards of education, operating at any one time in the school district where the charter school is located"; and
on page 1, lines 26 and 27, by deleting ", with not more than one charter school per school district,"; and
on page 1, line 28, after "State", by inserting ", with not more than one charter school that has been initiated by a board of education, or by an intergovernmental agreement between or among boards of education, operating at any one time in the school district where the charter school is located".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 230**, as amended, was returned to the order of third reading.

On motion of Senator Burzynski, **House Bill No. 245** 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 House Bill 245 on page 2, line 4, by replacing "contestants" with "promoters, contestants,"; and
on page 2, lines 23 and 24, by replacing ""second corner man" or "coach"" with ""second", "corner man", or "coach""; and
on page 3, lines 1, 4, and 7, by replacing "match" each time it

appears with "contest"; and
on page 4, line 12, after "Chairperson", by inserting "and one member shall be designated as the Vice-chairperson"; and
on page 8, line 29, by replacing "an athletic event" with "a boxing contest"; and
on page 9, immediately below line 22, by inserting the following:

"Persons involved with wrestling exhibitions shall supply the Department with their name, address, telephone number, and social security number and shall meet other requirements as established by rule."; and
on page 9, line 29, after "promoter,", by inserting "professional boxer,"; and
on page 11, line 19, by replacing "registration" with "licensure"; and
on page 16, line 29, by replacing "permit" with "permit, registration,"; and
on page 17, line 2, by replacing "permit holder" with "registration ~~permit holder~~"; and
on page 17, line 8, by replacing "match" with "contest ~~match~~"; and
on page 17, line 33, by replacing "permit" with "permit,"; and
on page 20, line 32, after "license", by inserting "or registration"; and
on page 21, line 1, by replacing "a license" with "a license or

registration"; and
on page 21, line 1, by replacing "the licensee" with "the licensee or registrant"; and
on page 21, lines 2, 4, and 6, by replacing "license" each time it appears with "license or registration"; and
on page 21, line 3, by replacing "licensee" with "licensee or registrant"; and
on page 22, lines 15, 25, and 27, by replacing "license" each time it appears with "license or registration"; and
on page 23, line 3, by replacing "license" with "license or registration"; and
on page 24, line 10, by replacing "license," with "license or registration,"; and
on page 24, line 10, by replacing "a licensee" with "a licensee or registrant"; and
on page 25, line 15, by replacing "certificate holder" with "registrant ~~certificate holder~~"; and
on page 26, lines 14 and 24, by replacing "applicant or licensee" each time it appears with "applicant, licensee, or registrant"; and
on page 26, line 23, by replacing "license" with "license or registration"; and
on page 28, line 16, by replacing "licensure" with "licensure or registration".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 245**, as amended, was returned to the order of third reading.

At the hour of 6:50 o'clock p.m., Senator Dudycz presiding.

On motion of Senator Donahue, **House Bill No. 287** 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 House Bill 287 by replacing the title

with the following:

"AN ACT to amend the Public Utilities Act by changing Section 13-301."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Section 13-301 as follows:

(220 ILCS 5/13-301) (from Ch. 111 2/3, par. 13-301)

(Section scheduled to be repealed on July 1, 2001)

Sec. 13-301. Consistent with the findings and policy established in paragraph (a) of Section 13-102 and paragraph (a) of Section 13-103, and in order to ensure the attainment of such policies, the Commission shall:

(a) participate in all federal programs intended to preserve or extend universal telecommunications service, unless such programs

would place cost burdens on Illinois customers of telecommunications services in excess of the benefits they would receive through participation, provided, however, the Commission shall not approve or permit the imposition of any surcharge or other fee designed to subsidize or provide a waiver for subscriber line charges; and shall report on such programs together with an assessment of their adequacy and the advisability of participating therein in its annual report to the General Assembly, or more often as necessary;

(b) establish a program to monitor the level of telecommunications subscriber connection within each exchange in Illinois, and shall report the results of such monitoring and any actions it has taken or recommends be taken to maintain and increase such levels in its annual report to the General Assembly, or more often if necessary;

(c) order all telecommunications carriers offering or providing local exchange telecommunications service to propose low-cost or budget service tariffs and any other rate design or pricing mechanisms designed to facilitate customer access to such telecommunications service, and shall after notice and hearing, implement any such proposals which it finds likely to achieve such purpose;

(d) investigate the necessity of and create, if appropriate, ~~feasibility of establishing~~ a fund or funds from which eligible telecommunications carriers ~~offering or~~ providing local exchange telecommunications service, whose costs of providing telecommunications services ~~such service~~ exceed the affordable rate ~~average cost~~ of ~~providing~~ such services can ~~service in Illinois, could~~ receive revenues intended to mitigate the price impact on customers resulting from the high ~~or rising~~ cost of such services ~~service~~; provided, however, that to the extent such a fund or funds are established, the Commission shall require that the costs of such funds be recovered from all telecommunications carriers on a competitively neutral basis; as used in this Section, "eligible telecommunications carrier" means a telecommunications carrier that has been designated as an eligible telecommunications carrier by the Commission for a service area designated by the Commission in accordance with 47 U.S.C. 214(e)(2). In creating any fund or funds as described in this subsection, the Commission shall consider the following:

(1) The bundle or group of services to be declared "supported telecommunications services" that constitute "universal service". This bundle or group of services shall at a minimum, include those services as defined by the Federal Communications Commission and as from time to time amended. In addition, the Commission shall consider the range of services currently offered by telecommunications carriers offering local exchange telecommunications service, the existing rate structures

for the supported telecommunications services, and the telecommunications needs of Illinois consumers in determining the supported telecommunications services. The Commission shall, from time to time or upon request, review and, if appropriate, revise the bundle or group of Illinois supported

telecommunications services and the terms of the fund or funds to reflect changes or enhancements in telecommunications needs, technologies, and available services.

(2) The identification of any implicit subsidies contained in rates or charges of eligible telecommunications carriers and how implicit subsidies can be made explicit by the creation of the fund or funds. The identification of explicit subsidies currently received by some local exchange carriers and the need to maintain or transition the existing explicit support through the fund or funds to be created.

(3) The identification of the incumbent local exchange carriers' costs of providing the supported telecommunications services. At the request of any incumbent local exchange carrier or carriers, the use of a proxy for the identification of that local exchange carrier or group of local exchange carriers' costs of providing the supported telecommunications services.

(4) An affordable level of price for the supported telecommunications services for the respective incumbent local exchange carrier. The identification of indices or models for use in establishing or updating the affordable level of price with supported telecommunications services.

(5) The identification of a fund administrator, which shall be an unaffiliated third party. The identification of all eligible telecommunications carriers and the portability criteria and mechanisms to be included within the fund or funds and applied by the fund administrator.

(6) Identification of the telecommunications carriers from whom the cost of the fund or funds shall be recovered and the mechanism to be used to determine and establish a competitively neutral funding basis. The adoption of a minimum contribution exemption to lessen the administrative costs and approve the administrative efficiency of any fund or funds. From time to time, or upon request, the Commission shall consider whether, based upon changes in technology or other factors, additional telecommunications providers should contribute to the fund or funds. The establishment of the basis upon which telecommunications carriers contributing to the fund or funds shall recover contributions also on a competitively neutral basis. ~~and shall include the results and findings of such investigation together with any recommendations for legislative action in its first annual report to the General Assembly in 1986;~~

~~(e)~~ Any telecommunications carrier providing local exchange telecommunications service which offers to its local exchange customers a choice of two or more local exchange telecommunications service offerings shall provide, to any such customer requesting it, once a year without charge, a report describing which local exchange telecommunications service offering would result in the lowest bill for such customer's local exchange service, based on such customer's calling pattern and usage for the previous 6 months. At least once a year, each such carrier shall provide a notice to each of its local exchange telecommunications service customers describing the availability of this report and the specific procedures by which customers may receive it. Such report shall only be available to current and future customers who have received at least 6 months of continuous local exchange service from such carrier.

(Source: P.A. 87-445.)

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

And on that motion, a call of the roll was had resulting as follows:

Yeas 30; Nays 21; Present 5.

The following voted in the affirmative:

Bomke	Geo-Karis	Mahar	Rauschenberger
Bowles	Hawkinson	Maitland	Shadid
Burzynski	Jacobs	Myers	Sieben
Demuzio	Karpiel	Noland	Syverson
Donahue	Lightford	O'Daniel	Walsh, L.
Dudycz	Luechtefeld	Peterson	Watson
Fawell	Madigan, R.	Petka	Weaver
			Welch
			Mr. President

The following voted in the negative:

Berman	Hendon	Madigan, L.	Shaw
Clayborne	Jones, W.	Munoz	Silverstein
Cullerton	Klemm	Obama	Smith
DeLeo	Lauzen	Parker	Sullivan
Dillard	Link	Radogno	Trotter
			Viverito

The following voted present:

Cronin
del Valle
Molaro
O'Malley
Walsh, T.

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 287**, as amended, was returned to the order of third reading.

On motion of Senator O'Malley, **House Bill No. 371** 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 House Bill 371 on page 1, line 10, by deleting "(a)"; and

on page 1, by deleting lines 16 through 23.

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 371**, as amended, was returned to the order of third reading.

On motion of Senator Mahar, **House Bill No. 379** was recalled from the order of third reading to the order of second reading.

Senator Mahar offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 379 by replacing the title with the following:

"AN ACT to amend the Illinois Propane Education and Research Act of 1997 by changing Section 5."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Propane Education and Research Act of 1997 is amended by changing Section 5 as follows:

(430 ILCS 27/5)

Sec. 5. Definitions. In this Act, unless the context otherwise requires:

"Council" means a Propane Education and Research Council created pursuant to Section 10 of this Act;

"Director" means Director of Agriculture or his or her designee;

"Education" means any action to provide information regarding propane, propane equipment, mechanical and technical practices, and propane uses to consumers and members of the propane industry;

"Industry" means those persons involved in the production, transportation, and sale of propane, and the manufacture and distribution of propane utilization equipment;

"Industry trade association" means an organization exempt from tax, under Section 501(c)(3), or (6) of the Internal Revenue Code of 1986, representing the propane industry;

"Odorized propane" means propane which has an odorant added to it;

"Placed into commerce" means delivered, transported for storage, or sold within the State of Illinois;

"Producer" means the owner of propane at the time it is recovered at a gas processing plant or refinery; irrespective of the state where production occurs;

"Propane" means a hydrocarbon whose chemical composition is predominately C_3H_8, whether recovered from natural gas or crude oil, and includes liquified petroleum gases and mixtures thereof;

"Public member" means a member of the Council other than a representative of producers or retail marketers representing significant users of propane, public safety officials, state regulatory officials, or other groups knowledgeable about propane;

"Qualified industry organization" means the Illinois Propane Gas Association, the National Propane Gas Association, the Gas Processors Association, a successor association of these associations, or any other propane industry organization;

"Research" means any type of study, investigation or other activities designed to advance the image, desirability, usage, marketability, efficiency, and safety of propane and to further the

development of such information;

"Retail marketer" means a person engaged primarily in the sale of odorized propane to the ultimate consumer or to retail propane dispensers; and

"Retail propane dispenser" means a person who sells odorized propane to the ultimate consumer but is not engaged primarily in the business of such sales.

(Source: P.A. 90-305, eff. 1-1-98.)".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 379**, as amended, was returned to the order of third reading.

On motion of Senator Mahar, **House Bill No. 452** was recalled from the order of third reading to the order of second reading.

Senator Luechtefeld offered the following amendment and moved its

adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 452 as follows:

on page 3, after line 31, by inserting the following:

"Article 7.

Section 7-5. Upon the payment of the sum of $1 to the State of Illinois, the Director of Central Management Services is authorized to convey by quitclaim deed to the Union County Economic Development Corporation all right, title, and interest in and to the following described land in Union County, Illinois, the property to be used for economic development purposes:

TRACT 1: PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 12 SOUTH, RANGE 1 WEST OF THE THIRD PRINCIPAL MERIDIAN, UNION COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 17; THENCE SOUTH 0 DEGREES 15 MINUTES 36 SECONDS WEST ALONG THE EAST LINE OF THE SAID EAST HALF A DISTANCE OF 2652.95 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF TWIN SPRINGS LOOP; THENCE NORTH 64 DEGREES 54 MINUTES 52 SECONDS WEST ALONG THE SAID RIGHT-OF-WAY LINE A DISTANCE OF 325.39 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. ROUTE 51; THENCE ALONG THE SAID RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT OF RADIUS 11299.19 FEET A DISTANCE ALONG THE ARC OF 1469.30 FEET, THE LONG CHORD OF SAID CURVE BEARING NORTH 3 DEGREES 21 MINUTES 37 SECONDS WEST AND HAVING A LENGTH OF 1468.26 FEET; THENCE NORTH 89 DEGREES 38 MINUTES 06 SECONDS WEST ALONG THE SAID RIGHT-OF-WAY LINE A DISTANCE OF 10.00 FEET; THENCE NORTH 0 DEGREES 21 MINUTES 54 SECONDS EAST ALONG THE SAID RIGHT-OF-WAY LINE A DISTANCE OF 1051.78 FEET TO THE NORTH LINE OF THE SAID EAST HALF; THENCE SOUTH 89 DEGREES 37 MINUTES 27 SECONDS EAST ALONG THE SAID NORTH LINE A DISTANCE OF 396.11 FEET TO THE POINT OF BEGINNING; THE TRACT CONTAINING 22.078 ACRES MORE OR LESS.

TRACT II: PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 12 SOUTH, RANGE 1 WEST OF THE THIRD PRINCIPAL MERIDIAN, UNION COUNTY, ILLINOIS, DESCRIBED AS

FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 17; THENCE NORTH 89 DEGREES 37 MINUTES 27 SECONDS WEST ALONG THE NORTH LINE OF THE SAID QUARTER-QUARTER A DISTANCE OF 686.11 FEET TO THE WESTERLY RIGHT OF WAY LINE OF U.S. ROUTE 51 AND THE POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 21 MINUTES 54 SECONDS WEST ALONG THE SAID RIGHT-OF-WAY LINE A DISTANCE OF 868.45 FEET TO THE NORTHEASTERLY LINE OF THE CITY OF ANNA SEWER PLANT SITE; THENCE NORTH 33 DEGREES 23 MINUTES 40 SECONDS WEST ALONG THE SAID NORTHEASTERLY LINE A DISTANCE OF 563.54 FEET TO THE NORTHEAST CORNER OF THE SAID PLANT SITE; THENCE NORTH 89 DEGREES 37 MINUTES 27 SECONDS WEST ALONG THE NORTH LINE OF THE SAID PLANT SITE AND THE WESTERLY EXTENSION THEREOF A DISTANCE OF 354.66 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF AN EXISTING 40 FEET WIDE PUBLIC ROAD; THENCE ALONG THE SAID RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT OF RADIUS 772.66 FEET A DISTANCE ALONG THE ARC OF 255.47 FEET, THE LONG CHORD OF SAID CURVE BEARING NORTH 2 DEGREES 18 MINUTES 56 SECONDS WEST AND HAVING A LENGTH OF 254.31 FEET; THENCE NORTH 7 DEGREES 09 MINUTES 23 SECONDS EAST A DISTANCE OF 147.00 FEET TO THE NORTH LINE OF THE SAID QUARTER-QUARTER; THENCE SOUTH 89 DEGREES 37 MINUTES 27 SECONDS EAST ALONG THE SAID NORTH LINE A DISTANCE OF 662.33 FEET TO THE POINT OF BEGINNING; THE TRACT CONTAINING 7.903 ACRES MORE OR LESS.

TRACT III: PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 12 SOUTH, RANGE 1 WEST OF THE THIRD PRINCIPAL MERIDIAN, UNION COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 17; THENCE

SOUTH 0 DEGREES 15 MINUTES 36 SECONDS WEST ALONG THE EAST LINE OF THE SAID EAST HALF A DISTANCE OF 1200.00 FEET; THENCE NORTH 89 DEGREES 37 MINUTES 27 SECONDS WEST A DISTANCE OF 707.36 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. ROUTE 51 AND THE POINT OF BEGINNING; THENCE ALONG THE SAID RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT OF RADIUS OF 11619.19 FEET A DISTANCE ALONG THE ARC OF 1415.72 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF A PUBLIC ROAD, THE LONG CHORD OF SAID CURVE BEARING SOUTH 3 DEGREES 51 MINUTES 22 SECONDS EAST AND HAVING A LENGTH OF 1414.84 FEET; THENCE SOUTH 89 DEGREES 14 MINUTES 12 SECONDS WEST ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 156.24 FEET THENCE ALONG THE SAID RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT OF RADIUS 1021.28 FEET A DISTANCE ALONG THE ARC OF 456.02 FEET, THE LONG CHORD OF SAID CURVE BEARING NORTH 77 DEGREES 58 MINUTES 18 SECONDS WEST AND BEING 452.24 FEET LONG; THENCE NORTH 65 DEGREES 10 MINUTES 48 SECONDS WEST ALONG THE SAID RIGHT-OF-WAY LINE A DISTANCE OF 15.75 FEET; THENCE NORTH 24 DEGREES 49 MINUTES 12 SECONDS EAST ALONG THE SAID RIGHT-OF-WAY LINE A DISTANCE OF 300.00 FEET; THENCE NORTH 65 DEGREES 10 MINUTES 48 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 214.37 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF A COUNTY PUBLIC ROAD; THENCE ALONG THE SAID COUNTY RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT OF RADIUS 1397.39 FEET A DISTANCE ALONG THE ARC OF 195.22 FEET, THE LONG CHORD OF SAID CURVE BEARING NORTH 37 DEGREES 55 MINUTES 02 SECONDS EAST AND HAVING A LENGTH OF 195.06 FEET; THENCE NORTH 41 DEGREES 55 MINUTES 10 SECONDS EAST ALONG THE SAID RIGHT-OF-WAY A

DISTANCE OF 231.73 FEET; THENCE ALONG THE SAID RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT OF RADIUS 475.74 FEET A DISTANCE ALONG THE ARC OF 101.02 FEET, THE LONG CHORD OF SAID CURVE BEARING NORTH 35 DEGREES 50 MINUTES 10 SECONDS EAST AND BEING 100.83 FEET LONG; THENCE NORTH 60 DEGREES 14 MINUTES 50 SECONDS WEST ALONG THE SAID RIGHT-OF-WAY LINE A DISTANCE OF 15.00 FEET; THENCE ALONG THE SAID RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT OF RADIUS 460.74 FEET A DISTANCE ALONG THE ARC OF 340.59 FEET, THE LONG CHORD OF SAID CURVE BEARING NORTH 8 DEGREES 34 MINUTES 32 SECONDS EAST AND HAVING A LENGTH OF 332.89 FEET; THENCE ALONG THE SAID RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT OF RADIUS 1001.95 FEET A DISTANCE ALONG THE ARC OF 220.08 FEET TO THE SOUTH LINE OF THE CITY OF ANNA SEWER PLANT SITE, THE LONG CHORD OF SAID CURVE BEARING NORTH 18 DEGREES 53 MINUTES 39 SECONDS WEST AND HAVING A LENGTH OF 219.64 FEET; THENCE SOUTH 89 DEGREES 37 MINUTES 27 SECONDS EAST ALONG THE SAID SOUTH LINE A DISTANCE OF 287.12 FEET TO THE POINT OF BEGINNING; THE TRACT CONTAINING 12.605 ACRES MORE OR LESS.

Also the following:

PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 12 SOUTH, RANGE 1 WEST OF THE THIRD PRINCIPAL MERIDIAN, CITY OF ANNA, UNION COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SAID EAST HALF; THENCE NORTH 89 DEGREES 30 MINUTES 29 SECONDS EAST ALONG THE SOUTH LINE OF THE SAID EAST HALF A DISTANCE OF 66.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF NORTH MAIN STREET; THENCE NORTH 0 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE SAID RIGHT-OF-WAY LINE A DISTANCE OF 263.75 FEET; THENCE NORTH 0 DEGREES 15 MINUTES 54 SECONDS WEST ALONG THE SAID RIGHT-OF-WAY LINE A DISTANCE OF 1104.12 FEET; THENCE NORTH 76 DEGREES 05 MINUTES 39 SECONDS EAST A DISTANCE OF 126.71 FEET; THENCE NORTH 61 DEGREES 39 MINUTES 58 SECONDS EAST A DISTANCE OF 221.94 FEET; THENCE NORTH 71 DEGREES 08 MINUTES 27 SECONDS EAST A DISTANCE OF 149.30 FEET; THENCE NORTH 71 DEGREES 26 MINUTES 01 SECONDS EAST A DISTANCE OF 84.80 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 71

DEGREES 26 MINUTES 01 SECONDS EAST A DISTANCE OF 164.60 FEET; THENCE NORTH 72 DEGREES 17 MINUTES 35 SECONDS EAST A DISTANCE OF 341.78 FEET; THENCE SOUTH 45 DEGREES 48 MINUTES 56 SECONDS EAST A DISTANCE OF 226.60 FEET; THENCE SOUTH 58 DEGREES 06 MINUTES 21 SECONDS EAST A DISTANCE OF 162.78 FEET; THENCE NORTH 69 DEGREES 42 MINUTES 52 SECONDS EAST A DISTANCE OF 92.26 FEET; THENCE SOUTH 67 DEGREES 53 MINUTES 51 SECONDS EAST A DISTANCE OF 139.62 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF LIME KILN ROAD; THENCE SOUTH 5 DEGREES 36 MINUTES 21 SECONDS EAST ALONG THE SAID RIGHT-OF-WAY LINE A DISTANCE OF 470.55 FEET TO THE NORTHEAST CORNER OF THE ILLINOIS DEPARTMENT OF TRANSPORTATION MAINTENANCE YARD TRACT; THENCE SOUTH 89 DEGREES 30 MINUTES 44 SECONDS WEST ALONG THE SAID MAINTENANCE YARD TRACT A DISTANCE OF 393.08 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE SOUTH 0 DEGREES 29 MINUTES 16 SECONDS EAST ALONG THE WEST LINE OF SAID TRACT A DISTANCE OF 511.16 FEET; THENCE SOUTH 89 DEGREES 18 MINUTES 54 SECONDS WEST A DISTANCE OF 250.44 FEET; THENCE NORTH 0 DEGREES 15 MINUTES 54

SECONDS WEST A DISTANCE OF 600.00 FEET; THENCE SOUTH 89 DEGREES 18 MINUTES 54 SECONDS WEST A DISTANCE OF 400.00 FEET; THENCE NORTH 0 DEGREES 15 MINUTES 54 SECONDS WEST A DISTANCE OF 498.70 FEET TO THE POINT OF BEGINNING; THE TRACT CONTAINING 16.309 ACRES MORE OR LESS.

Section 7-10. Upon the payment of the sum of $1 to the State of Illinois, the Director of Central Management Services is authorized to convey by quitclaim deed to the County of Union all right, title, and interest in and to the following described land in Union County, Illinois, the property to be used for economic development purposes:

A PART OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 2 WEST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS COMMENCEING AT THE SOUTHEAST CORNER THEREOF AND RUNNING THENCE NORTHERLY ALONG THE EAST LINE THEREOF A DISTANCE OF 1650.00 FEET TO THE POINT OF BEGINNING; THENCE RUNNING WESTERLY ALONG A LINE WITH A DEFLECTION ANGLE TO THE LEFT OF 99 DEGREES 57 MINUTES 57 SECONDS A DISTANCE OF 3757.10 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF AN ABANDONED RAILROAD; THENCE NORTHERLY ALONG A LINE WITH A DEFLECTION ANGLE TO THE RIGHT OF 94 DEGREES 34 MINUTES 40 SECONDS AND ALONG THE SAID RAILROAD RIGHT-OF-WAY A DISTANCE OF 99.00 FEET TO A POINT; THENCE NORTHERLY ALONG A LINE WITH A DEFLECTION ANGLE TO THE RIGHT OF 27 DEGREES 40 MINUTES 20 SECONDS A DISTANCE OF 429.00 FEET TO A POINT; THENCE NORTHERLY ALONG A LINE WITH A DEFLECTION ANGLE TO THE LEFT OF 12 DEGREES 00 MINUTES 00 SECONDS A DISTANCE OF 295.68 FEET TO A POINT; THENCE WESTERLY ALONG A LINE WITH A DEFLECTION ANGLE TO THE LEFT OF 98 DEGREES 30 MINUTES 00 SECONDS A DISTANCE OF 19.10 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF AN ABANDONED RAILROAD; THENCE NORTHERLY ALONG A LINE WITH A DEFLECTION ANGLE TO THE RIGHT OF 114 DEGREES 56 MINUTES 51 SECONDS AND THE SAID RAILROAD RIGHT-OF-WAY A DISTANCE OF 1155.00 FEET TO A POINT; THENCE EASTERLY ALONG A LINE WITH A DEFLECTION ANGLE TO THE RIGHT OF 64 DEGREES 33 MINUTES 09 SECONDS A DISTANCE OF 499.62 FEET TO A POINT; THENCE NORTHERLY ALONG A LINE WITH A DEFLECTION ANGLE TO THE LEFT OF 67 DEGREES 30 MINUTES 00 SECONDS A DISTANCE OF 336.60 FEET TO A POINT; THENCE NORTHEASTERLY ALONG A LINE WITH A DEFLECTION ANGLE TO THE RIGHT OF 21 DEGREES 00 MINUTES 00 SECONDS A DISTANCE OF 264.00 FEET TO A POINT; THENCE NORTHEASTERLY ALONG A LINE WITH A DEFLECTION ANGLE TO THE RIGHT OF 12 DEGREES 00 MINUTES 00 SECONDS A DISTANCE OF 363.00 FEET TO A POINT; THENCE SOUTHEASTERLY ALONG A LINE WITH A DEFLECTION ANGLE TO THE RIGHT OF 63 DEGREES 00 MINUTES 00 SECONDS A DISTANCE OF 214.50 FEET TO A POINT; THENCE SOUTHEASTERLY ALONG A LINE WITH A DEFLECTION ANGLE TO THE RIGHT OF 1 DEGREE 30 MINUTES 00 SECONDS A DISTANCE

OF 412.50 FEET TO A POINT; THENCE SOUTHEASTERLY ALONG A LINE WITH A DEFLECTION ANGLE TO THE RIGHT OF 12 DEGREES 30 MINUTES 00 SECONDS A DISTANCE OF 330.00 FEET TO A POINT; THENCE SOUTHEASTERLY ALONG A LINE WITH A DEFLECTION ANGLE TO THE RIGHT OF 5 DEGREES 30 MINUTES 00 SECONDS A DISTANCE OF 330.00 FEET TO A POINT; THENCE SOUTHEASTERLY ALONG A LINE WITH A DEFLECTION ANGLE TO THE LEFT OF 10 DEGREES 30 MINUTES 00 SECONDS A DISTANCE OF 528.00 FEET TO A POINT; THENCE SOUTHEASTERLY ALONG ALINE WITH A

DEFLECTION ANGLE TO THE RIGHT OF 18 DEGREES 24 MINUTES 22 SECONDS A DISTANCE OF 858.37 FEET TO THE POINT OF BEGINNING. SITUATED IN UNION COUNTY, ILLINOIS AND CONTAINING 117.16 ACRES MORE OR LESS THEREIN.

Section 7-15. The Director of Central Management Services shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, the appropriate Sections containing the land descriptions of property to be transferred, and this Section within 60 days after this Act's effective date and, upon receipt of payment required by the appropriate Sections, shall record the certified document in the Recorder's office in the county in which the land is located."; and

on page 65, by replacing line 27 with the following:

"point of beginning.

Notwithstanding the property description contained in this paragraph (83), the Village of Schiller Park may not acquire, under the authority of this paragraph (83), any property that is owned by any other unit of local government;".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 452**, as amended, was returned to the order of third reading.

On motion of Senator Fawell, **House Bill No. 604** 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. 1

AMENDMENT NO. 1. Amend House Bill 604 on page 3, line 1, after "dealer", by inserting "and its officers, directors, and employees while acting within the course and scope of their employment"; and

on page 3, by replacing lines 29 and 30 with the following:

"permitted user's insurance shall be primary and the new vehicle dealer's insurance shall apply only in excess of the permitted user's insurance and any other insurance including, but not limited to, underinsured motorists coverage applicable to the permitted user's liability. Where the new vehicle dealer's insurance applies as excess insurance, the limits shall be in the amounts of $100,000 for bodily injury to, or death of, a person, $300,000 for bodily injury to, or death of, 2 or more persons in any one accident, and $50,000 for damage to property.

As used in this paragraph 6, "permitted user" means a person who is not an officer, director, or employee, or a spouse of an officer, director, or employee of the new vehicle dealer and is permitted or authorized to drive a vehicle owned by the new vehicle dealer."; and

on page 10, line 16, after "dealer", by inserting "and its officers, directors, and employees while acting within the course and scope of their employment"; and

on page 11, by replacing lines 10 and 11 with the following:

"Section 7-317, the permitted user's insurance shall be primary and the used vehicle dealer's insurance shall apply only in excess of the

permitted user's insurance and any other insurance including, but not limited to, underinsured motorists coverage applicable to the permitted user's liability. Where the used vehicle dealer's insurance applies as excess insurance, the limits shall be in the amounts of $100,000 for bodily injury to, or death of, a person, $300,000 for bodily injury to, or death of, 2 or more persons in any one accident, and $50,000 for damage to property.

As used in this paragraph 4, "permitted user" means a person who is not an officer, director, or employee or a spouse of an officer, director, or employee of the used vehicle dealer and is permitted or authorized to drive a vehicle owned by the used vehicle dealer."; and

on page 18, by replacing lines 23 through 30 with the following:

"insure permitted users only to the extent provided in paragraph 6 of subsection (b) of Section 5-101 and paragraph 4 of subsection (b) of Section 5-102;"; and

on page 19, by replacing lines 15 through 28 with the following:

"accident.

As used in this subsection (b), "permitted user" means a person who is not an officer, director, or employee or a spouse of an officer, director, or employee of a new or used vehicle dealer and is permitted or authorized to drive a vehicle owned by the new or used vehicle dealer.".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 604**, as amended, was returned to the order of third reading.

On motion of Senator Clayborne, **House Bill No. 702** was recalled from the order of third reading to the order of second reading.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 702 by replacing the title with the following:

"AN ACT in relation to the Metro-East Park and Recreation District."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Metro-East Park and Recreation District Act.

Section 5. Definitions. In this Act:

"Board" means the board of directors of the Metro-East Park and Recreation District

"Chief executive officer" means the chairman of the county board of a county.

"County" means Madison, St. Clair, Monroe, Clinton, or Jersey County.

"District" or "Metro-East District" means the Metro-East Park and Recreation District created under this Act.

"Governing body" means a county board.

"Metro-East Park and Recreation Fund" means the fund held by the district that is the repository for all taxes and other moneys raised by or for the district under this Act.

"Metro-East region" means Madison, St. Clair, Monroe, Clinton, and Jersey Counties.

"Park district" means a park district organized under the Park District Code.

Section 10. Creation of Metro-East Park and Recreation District.

(a) The Metro-East Park and Recreation District may be created, incorporated, and managed under this Section and may exercise the

powers given to the District under this Act. Any county may be included in the Metro-East District if the voters in the county or counties to be included in the District vote to be included in the District. Any recreation system or public parks system that exists within the Metro-East District created under this Section shall remain in existence with the same powers and responsibilities it had prior to the creation of the Metro-East District. Nothing in this Section shall be construed in any manner to limit or prohibit:

(1) later establishment or cessation of any park or recreation system provided for by law; or

(2) any powers and responsibilities of any park or recreation system provided for by law.

(b) When the Metro-East District is organized, it shall be a body corporate and a political subdivision of this State, and the District shall be known as the "Metro-East Park and Recreation District", and in that name may sue and be sued, issue general revenue bonds, and impose and collect taxes or fees under this Act.

(c) The Metro-East District shall have as its primary duty the development, operation, and maintenance of a public system of interconnecting trails and parks throughout the counties comprising the District. The Metro-East District shall supplement but shall not substitute for the powers and responsibilities of the other parks and recreation systems within the Metro-East District and shall have the power to contract with other parks and recreation systems as well as with other public and private entities.

Section 15. Creation of district; referendum.

(a) The governing body of a county may, by resolution, elect to create the Metro-East Park and Recreation District. The Metro-East District shall be established at a referendum on the question of the formation of the district that is submitted to the electors of a county at a regular election and approved by a majority of the electors voting on the question. The governing body must certify the question to the proper election authority, which must submit the question at an election in accordance with the Election Code.

The question must be submitted in substantially the following form:

Shall the Metro-East Park and Recreation District be created for the purposes of improving water quality; increasing park safety; providing neighborhood trails; improving, restoring, and expanding parks; providing disabled and expanded public access to recreational areas; preserving natural lands for wildlife; and maintaining other recreation grounds within the boundaries of the Metro-East Park and Recreation District; and shall (name of county) join any other counties in the Metro-East region that approve the formation of the Metro-East Park and Recreation District, with the authority to impose a Metro-East Park and Recreation District Retailers' Occupation Tax at a rate of

one-tenth of 1% upon all persons engaged in the business of selling tangible personal property at retail in the district on gross receipts on the sales made in the course of their business for the purposes stated above, with 50% of the revenue going to the Metro-East Park and Recreation District and 50% of the revenue returned to the county from which the tax was collected?

The votes must be recorded as "Yes" or "No"

In the proposed Metro-East District that consists of only one county, if a majority of the electors in that county voting on the question vote in the affirmative, the Metro-East District may be organized. In the proposed Metro-East District that consists of more than one county, if a majority of the electors in any county proposed for inclusion in the District voting on the question vote in the affirmative, the Metro-East District may be organized and that county

may be included in the District.

(b) After the Metro-East District has been created, any county eligible for inclusion in the Metro-East District may join the District after the county submits the question of joining the District to the electors of the county at a regular election. The county board must submit the question to the proper election authority, which must submit the question at an election in accordance with the Election Code.

The question must be submitted in substantially the following form:

Shall (name of county) join the Metro-East Park and Recreation District with the authority to impose a Metro-East Park and Recreation District Retailers' Occupation Tax at a rate of one-tenth of 1% upon all persons engaged in the business of selling tangible personal property at retail in the district on gross receipts on the sales made in the course of their business, with 50% of the revenue going to the Metro-East Park and Recreation District and 50% of the revenue returned to the county from which the tax was collected?

The votes must be recorded as "Yes" or "No".

If a majority of the electors voting on the question vote in the affirmative, the county shall be included in the district.

Section 20. Board of directors.

(a) If the Metro-East District is created by only one county, the District shall be managed by a board of directors consisting of 3 members. Two members shall be appointed by the chief executive officer, with the advice and consent of the county board, of the county in which the District is located, and one member shall be appointed by the minority members of county board with the advice and consent of the county board. The first appointment shall be made within 90 days and not sooner than 60 days after the District has been organized. Each member of the board so appointed shall be a legal voter in the District. The first directors shall be appointed to hold office for terms of one, 2, and 3 years, and until June 30 thereafter, respectively, as determined by lot. Thereafter, successors shall be appointed in the same manner no later than the first day of the month in which the term of a director expires. All terms expire if another county joins the District.

A vacancy occurring otherwise than by expiration of term shall be filled in the same manner as the original appointment.

(b) If the Metro-East District is created by more than one county, each county that elects to join the District shall be represented by a certain number of board members. The board members shall be distributed from the counties electing to join the District as follows:

(1) The chief executive officer, with the advice and consent of the county board, of St. Clair county shall appoint 2 members and the minority members of the county board, with the advice and consent of the county board, shall appoint one member.

(2) The chief executive officer, with the advice and consent of the county board, of Madison County shall appoint 2 members and the minority members of the county board, with the advice and consent of the county board, shall appoint one member.

(3) The chief executive officer, with the advice and consent of the county board, of Clinton County shall appoint one member.

(4) The chief executive officer, with the advice and consent of the county board, of Jersey County shall appoint one member.

(5) The chief executive officer, with the advice and consent of the county board, of Monroe County shall appoint one member.

The board members shall serve 3-year terms, except that board members first appointed shall be appointed to serve terms of one, 2,

or 3 years as determined by lot, provided that board members from counties eligible to appoint more than one member may not serve identical initial terms. On the expiration of the initial terms of appointment and on the expiration of any subsequent term, the resulting vacancy shall be filled in the same manner as the original appointment. Board members shall serve until their successors are appointed. Board members are eligible for reappointment.

(c) No board member may hold a public office in any county within the Metro-East District, other than the office of notary public. Board members must be citizens of the United States and they must reside within the county from which they are appointed. No board member may receive compensation for performance of duties as a board member. No board member may be financially interested directly or indirectly in any contract entered into under this Act.

(d) Promptly after their appointment, the initial board members shall hold an organizational meeting at which they shall elect a president and any other officers that they deem necessary from among their number. The members shall make and adopt any bylaws, rules, and regulations for their guidance and for the government of the parks, neighborhood trails, and recreational grounds and facilities that may be expedient and not inconsistent with this Act.

(5) Board members shall have the exclusive control of the expenditures of all money collected to the credit of the Metro-East Park and Recreation Fund created pursuant to Section 35, and of the supervision, improvement, care, and custody of public parks, neighborhood trails, recreational facilities, and grounds owned, maintained, or managed by the Metro-East District. All moneys received for those purposes shall be deposited in the Metro-East Park and Recreation Fund. The board shall have power to purchase or

otherwise secure ground to be used for parks, neighborhood trails, recreational facilities, and grounds; shall have power to appoint suitable persons to maintain the parks, neighborhood trails, recreational grounds, and facilities and to administer recreational programs and to fix their compensation; and shall have power to remove those appointees. The board shall keep accurate records of all its proceedings and actions and shall comply with the provisions of the Open Meetings Act and the Freedom of Information Act.

Section 25. Powers and duties.

(a) The Metro-East Park and Recreation District has the power to:

(1) issue bonds, notes, or other obligations for any of the purposes of the District, and to refund the bonds, notes, or obligations, as provided in Section 40;

(2) contract, as provided by law, with public and private entities or individuals both within and without the State and contract with the United States or any agency thereof in furtherance of any of the purposes of the District;

(3) own, hold, control, lease, purchase from willing sellers, contract, and sell any and all rights in land, buildings, improvements, and any and all other real, personal, or mixed property, provided that real property within a county may be purchased by the District only if a majority of the board members from the county in which the real property is located consent to the acquisition;

(4) receive property, both real and personal, or money that has been granted, donated, devised, or bequeathed to the District;

(5) establish and collect reasonable charges for the use of the facilities of the District; and

(6) maintain an office and staff at any place or places in this State that it may designate and conduct any business and

operations that are necessary to fulfill the District's duties under this Section.

(b) When a public highway, street, or road extends into or through a public trail, trail area, or park area of the Metro-East District, or when a public highway, street, or road forms all or part of a suitable connection between 2 or more public trails, trail areas, or park areas within the Metro-East District, and it is advisable by the board to make alterations in the route or width of the highway or to grade, drain, pave, or otherwise improve the highway, the board may enter into agreements, consistent with the purposes of the Metro-East District, with the public agency in control of the portion of the highway, street, or road that lies within any, or forms any part of, a connecting link to and between any public trail, trail area, or park area of the Metro-East District. Any agreement with any public agency must be consistent with the provisions of the Intergovernmental Cooperation Act.

This subsection does not alter the legal status of the highway, street, or road in any way.

(c) The Metro-East District does not have any power of eminent domain.

Section 30. Taxes.

(a) The board shall impose a tax upon all persons engaged in the business of selling tangible personal property, other than personal property titled or registered with an agency of this State's government, at retail in the District on the gross receipts from the sales made in the course of business. This tax shall be imposed only at the rate of one-tenth of one per cent.

This additional tax may not be imposed on the sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food which has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics. The tax imposed by the Board under this Section and all civil penalties that may be assessed as an incident of the tax shall be collected and enforced by the Department of Revenue. The certificate of registration that is issued by the Department to a retailer under the Retailers' Occupation Tax Act shall permit the retailer to engage in a business that is taxable without registering separately with the Department under an ordinance or resolution under this Section. The Department has full power to administer and enforce this Section, to collect all taxes and penalties due under this Section, to dispose of taxes and penalties so collected in the manner provided in this Section, and to determine all rights to credit memoranda arising on account of the erroneous payment of a tax or penalty under this Section. In the administration of and compliance with this Section, the Department and persons who are subject to this Section shall (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and (iii) employ the same modes of procedure as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2, 2-5, 2-5.5, 2-10 (in respect to all provisions contained in those Sections other than the State rate of tax), 2-15 through 2-70, 2a, 2b, 2c, 3 (except provisions relating to transaction returns and quarter monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act and the Uniform Penalty and Interest Act as if those provisions were set forth in this Section.

Persons subject to any tax imposed under the authority granted in this Section may reimburse themselves for their sellers' tax

liability by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the Use Tax Act, pursuant to such bracketed schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the State Metro-East Park

and Recreation District Fund.

(b) If a tax has been imposed under subsection (a), a service occupation tax shall also be imposed at the same rate upon all persons engaged, in the District, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the District as an incident to a sale of service. This tax may not be imposed on sales of food for human consumption that is to be consumed off the premises where it is sold (ohter than alcoholic beverages, soft drinks, and food prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics. The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department of Revenue. The Department has full power to administer and enforce this subsection; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with this subsection, the Department and persons who are subject to this paragraph shall (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions, and definitions of terms, and (iii) employ the same modes of procedure as are prescribed in Sections 2 (except that the reference to State in the definition of supplier maintaining a place of business in this State shall mean the District), 2a, 2b, 2c, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the District), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the District), 9 (except as to the disposition of taxes and penalties collected), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the District), Section 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their serviceman's tax liability by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this subsection to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to

the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the State

Metro-East Park and Recreation District Fund.

Nothing in this subsection shall be construed to authorize the board to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by the State.

(c) The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected under this Section to be deposited into the State Metro-East Park and Recreation District Fund, which shall be an unappropriated trust fund held outside of the State treasury. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money pursuant to Section 35 of this Act to the District from which retailers have paid taxes or penalties to the Department during the second preceding calendar month. The amount to be paid to the District shall be the amount (not including credit memoranda) collected under this Section during the second preceding calendar month by the Department plus an amount the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body, and not including (i) an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of the District and (ii) any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the District. Within 10 days after receipt by the Comptroller of the disbursement certification to the District provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with directions contained in the certification.

(d) For the purpose of determining whether a tax authorized under this Section is applicable, a retail sale by a producer of coal or another mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or another mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the United States Constitution as a sale in interstate or foreign commerce.

(e) Nothing in this Section shall be construed to authorize the board to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by this State.

(f) An ordinance imposing a tax under this Section or an ordinance extending the imposition of a tax to an additional county or counties shall be certified by the board and filed with the Department of Revenue either (i) on or before the first day of April, whereupon the Department shall proceed to administer and enforce the tax as of the first day of July next following the filing; or (ii) on or before the first day of October, whereupon the Department shall proceed to administer and enforce the tax as of the first day of January next following the filing.

(g) When certifying the amount of a monthly disbursement to the District under this Section, the Department shall increase or decrease the amounts by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a misallocation is discovered.

Section 35. Allocation of moneys collected. The taxes authorized

by Section 30 of this Act shall be allocated as follows:

(1) Fifty percent of the amounts collected from each county

shall be returned to the Metro-East District for distribution by the District to each respective county for park and recreation purposes, except that not less than 50% of the amount returned to the county shall be allocated for distribution annually to park districts and municipal park and recreation departments within the county in the form of grants. Each county in the district shall establish a grant commission of not less than 3 members with equal representation from the county board and municipalities and park districts in the county. The grant commission shall award grants to park districts and municipalities for park and recreation purposes.

(2) Fifty percent of the amounts collected from each county shall be retained by the District for deposit by the District into the Metro-East Park and Recreation District Fund.

Section 40. Bonds. The board of the District created under this Act may issue and sell revenue bonds, payable from the revenue derived from taxes imposed under Section 30, for any of the purposes enumerated in this Act or for the purpose of refunding any revenue bonds theretofore issued from time to time when considered necessary or advantageous in the public interest. These bonds shall be authorized by an ordinance without submission thereof to the electors of the District, shall mature at any time not to exceed 40 years from the date of issue, shall bear any rate of interest not to exceed the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract, that the board may determine, and may be sold by the board in any manner that it deems best in the public interest. However, the bonds shall be sold at any price that the interest cost of the proceeds therefrom will not exceed the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract, based on the average maturity of the bonds and computed according to standard tables of bond values. No member of the board shall have any personal economic interest in any bonds issued in accordance with this Section.

The board of the District, when availing itself of the provisions of this Section, shall adopt an ordinance describing in a general way the purposes for which the bonds will be issued. The ordinance shall fix the amount of revenue bonds proposed to be issued, the maturity, interest rate, and all details in respect thereof, including any provision for redemption prior to maturity, with or without premium, and upon any notice that may be provided by the ordinance.

Revenue bonds issued under this Section shall be signed by the chairman and secretary of the board or any other officers that the board may by ordinance direct to sign the bonds, and shall be payable from revenue derived from taxes imposed under Section 30. These bonds may not in any event constitute an indebtedness of the District within the meaning of any constitutional provision or limitation. It shall be plainly written or printed on the face of each bond that the bond has been issued under the provisions of this Section, that the bond, including the interest thereon, is payable from the revenue pledged to the payment thereof, and that it does not constitute an indebtedness or obligation of the District within the meaning of any

constitutional or statutory limitation or provision. No holder of any such revenue bond may compel any exercise of the taxing power of the district to pay the bond or interest thereon.

The District may not issue any bonds under this Section unless a public hearing, with adequate notice to the public, is held prior to the issuance of the bonds. Notice of the hearing giving the purpose, time, and place of the hearing shall be published at least once, not more than 30 nor less than 15 days before the hearing, in one or more newspapers published in the District.

Section 45. Report. The board shall, by the end of the District's fiscal year, submit a financial report to the State

Comptroller.

Section 900. The Property Tax Code is amended by changing Section 15-105 as follows:

(35 ILCS 200/15-105)

Sec. 15-105. Park and conservation districts. All property within a park or conservation district with 2,000,000 or more inhabitants and owned by that district is exempt, as is all property located outside the district but owned by it and used as a nursery, garden, or farm for the growing of shrubs, trees, flowers and plants for use in beautifying, maintaining and operating playgrounds, parks, parkways, public grounds, and buildings owned or controlled by the district.

Also exempt is all property belonging to any park or conservation district with less than 2,000,000 inhabitants, and all property leased to a park district for $1 or less per year and used exclusively as open space for recreational purposes, not exceeding 20 acres in the aggregate for each district.

Also exempt is all property belonging to a park district organized pursuant to the Metro-East Park and Recreation District Act.

(Source: P.A. 78-371; 88-455.)

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 702**, as amended, was returned to the order of third reading.

On motion of Senator Watson, **House Bill No. 777** 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 House Bill 777, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, on page 4, line 20, by inserting after "Department." the following:

"Any nursing facility that accepts these committed persons must first obtain approval from the municipality in which the facility is located. A nursing facility that accepts these committed persons may

not be located in a residential neighborhood."; and
on page 4, line 25, by inserting after "Section." the following:
"A committed person who is subject to the provisions of subdivision (a)(2) of Section 3-6-3 of this Code does not qualify for transfer.".

The motion prevailed.
And the amendment was adopted, and ordered printed.
And **House Bill No. 777**, as amended, was returned to the order of third reading.

On motion of Senator Jacobs, **House Bill No. 835** was recalled from the order of third reading to the order of second reading.
Senator Jacobs offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 835 as follows:
on page 1, below line 20, by inserting the following:
"This Section does not apply to municipalities with more than 500,000 inhabitants.".

The motion prevailed.
And the amendment was adopted, and ordered printed.
And **House Bill No. 835**, as amended, was returned to the order of third reading.

On motion of Senator Geo-Karis, **House Bill No. 845** was recalled from the order of third reading to the order of second reading.
Floor Amendment No. 2 was held in the Committee on Local Government.
Senator Rauschenberger offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 845, AS AMENDED, on page 1, by replacing lines 1 and 2 with the following:
"AN ACT in relation to sanitary districts, amending named Acts."; and
on page 6, by inserting immediately after line 8 the following:
Section 10. The Sanitary District Act of 1917 is amended by changing Section 3 as follows:
(70 ILCS 2405/3) (from Ch. 42, par. 301)
Sec. 3. A board of trustees shall be created, consisting of 5 members in any sanitary district which includes one or more municipalities with a population of over 90,000 but less than 500,000 according to the most recent Federal census, and consisting of 3 members in any other district. However, for the Fox River Water Reclamation District the board of trustees shall consist of 5 members. Each board of trustees shall be created for the government, control and management of the affairs and business of each sanitary district organized under this act shall be created in the following manner:
(1) If the district is located wholly within a single county, the presiding officer of the county board, with the advice and

consent of the county board, shall appoint the trustees for the district;

(2) If the district is located in more than one county, the members of the General Assembly whose legislative districts encompass any portion of the district shall appoint the trustees for the district.

In any sanitary district which shall have a 3 member board of trustees, within 60 days after the adoption of such act, the appropriate appointing authority shall appoint three trustees not more than 2 of whom shall be from one incorporated city, town or village in districts in which are included 2 or more incorporated cities, towns or villages, or parts of 2 or more incorporated cities, towns or villages, who shall hold their office respectively for 1, 2 and 3 years, from the first Monday of May next after their appointment and until their successors are appointed and have qualified, and thereafter on or before the second Monday in April of each year the appropriate appointing authority shall appoint one trustee whose term shall be for 3 years commencing the first Monday in May of the year in which he is appointed. The length of the term of the first trustees shall be determined by lot at their first meeting.

In the case of any sanitary district created after January 1, 1978 in which a 5 member board of trustees is required, the appropriate appointing authority shall appoint 5 trustees, one of whom shall hold office for one year, two of whom shall hold office for 2 years, and 2 of whom shall hold office for 3 years from the first Monday of May next after their respective appointments and until their successors are appointed and have qualified. Thereafter, on or before the second Monday in April of each year the appropriate

appointing authority shall appoint one trustee or 2 trustees, as shall be necessary to maintain a 5 member board of trustees, whose terms shall be for 3 years commencing the first Monday in May of the year in which they are respectively appointed. The length of the terms of the first trustees shall be determined by lot at their first meeting.

In any sanitary district created prior to January 1, 1978 in which a 5 member board of trustees is required as of January 1, 1978, the two trustees already serving terms which do not expire on May 1, 1978 shall continue to hold office for the remainders of their respective terms, and 3 trustees shall be appointed by the appropriate appointing authority by April 10, 1978 and shall hold office for terms beginning May 1, 1978. Of the three new trustees, one shall hold office for 2 years and 2 shall hold office for 3 years from May 1, 1978 and until their successors are appointed and have qualified. Thereafter, on or before the second Monday in April of each year the appropriate appointing authority shall appoint one trustee or 2 trustees, as shall be necessary to maintain a 5 member board of trustees, whose terms shall be for 3 years commencing the first Monday in May of the year in which they are respectively appointed. The lengths of the terms of the trustees who are to hold office beginning May 1, 1978 shall be determined by lot at their first meeting after May 1, 1978.

No more than 3 members of a 5 member board of trustees may be of the same political party; except that in any sanitary district which otherwise meets the requirements of this Section and which lies within 4 counties of the State of Illinois~~,~~ or in the Fox River Water Reclamation District; the appointments of the 5 members of the board of trustees shall be made without regard to political party.

Within 60 days after the release of Federal census statistics showing that a sanitary district having a 3 member board of trustees contains one or more municipalities with a population over 90,000 but less than 500,000, the appropriate appointing authority shall appoint 2 additional trustees to the board of trustees, one to hold office for 2 years and one to hold office for 3 years from the first Monday of May next after their appointment and until their successors are appointed and have qualified. The lengths of the terms of these two additional members shall be determined by lot at the first meeting of the board of trustees held after the additional members take office. The three trustees already holding office in the sanitary district shall continue to hold office for the remainders of their respective terms. Thereafter, on or before the second Monday in April of each year the appropriate appointing authority shall appoint one trustee or 2 trustees, as shall be necessary to maintain a 5 member board of trustees, whose terms shall be for 3 years commencing the first Monday in May of the year in which they are respectively appointed.

If any sanitary district having a 5 member board of trustees shall cease to contain one or more municipalities with a population over 90,000 but less than 500,000 according to the most recent Federal census, then, for so long as that sanitary district does not contain one or more such municipalities, on or before the second Monday in April of each year the appropriate appointing authority shall appoint one trustee whose term shall be for 3 years commencing the first Monday in May of the year in which he is appointed. In districts which include 2 or more incorporated cities, towns, or villages, or parts of 2 or more incorporated cities, towns, or villages, all of the trustees shall not be from one incorporated city, town or village.

If a vacancy occurs on any board of trustees, the appropriate appointing authority shall within 60 days appoint a trustee who shall hold office for the remainder of the vacated term.

The appointing authority shall require each of the trustees to enter into bond, with security to be approved by the appointing authority, in such sum as the appointing authority may determine.

A majority of the board of trustees shall constitute a quorum but a smaller number may adjourn from day to day. No trustee or employee of such district shall be directly or indirectly interested in any contract, work or business of the district, or the sale of any article, the expense, price or consideration of which is paid by such district; nor in the purchase of any real estate or property belonging to the district, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the district. Provided, that nothing herein shall be construed as prohibiting the appointment or selection of any person as trustee or employee whose only interest in the district is as owner of real

estate in the district or of contributing to the payment of taxes levied by the district. The trustees shall have the power to provide and adopt a corporate seal for the district.

Notwithstanding any other provision in this Section, in any sanitary district created prior to the effective date of this amendatory Act of 1985, in which a five member board of trustees has been appointed and which currently includes one or more municipalities with a population of over 90,000 but less than 500,000, the board of trustees shall consist of five members.
(Source: P.A. 89-502, eff. 6-28-96.)

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

Senator Geo-Karis offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend House Bill 845 on page 1, lines 2 and 6, by deleting "4.1," each time it appears; and
on page 1, by deleting lines 8 through 31; and
on page 2, by deleting lines 1 through 4.

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

And **House Bill No. 845**, as amended, was returned to the order of third reading.

On motion of Senator Watson, **House Bill No. 878** 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 House Bill 878, AS AMENDED, by deleting Sections 3, 10, and 15.

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 878**, as amended, was returned to the order of third reading.

On motion of Senator Dillard, **House Bill No. 953** was recalled from the order of third reading to the order of second reading.

Senator Philip offered the following amendment:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 953 by replacing the title

with the following:

"AN ACT to amend the Election Code by changing Section 7-8."; and by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Section 7-8 as follows:

(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 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.

After the effective date of this amendatory Act of the 91st General Assembly, whenever a vacancy occurs in the office of Chairman of a State central committee, or at the end of the term of office of Chairman, the State central committee of each political party that has selected Alternative A shall elect a Chairman who shall not be required to be a member of the State Central Committee. The Chairman shall be a registered voter in this State and of the same political party as 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.

The Chairman of a State central committee composed as provided in this Alternative B must be selected from the committee's members.

Except as provided for in Alternative A with respect to the selection of the Chairman of the State central committee, 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 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 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 primary 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.)

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.

And **House Bill No. 953**, as amended, was returned to the order of third reading.

On motion of Senator Dillard, **House Bill No. 1117** 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 House Bill 1117, AS AMENDED, in Section 5, Sec. 17.5, in the sentence beginning "Whenever applicable law provides", by deleting "valid".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 1117**, as amended, was returned to the order of third reading.

On motion of Senator Myers, **House Bill No. 1162** was recalled from the order of third reading to the order of second reading.

Senator Myers offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1162, on page 2, by replacing line 27 with the following:

"sentencing order when the hearing involves a probationer or defendant who has transferred or moved from the county having jurisdiction over the original charge or sentence. For the purposes of this subsection (c),".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 1162**, as amended, was returned to the order of third reading.

On motion of Senator Cronin, **House Bill No. 1194** was recalled from the order of third reading to the order of second reading.

Senator Cronin offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1194 on page 3, by replacing lines 31 and 32 with the following:

"while on school grounds, that finding shall create a presumption that immediate and urgent necessity exists under subdivision (2) of Section 5-501 of this Act. Once the presumption of immediate and urgent necessity has been raised, the burden of demonstrating the lack of immediate and urgent necessity shall be on any party that is opposing detention for the minor. Should the court order detention pursuant to this Section, the minor"; and

on page 4, by deleting line 1.

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 1194**, as amended, was returned to the order of third reading.

On motion of Senator Obama, **House Bill No. 1232** was recalled from the order of third reading to the order of second reading.

Senator Obama offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1232 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by adding Section 4-1.6b as follows:

(305 ILCS 5/4-1.6b new)

Sec. 4-1.6b. Child Support Pays Program.

(a) There is created the Child Support Pays Program under which the Department shall pay to families receiving cash assistance under this Article who have earned income an amount equal to whichever of the following is greater: (1) two-thirds of the current monthly child support collected on behalf of the members of the assistance unit; or (2) the amount of current monthly child support collected on behalf of the members of the assistance unit required to be paid to the family pursuant to administrative rule. The child support passed through to a family pursuant to this Section shall not affect the family's eligibility for assistance or decrease any amount otherwise payable as assistance to the family under this Article until the family's gross income from employment, non-exempt unearned income, and the gross current monthly child support collected on the family's behalf equals or exceeds 3 times the payment level for the assistance

unit, at which point cash assistance to the family may be terminated.

(b) In consultation with the Child Support Advisory Committee, the Department shall conduct an evaluation of the Child Support Pays Program by December 31, 2003. The evaluation shall include but not be limited to:

(1) the amount of child support collections on behalf of children of TANF recipients who have earned income compared with TANF recipients who do not have earned income;

(2) the regularity of child support payments made on behalf of children of TANF recipients who have earned income, both with respect to newly established child support orders and existing orders; and

(3) the number of parentage establishments for children of TANF recipients who have earned income.

In order to be able to evaluate the Child Support Pays Program, the Department shall conduct an outreach program to publicize the availability of the Program to TANF recipients.".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 1232**, as amended, was returned to the order of third reading.

On motion of Senator Dillard, **House Bill No. 1304** was recalled from the order of third reading to the order of second reading.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1304, on page 1, line 22, by inserting after "pending." the following:

"However, the period within which a prosecution must be commenced includes any period in which the State brings a proceeding or an appeal from a proceeding specified in this subsection (d).".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 1304**, as amended, was returned to the order of third reading.

On motion of Senator Luechtefeld, **House Bill No. 1318** was recalled from the order of third reading to the order of second reading.

Senator Luechtefeld offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1318, on page 1, immediately below line 9, by inserting the following:

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 1318**, as amended, was returned to the order of third reading.

On motion of Senator Dillard, **House Bill No. 1464** was recalled from the order of third reading to the order of second reading.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1464, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 12, by replacing line 15 with the following:

"If a unit of local government or school district provides by ordinance or resolution to operate under this subsection, it must enter".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 1464**, as amended, was returned to the order of third reading.

On motion of Senator L. Walsh, **House Bill No. 1538** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1538 on page 1, line 8, by replacing "any" with "community care program".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 1538**, as amended, was returned to the order of third reading.

On motion of Senator Viverito, **House Bill No. 1617** was recalled from the order of third reading to the order of second reading.

Senator Viverito offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1617, on page 2, by replacing lines 1 through 4 with the following:

"(6) Two or more substantiated complaints against a facility for violations of Sections 2-108 and 2-110 for which the Department issues a notice of violation under Section 3-301 and for which an accepted plan of correction was not complied with.; and

on page 3, immediately below line 6, by inserting the following:

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 1617**, as amended, was returned to the order of third reading.

On motion of Senator Cronin, **House Bill No. 1670** was recalled from the order of third reading to the order of second reading.

Senator Cronin offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1670, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 3, line 28, by replacing "A" with "Until February 15, 2000, a"; and on page 4, line 4, after the period, by inserting the following: "Alternatively, beginning February 15, 2000, at the end of the 4-year validity period, persons who were issued a standard alternative

teaching certificate shall be eligible, on the same basis as holders of an Initial Teaching Certificate issued under subsection (b) of Section 21-2 of this Code, to apply for a Standard Teaching Certificate, provided they meet the requirements of subsection (c) of Section 21-2 of this Code.

Beginning February 15, 2000, persons who have completed the requirements for a standard alternative teaching certificate under this Section shall be issued an Initial Alternative Teaching Certificate valid for 4 years of teaching and not renewable. At the end of the 4-year validity period, these persons shall be eligible, on the same basis as holders of an Initial Teaching Certificate issued under subsection (b) of Section 21-2 of this Code, to apply for a Standard Teaching Certificate, provided they meet the requirements of subsection (c) of Section 21-2.".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 1670**, as amended, was returned to the order of third reading.

On motion of Senator Peterson, **House Bill No. 1695** 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 House Bill 1695 on page 1, line 11, by replacing "person" with "mortgage lender as defined in Section 1-90".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 1695**, as amended, was returned to the order of third reading.

On motion of Senator T. Walsh, **House Bill No. 1697** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1697 on page 1, line 30, by replacing "payment" with "payment, unless the check or credit card charge was dishonored through no fault of the payor".

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

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1697 on page 1, line 27, by deleting "renewal policy,"; and
on page 3, line 2, by deleting "renewal policy,"; and
on page 3, line 3, by deleting "renewal"; and
on page 3, line 4, by deleting "policy,".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 1697**, as amended, was returned to the order of third reading.

On motion of Senator Syverson, **House Bill No. 1832** was recalled from the order of third reading to the order of second reading.

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1832 on page 2, by replacing lines 23 through 27 with the following:
"purchasing prescription drugs or prescription medical devices approved by the Food and Drug Administration shall be covered".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 1832**, as amended, was returned to the order of third reading.

On motion of Senator Bomke, **House Bill No. 1860** 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 House Bill 1860, on page 3, line 15, after "taken", by inserting "or for 5 years from the end of litigation"; and
on page 4, line 2, after "years", by inserting "from the end of litigation".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 1860**, as amended, was returned to the order of

third reading.

On motion of Senator Berman, **House Bill No. 1978** was recalled from the order of third reading to the order of second reading.

Senator Berman offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1978 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 5-1121 as follows:

(55 ILCS 5/5-1121)

Sec. 5-1121. Demolition, repair, or enclosure.

(a) The county board of each county may ~~upon a formal request by the city, village or incorporated town~~ 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 county, but outside the territory of any 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 any such county may upon a formal request by the city, village, or incorporated town demolish, repair or cause the demolition or repair of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of any city, village, or incorporated town having a population of less than 50,000.

The county board 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 to do so, have failed to commence proceedings 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 and the posting of such notice upon the premises sought to be demolished or repaired 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.

The cost of the demolition, repair, enclosure, or removal incurred by the county, 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 county, 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 county, 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 county, 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 (b), 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 county, 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 county 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 (b).

If the appropriate official of any county determines that any dangerous and unsafe building or uncompleted and abandoned building

within its territory fulfills the requirements for an action by the county under the Abandoned Housing Rehabilitation Act, the county may petition under that Act in a proceeding brought under this subsection.

(b) In any case where a county has obtained a lien under subsection (a), the county may enforce the lien under this subsection (b) in the same proceeding in which the lien is authorized.

A county desiring to enforce a lien under this subsection (b) 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). 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 (b) 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 county, 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 county from the owner or owners of the real estate. If the court denies the petition, the county may enforce the lien in a separate action as provided in subsection (a).

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 (b), 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.

(c) In addition to any other remedy provided by law, the county board of any county may petition the circuit court to have property declared abandoned under this subsection (c) 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 county, however, may proceed under this subsection in a proceeding brought under subsection (a). Notice of the petition shall be served by certified or registered mail on all persons who were served notice under subsection (a).

If the county 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 county 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 county 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 county of all costs incurred by the county 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 county may petition the court to issue a judicial deed for the property to the county. 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.

(d) Each county 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 building is 2 stories or less in height as defined by the county's building code, and the official designated to be in charge of enforcing the county'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 county.

Not later than 30 days following the posting of the notice, the county 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 county 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 county 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 county 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 county board 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 county board 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 county 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 county 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 county, then the county 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 county 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 county

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 county in undertaking the remedial actions authorized under this subsection; (iii) the date or dates the expenses were incurred by the county; (iv) a statement by the 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 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 county as provided in subsection (a).

(e) In any case where a county has obtained a lien under subsection (a), the county may also bring an action for a money judgment against the owner or owners of the real estate in the amount of the lien in the same manner as provided for bringing causes of action in Article II of the Code of Civil Procedure and, upon obtaining a judgment, file a judgment lien against all of the real estate of the owner or owners and enforce that lien as provided for in Article XII of the Code of Civil Procedure.

(Source: P.A. 89-585, eff. 1-1-97; 90-14, eff. 7-1-97; 90-517, eff. 8-22-97; revised 3-4-99.)

Section 10. 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 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 release or a substantial threat of a release of a hazardous substance 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. 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. 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 release of or a substantial threat of a release of a hazardous substance 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 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).

(g) In any case where a municipality has obtained a lien under subsection (a), the municipality may also bring an action for a money judgment against the owner or owners of the real estate in the amount of the lien in the same manner as provided for bringing causes of action in Article II of the Code of Civil Procedure and, upon obtaining a judgment, file a judgment lien against all of the real estate of the owner or owners and enforce that lien as provided for in Article XII of the Code of Civil Procedure.

(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.

And **House Bill No. 1978**, as amended, was returned to the order of third reading.

On motion of Senator Munoz, **House Bill No. 2042** was recalled from the order of third reading to the order of second reading.

Senator Munoz offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2042, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, line 19, by deleting "aggravated assault,".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 2042**, as amended, was returned to the order of third reading.

On motion of Senator Shadid, **House Bill No. 2081** was recalled from the order of third reading to the order of second reading.

Senator Shadid offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2081 by replacing the title with the following:

"AN ACT concerning funeral and cemetery services, amending named Acts."; and

on page 1, after line 4, by inserting the following:

"Section 2. The Illinois Funeral or Burial Funds Act is amended by changing Section 1 as follows:

(225 ILCS 45/1) (from Ch. 111 1/2, par. 73.101)

Sec. 1. Payment under pre-need contract. Except as otherwise provided in this Section, all sales proceeds paid to any person, partnership, association or corporation with respect to merchandise or services covered by this Act, upon any agreement or contract, or any series or combination of agreements or contracts, which has for a purpose the furnishing or performance of funeral services, or the furnishing or delivery of any personal property, merchandise, or services of any nature in connection with the final disposition of a dead human body, including, but not limited to, outer burial containers, urns, combination casket-vault units, caskets and clothing, for future use at a time determinable by the death of the person or persons whose body or bodies are to be so disposed of, shall be held to be trust funds, and shall be placed in trust in accordance with Sections 1b and 2, or shall be used to purchase life insurance or annuities in accordance with Section 2a. The person, partnership, association or corporation receiving said payments under

a pre-need contract is hereby declared to be a trustee thereof until deposits of funds are made in accordance with Section 1b or 2a of this Act. Persons holding less than $500,000 in trust funds may continue to act as the trustee after the funds are deposited in accordance with subsection (d) of Section 1b.

Nothing in this Act shall be construed to prohibit the inclusion of outer burial containers in sales contracts under the Illinois Pre-Need Cemetery Sales Act.

(Source: P.A. 88-477.)"; and

by replacing lines 27 and 28 with the following:

"Section 10. The Illinois Pre-Need Cemetery Sales Act is amended by changing Sections 4, 14, 15, and 20 as follows:

(815 ILCS 390/4) (from Ch. 21, par. 204)

Sec. 4. Definitions. As used in this Act, the following terms shall have the meaning specified:

(a) "Pre-need sales contract" or "Pre-need sales" means any agreement or contract or series or combination of agreements or contracts which have for a purpose the sale of cemetery merchandise, cemetery services or undeveloped interment, entombment or inurnment

spaces where the terms of such sale require payment or payments to be made at a currently determinable time and where the merchandise, services or completed spaces are to be provided more than 120 days following the initial payment on the account.

(b) "Delivery" occurs when:

(1) physical possession of the merchandise is transferred or the easement for burial rights in a completed space is executed, delivered and transferred to the buyer; or

(2) title to the merchandise has been transferred to the buyer and the merchandise has been paid for and is in the possession of the seller who has placed it, until needed, at the site of its ultimate use; or

(3) (A) ~~A.~~ the merchandise has been permanently identified with the name of the buyer or the beneficiary and delivered to a licensed and bonded warehouse and both title to the merchandise and a warehouse receipt have been delivered to the purchaser or beneficiary; except that in the case of outer burial containers, the use of a licensed and bonded warehouse as set forth in this paragraph shall not constitute delivery for purposes of this Act. Nothing herein shall prevent a seller from perfecting a security interest in accordance with the Uniform Commercial Code on any merchandise covered under this Act.

(B) ~~B.~~ All warehouse facilities to which sellers deliver merchandise pursuant to this Act shall:

(i) be either located in the State of Illinois or qualify as a foreign warehouse facility as defined herein;

(ii) submit to the Comptroller not less than annually, by March 1 of each year, a report of all cemetery merchandise stored by each licensee under this Act which is in storage on the date of the report;

(iii) permit the Comptroller or his designee at any time to examine stored merchandise and to examine any documents pertaining thereto;

(iv) submit evidence satisfactory to the Comptroller that all merchandise stored by said warehouse for licensees under this Act is insured for casualty or other loss normally assumed by a bailee for hire;

(v) demonstrate to the Comptroller that the warehouse has procured and is maintaining a performance bond in the form, content and amount sufficient to unconditionally guarantee to the purchaser or beneficiary the prompt shipment of the cemetery merchandise.

(C) ~~C.~~ "Cemetery merchandise" means items of personal property normally sold by a cemetery authority not covered under the Illinois Funeral or Burial Funds Act ~~"An Act concerning agreements for furnishing or delivery of personal property, merchandise or services in connection with the final disposition of dead human bodies and regulating use or disposition of funds paid on said agreements and providing penalties for violation thereof", approved July 14, 1955, as amended~~, including but not limited to:

(1) memorials,

(2) markers,
(3) monuments, ~~and~~
(4) foundations, and~~.~~
(5) outer burial containers.

(D) ~~D.~~ "Undeveloped interment, entombment or inurnment ~~interment~~ spaces" or "undeveloped spaces" means any space to be used for the reception of human remains that is not completely and totally constructed at the time of initial payment therefor ~~therefore~~ in a:

(1) lawn crypt,
(2) mausoleum,
(3) garden crypt,
(4) columbarium, or
(5) cemetery section.

(E) ~~E.~~ "Cemetery services" means those services customarily performed by ~~a~~ cemetery or crematory personnel in connection with the interment, entombment, inurnment or cremation of a dead human body.

(F) ~~F.~~ "Cemetery section" means a grouping of spaces intended to be developed simultaneously for the purpose of interring human remains.

(G) ~~G.~~ "Columbarium" means an arrangement of niches that may be an entire building, a complete room, a series of special indoor alcoves, a bank along a corridor or part of an outdoor garden setting that is constructed of permanent material such as bronze, marble, brick, stone or concrete for the inurnment of human remains.

(H) ~~H.~~ "Lawn crypt" means a permanent underground crypt usually constructed of reinforced concrete or similar material installed in multiple units for the interment of human remains.

(I) ~~I.~~ "Mausoleum" or "garden crypt" means a grouping of spaces constructed of reinforced concrete or similar material constructed or assembled above the ground for entombing human remains.

(J) ~~J.~~ "Memorials, markers and monuments" means the object usually comprised of a permanent material such as granite or bronze used to identify and memorialize the deceased.

(K) ~~K.~~ "Foundations" means those items used to affix or support a memorial or monument to the ground in connection with the installation of a memorial, marker or monument.

(L) ~~L.~~ "Person" means an individual, corporation, partnership, joint venture, business trust, voluntary organization or any other form of entity.

(M) ~~M.~~ "Seller" means any person selling or offering for sale cemetery merchandise, cemetery services or undeveloped spaces on a pre-need basis.

(N) ~~N.~~ "Religious cemetery" means ~~mean~~ a cemetery owned, operated, controlled or managed by any recognized church, religious society, association or denomination or by any cemetery authority or any corporation administering, or through which is administered, the temporalities of any recognized church,

religious society, association or denomination.

(O) ~~O.~~ "Municipal cemetery" means a cemetery owned, operated, controlled or managed by any city, village, incorporated town, township, county or other municipal corporation, political subdivision, or instrumentality thereof authorized by law to own, operate or manage a cemetery.

(O-1) "Outer burial container" means a container made of concrete, steel, wood, fiberglass, or similar material, used solely at the interment site, and designed and used exclusively to surround or enclose a separate casket and to support the earth above such casket, commonly known as a burial vault, grave box, or grave liner, but not including a lawn crypt.

(P) ~~P.~~ "Sales price" means the gross amount paid by a purchaser on a pre-need sales contract for cemetery merchandise, cemetery services or undeveloped interment, entombment or inurnment spaces, excluding sales taxes, credit life insurance premiums, finance charges and "Cemetery Care Act" contributions.

(Q) ~~Q.~~ "Foreign warehouse facility" means a warehouse facility now or hereafter located in any state or territory of the United States, including the District of Columbia, other than the State of Illinois.

A foreign warehouse facility shall be deemed to have appointed the Comptroller to be its true and lawful attorney upon whom may be served all legal process in any action or proceeding against it relating to or growing out of this Act, and the acceptance of the delivery of stored merchandise under this Act shall be signification of its agreement that any such process against it which is so served, shall be of the same legal force and validity as though served upon it personally.

Service of such process shall be made by delivering to and leaving with the Comptroller, or any agent having charge of the Comptroller's Department of Cemetery and Burial Trusts, a copy of such process and such service shall be sufficient service upon such foreign warehouse facility if notice of such service and a copy of the process are, within 10 days thereafter, sent by registered mail by the plaintiff to the foreign warehouse facility at its principal office and the plaintiff's affidavit of compliance herewith is appended to the summons. The Comptroller shall keep a record of all process served upon him under this Section and shall record therein the time of such service.

(Source: P.A. 85-1209; revised 10-31-98.)

(815 ILCS 390/14) (from Ch. 21, par. 214)

Sec. 14. A written sales contract shall be executed in duplicate for each pre-need sale made by a licensee, and a signed copy given to the purchaser. Each completed contract shall be numbered and shall contain the name of the purchaser and the seller, the name of the person, if known, who is to receive the cemetery merchandise, cemetery services or the completed interment, entombment or inurnment spaces under the contract and specifically identify such merchandise, services or spaces. In addition, such contracts must contain a provision in distinguishing typeface substantially as follow:

"Notwithstanding anything in this contract to the contrary, you are afforded certain specific rights of cancellation and refund under Sections 18 and 19 of the Illinois Pre-Need Cemetery Sales Act, enacted by the 84th General Assembly of the State of Illinois".

All pre-need sales contracts shall be sold on a guaranteed price basis. At the time of performance of the service or delivery of the merchandise, the seller shall be prohibited from assessing the

purchaser or his heirs or assigns or duly authorized representative any additional charges for the specific merchandise and services listed on the pre-need sales contract.

All pre-need sales contracts must be in writing and no pre-need contract form shall be used without prior filing with the Comptroller. The Comptroller shall review all pre-need sales contract forms and shall prohibit the use of contract forms that do not meet the requirements of this Act upon written notification to the seller. Any use or attempted use of any oral pre-need sales contract or any written pre-need sales contract in a form not filed with the Comptroller or in a form that does not meet the requirements of this Act shall be deemed a violation of this Act.

(Source: P.A. 85-805.)

(815 ILCS 390/15) (from Ch. 21, par. 215)

Sec. 15. (a) Whenever a seller receives anything of value under a pre-need sales contract, the person receiving such value shall deposit 50% of all proceeds received into one or more trust funds maintained pursuant to this Section, except that, in the case of proceeds received for the purchase of outer burial containers, 85% of the proceeds shall be deposited into one or more trust funds. Such deposits shall be made until the amount deposited in trust equals 50% of the sales price of the cemetery merchandise, cemetery services and undeveloped spaces included in such contract, except that, in the case of deposits for outer burial containers, deposits shall be made until the amount deposited in trust equals 85% of the sales price. In the event an installment contract is factored, discounted or sold to a third party, the seller shall deposit an amount equal to 50% of the sales price of the installment contract, except that, for the portion of the contract attributable to the sale of outer burial containers, the seller shall deposit an amount equal to 85% of the sales price. Proceeds required to be deposited in trust which are attributable to cemetery merchandise and cemetery services shall be held in a "Cemetery Merchandise Trust Fund". Proceeds required to be deposited in trust which are attributable to the sale of undeveloped interment, entombment or inurnment spaces shall be held in a "Pre-construction Trust Fund". If merchandise is delivered for storage in a bonded warehouse, as authorized herein, and payment of transportation or other charges totaling more than $20 will be required in order to secure delivery to the site of ultimate use, upon such delivery to the warehouse the seller shall deposit to the trust fund the full amount of the actual or estimated transportation charge. Transportation charges which have been prepaid by the seller shall not be deposited to trust funds maintained pursuant to this Section. As used in this Section, "all proceeds" means the entire amount paid by a purchaser in connection with a pre-need sales contract, including finance charges and Cemetery Care Act contributions, but excluding sales taxes and credit life insurance premiums.

(b) All trust deposits required by this Act shall be made within 30 days following the end of the month of receipt.

(c) A trust established under this Act must be maintained:

(1) in a trust account established in a bank, savings and loan association or credit union authorized to do business in Illinois

where such accounts are insured by an agency of the federal government;

(2) in a trust company authorized to do business in Illinois; or

(3) in an investment company authorized to do business in Illinois insured by the Securities Brokers Insurance Corporation.

(d) Funds deposited in the trust account shall be identified in the records of the seller by the name of the purchaser. Nothing shall prevent the trustee from commingling the deposits in any such trust fund for purposes of the management thereof and the investment of funds therein as provided in the "Common Trust Fund Act", approved June 24, 1949, as amended. In addition, multiple trust funds maintained pursuant to this Act may be commingled or commingled with

other funeral or burial related trust funds, provided that all record keeping requirements imposed by or pursuant to law are met.

(e) In lieu of a pre-construction trust fund, a seller of undeveloped interment, entombment or inurnment spaces may obtain and file with the Comptroller a performance bond in an amount at least equal to 50% of the sales price of the undeveloped spaces or the estimated cost of completing construction, whichever is greater. The bond shall be conditioned on the satisfactory construction and completion of the undeveloped spaces as required in Section 19 of this Act.

Each bond obtained under this Section shall have as surety thereon a corporate surety company incorporated under the laws of the United States, or a State, the District of Columbia or a territory or possession of the United States. Each such corporate surety company must be authorized to provide performance bonds as required by this Section, have paid-up capital of at least $250,000 in cash or its equivalent and be able to carry out its contracts. Each pre-need seller must provide to the Comptroller, for each corporate surety company such seller utilizes, a statement of assets and liabilities of the corporate surety company sworn to by the president and secretary of the corporation by January 1 of each year.

The Comptroller shall prohibit pre-need sellers from doing new business with a corporate surety company if the company is insolvent or is in violation of this Section. In addition the Comptroller may direct a pre-need seller to reinstate a pre-construction trust fund upon the Comptroller's determination that the corporate surety company no longer is sufficient security.

All performance bonds issued pursuant to this Section must be irrevocable during the statutory term for completing construction specified in Section 19 of this Act, unless terminated sooner by the completion of construction.

(f) Whenever any pre-need contract shall be entered into and include 1) items of cemetery merchandise and cemetery services, and 2) rights to interment, inurnment or entombment in completed spaces without allocation of the gross sale price among the items sold, the application of payments received under the contract shall be allocated, first to the right to interment, inurnment or entombment, second to items of cemetery merchandise and cemetery services, unless some other allocation is clearly provided in the contract.

(g) Any person engaging in pre-need sales who enters into a

combination sale which involves the sale of items covered by a trust or performance bond requirement and any item not covered by any entrustment or bond requirement, shall be prohibited from increasing the gross sales price of those items not requiring entrustment with the purpose of allocating a lesser gross sales price to items which require a trust deposit or a performance bond.
(Source: P.A. 85-1209.)

(815 ILCS 390/20) (from Ch. 21, par. 220)

Sec. 20. (a) Each licensee must keep accurate accounts, books and records in this State of all transactions, copies of agreements, dates and amounts of payments made or received, the names and addresses of the contracting parties, the names and addresses of persons for whose benefit funds are received, if known, and the names of the trust depositories.

(b) Each licensee must maintain such records for a period of 3 years after the licensee shall have fulfilled his obligation under the pre-need contract or 3 years after any stored merchandise shall have been provided to the purchaser or beneficiary, whichever is later.

(c) Each licensee shall submit reports to the Comptroller annually, under oath, on forms furnished by the Comptroller. The

annual report shall contain, but shall not be limited to, the following:

(1) An accounting of the principal deposit and additions of principal during the fiscal year.

(2) An accounting of any withdrawal of principal or earnings.

(3) An accounting at the end of each fiscal year, of the total amount of principal and earnings held.

(d) The annual report shall be filed by the licensee with the Comptroller within 75 days after the end of the licensee's fiscal year. An extension of up to 60 days may be granted by the Comptroller, upon a showing of need by the licensee. Any other reports shall be in the form furnished or specified by the Comptroller. If a licensee fails to submit an annual report to the Comptroller within the time specified in this Section, the Comptroller shall impose upon the licensee a penalty of $5 for each and every day the licensee remains delinquent in submitting the annual report. Each report shall be accompanied by a check or money order in the amount of $10 payable to: Comptroller, State of Illinois.

(e) On and after the effective date of this amendatory Act, a licensee may report all required information concerning the sale of outer burial containers on the licensee's annual report required to be filed under this Act and shall not be required to report that information under the Illinois Funeral or Burial Funds Act.
(Source: P.A. 88-477.)

Section 99. Effective date. This Act takes effect upon becoming law, except that the changes to the Illinois Funeral or Burial Funds Act and the Illinois Pre-Need Cemetery Sales Act take effect on January 1, 2000.".

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

Senator Shadid offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2081, AS AMENDED, as follows:
in the introductory clause of Section 2, by replacing "changing Section 1" with "changing Sections 1 and 4a and adding Section 4b"; and
in Section 2, after the last line of Sec. 1, by inserting the following:

"(225 ILCS 45/4a)

Sec. 4a. Investment of funds.

(a) A trustee shall, with respect to the investment of trust funds, exercise the judgment and care under the circumstances then prevailing that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital.

(b) The trust shall be a single-purpose trust fund. In the event of the seller's bankruptcy, insolvency or assignment for the benefit of creditors, or an adverse judgment, the trust funds shall not be available to any creditor as assets of the seller or to pay any expenses of any bankruptcy or similar proceeding, but shall be distributed to the purchasers or managed for their benefit by the trustee holding the funds. Except in an action by the Comptroller to revoke a license issued pursuant to this Act and for creation of a receivership as provided in this Act, the trust shall not be subject

to judgment, execution, garnishment, attachment, or other seizure by process in bankruptcy or otherwise, nor to sale, pledge, mortgage, or other alienation, and shall not be assignable except as approved by the Comptroller. The changes made by this amendatory Act of the 91st General Assembly are intended to clarify existing law regarding the inability of licensees to pledge the trust.

(c) Because it is not known at the time of deposit or at the time that income is earned on the trust account to whom the principal and the accumulated earnings will be distributed for the purpose of determining the Illinois income tax due on these trust funds, the principal and any accrued earnings or losses related to each individual account shall be held in suspense until the final determination is made as to whom the account shall be paid. The beneficiary's estate shall not be responsible for any funeral and burial purchases listed in a pre-need contract if the pre-need contract is entered into on a guaranteed price basis.

If a pre-need contract is not a guaranteed price contract, then to the extent the proceeds of a non-guaranteed price pre-need contract cover the funeral and burial expenses for the beneficiary, no claim may be made against the estate of the beneficiary. A claim may be made against the beneficiary's estate if the charges for the funeral services and merchandise at the time of use exceed the amount

of the amount in trust plus the percentage of the sale proceeds initially retained by the seller or the face value of the life insurance policy or tax-deferred annuity.

(d) Trust funds shall not be invested by the trustee in life insurance policies or tax-deferred annuities unless the following requirements are met:

(1) The company issuing the life insurance policies or tax-deferred annuities is licensed by the Illinois Department of Insurance and the insurance producer or annuity seller is licensed to do business in the State of Illinois;

(2) Prior to the investment, the purchaser approves, in writing, the investment in life insurance policies or tax-deferred annuities;

(3) Prior to the investment, the purchaser is notified by the seller in writing about the disclosures required for all pre-need contracts under Section 1a-1 of this Act, and the purchase of life insurance or a tax-deferred annuity is subject to the requirements of Section 2a of this Act;

(4) Prior to the investment, the trustee informs the Comptroller that trust funds shall be removed from the trust account to purchase life insurance or a tax-deferred annuity upon the written consent of the purchaser;

(5) The purchaser retains the right to refund provided for in this Act, unless the pre-need contract is sold on an irrevocable basis as provided in Section 4 of this Act; and

(6) Notice must be given in writing that the cash surrender value of a life insurance policy may be less than the amount provided for by the refund provisions of the trust account.

(Source: P.A. 88-477.)

(225 ILCS 45/4b new)

Sec. 4b. Licensee bankruptcy. In the event of a licensee's bankruptcy, insolvency, or assignment for the benefit of creditors, or in the event of the bankruptcy, insolvency, or assignment for the benefit of creditors of any person, partnership, association, corporation, or other entity that possesses a controlling interest in a licensee, the licensee shall provide notice in writing of that event to each purchaser of a pre-need sales contract or a pre-need contract within 30 days after the event of bankruptcy, insolvency, or assignment for the benefit of creditors. At a minimum, the notice

must contain the following:

(1) The name and address of the licensee.

(2) If different from the licensee, the name and address of the party that is the subject of the bankruptcy, insolvency, or assignment for the benefit of creditors.

(3) A brief description of the event of bankruptcy, insolvency, or assignment for the benefit of creditors.

(4) The case name or other identifying title of any matter pending in any court, federal or State, pertaining to the bankruptcy, insolvency, or assignment for the benefit of creditors.

(5) The name and address of the court in which the bankruptcy, insolvency, or assignment for the benefit of

creditors is pending.

(6) A description of any action the purchaser must undertake to file a claim or to protect the purchaser's interests, including the purchaser's right to a refund under this Act."; and

by replacing the introductory clause of Section 5 with the following:

"Section 5. The Cemetery Care Act is amended by changing Sections 4 and 15 as follows:

(760 ILCS 100/4) (from Ch. 21, par. 64.4)

Sec. 4. Care funds; deposits; investments. Whenever a cemetery authority owning, operating, controlling or managing a privately operated cemetery accepts care funds, either in connection with the sale or giving away at an imputed value of an interment right, entombment right or inurnment right, or in pursuance of a contract, or whenever, as a condition precedent to the purchase or acceptance of an interment right, entombment right or inurnment right, such cemetery authority requires the establishment of a care fund or a deposit in an already existing care fund, then such cemetery authority shall execute and deliver to the person from whom received an instrument in writing which shall specifically state: (a) the nature and extent of the care to be furnished, and (b) that such care shall be furnished only in so far as the net income derived from the amount deposited in trust will permit (the income from the amount so deposited, less necessary expenditures of administering the trust, shall be deemed the net income), and (c) that not less than the following amounts will be set aside and deposited in trust:

1. For interment rights, $1 per square foot of the space sold or 15% of the sales price or imputed value, whichever is the greater, with a minimum of $25 for each individual interment right.

2. For entombment rights, not less than 10% of the sales price or imputed value with a minimum of $25 for each individual entombment right.

3. For inurnment rights, not less than 10% of the sales price or imputed value with a minimum of $15 for each individual inurnment right.

4. For any transfer of interment rights, entombment rights, or inurnment rights recorded in the records of the cemetery authority, excepting only transfers between members of the immediate family of the transferor, a minimum of $25 for each such right transferred. For the purposes of this paragraph "immediate family of the transferor" means the spouse, parents, grandparents, children, grandchildren, and siblings of the transferor.

5. Upon an interment, entombment, or inurnment in a grave, crypt, or niche in which rights of interment, entombment, or inurnment were originally acquired from a cemetery authority prior to January 1, 1948, a minimum of $25 for each such right

exercised.

6. For the special care of any lot, grave, crypt, or niche or of a family mausoleum, memorial, marker, or monument, the full amount received.

Such setting aside and deposit shall be made by such cemetery authority not later than 30 days after the close of the month in which the cemetery authority gave away for an imputed value or received the final payment on the purchase price of interment rights, entombment rights, or inurnment rights, or received the final payment for the general or special care of a lot, grave, crypt or niche or of a family mausoleum, memorial, marker or monument; and such amounts shall be held by the trustee of the care funds of such cemetery authority in trust in perpetuity for the specific purposes stated in said written instrument. For all care funds received by a cemetery authority, except for care funds received by a cemetery authority pursuant to a specific gift, grant, contribution, payment, legacy, or contract that are subject to investment restrictions more restrictive than the investment provisions set forth in this Act, and except for care funds otherwise subject to a trust agreement executed by a person or persons responsible for transferring the specific gift, grant, contribution, payment, or legacy to the cemetery authority that contains investment restrictions more restrictive than the investment provisions set forth in this Act, the cemetery authority may, without the necessity of having to obtain prior approval from any court in this State, designate a new trustee in accordance with this Act and invest the care funds in accordance with this Section, notwithstanding any contrary limitation contained in the trust agreement.

Any such cemetery authority engaged in selling or giving away at an imputed value interment rights, entombment rights or inurnment rights, in conjunction with the selling or giving away at an imputed value any other merchandise or services not covered by this Act, shall be prohibited from increasing the sales price or imputed value of those items not requiring a care fund deposit under this Act with the purpose of allocating a lesser sales price or imputed value to items that require a care fund deposit.

In the event any sale that would require a deposit to such cemetery authority's care fund is made by a cemetery authority on an installment basis, and the installment contract is factored, discounted, or sold to a third party, the cemetery authority shall deposit the amount due to the care fund within 30 days after the close of the month in which the installment contract was factored, discounted, or sold. If, subsequent to such deposit, the purchaser defaults on the contract such that no care fund deposit on that contract would have been required, the cemetery authority may apply the amount deposited as a credit against future required deposits.

The trust authorized by this Section shall be a single purpose trust fund. In the event of the seller's bankruptcy, insolvency, or assignment for the benefit of creditors, or an adverse judgment, the trust funds shall not be available to any creditor as assets of the cemetery authority or to pay any expenses of any bankruptcy or similar proceeding, but shall be retained intact to provide for the future maintenance of the cemetery. Except in an action by the Comptroller to revoke a license issued pursuant to this Act and for creation of a receivership as provided in this Act, the trust shall not be subject to judgment, execution, garnishment, attachment, or other seizure by process in bankruptcy or otherwise, nor to sale, pledge, mortgage, or other alienation, and shall not be assignable except as approved by the Comptroller. The changes made by this amendatory Act of the 91st General Assembly are intended to clarify existing law regarding the inability of licensees to pledge the

trust.
(Source: P.A. 88-477; 89-615, eff. 8-9-96.)"; and
in the introductory clause of Section 10, by replacing "and 20" with "16, and 20 and adding Section 16.5"; and
in Section 10, by replacing all of Sec. 14 with the following:

"(815 ILCS 390/14) (from Ch. 21, par. 214)

Sec. 14. Contract required.

(a) It is unlawful for any seller doing business within this State to accept sales proceeds, either directly or indirectly by any means, unless the seller enters into a pre-need sales contract with the purchaser which meets the following requirements:

(1) A written sales contract shall be executed in duplicate for each pre-need sale made by a licensee, and a signed copy given to the purchaser. Each completed contract shall be numbered and shall contain the name and address of the purchaser and the seller, the name of the person, if known, who is to receive the cemetery merchandise, cemetery services or the completed interment, entombment or inurnment spaces under the contract and specifically identify such merchandise, services or spaces.

(2) In addition, such contracts must contain a provision in distinguishing typeface ~~substantially~~ as follows ~~follow~~:

"Notwithstanding anything in this contract to the contrary, you are afforded certain specific rights of cancellation and refund under Sections 18 and 19 of the Illinois Pre-Need Cemetery Sales Act, enacted by the 84th General Assembly of the State of Illinois".

(3) All pre-need sales contracts shall be sold on a guaranteed price basis. At the time of performance of the service or delivery of the merchandise, the seller shall be prohibited from assessing the purchaser or his heirs or assigns or duly authorized representative any additional charges for the specific merchandise and services listed on the pre-need sales contract.

Each contract shall clearly disclose that the price of the merchandise or services is guaranteed and shall contain the following statement in 12 point bold type:

"THIS CONTRACT GUARANTEES THE BENEFICIARY THE SPECIFIC GOODS AND SERVICES CONTRACTED FOR. NO ADDITIONAL CHARGES MAY BE REQUIRED. FOR DESIGNATED GOODS AND SERVICES, ADDITIONAL CHARGES MAY BE INCURRED FOR UNEXPECTED EXPENSES."

(b) Every pre-need sales contract must be in writing, and no pre-need sales contract form may be used unless it has previously been filed with the Comptroller. The Comptroller shall review all pre-need sales contract forms and, upon written notification to the seller, shall prohibit the use of contract forms that do not meet the requirements of this Act. Any use or attempted use of any oral pre-need sales contract or any written pre-need sales contract in a form not filed with the Comptroller or in a form that does not meet the requirements of this Act shall be deemed a violation of this Act. The Comptroller may by rule develop a model pre-need sales contract form that meets the requirements of this Act.

(c) To the extent the Rule is applicable, every pre-need sales contract is subject to the Federal Trade Commission Rule concerning

the Cooling-Off Period for Door-to-Door Sales (16 CFR Part 429).
(Source: P.A. 85-805.)"; and

in Section 10, after the last line of Sec. 15, buy inserting the following:

"(815 ILCS 390/16) (from Ch. 21, par. 216)

Sec. 16. Trust funds; disbursements.

(a) A trustee shall make no disbursements from the trust fund except as provided in this Act.

(b) A trustee shall, with respect to the investment of such

trust funds, exercise the judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital.

The seller shall act as trustee of all amounts received for cemetery merchandise, services, or undeveloped spaces until those amounts have been deposited into the trust fund. The seller may continue to be the trustee of up to $500,000 that has been deposited into the trust fund, but the seller must retain an independent trustee for any amount of trust funds in excess of $500,000. A seller holding trust funds in excess of $500,000 on the effective date of this amendatory Act of 1996 shall have 36 months to retain an independent trustee for the amounts over $500,000; any other seller must retain an independent trustee for its trust funds in excess of $500,000 as soon as may be practical. The Comptroller shall have the right to disqualify the trustee upon the same grounds as for refusing to grant or revoking a license hereunder. Upon notice to the Comptroller, the seller may change the trustee of the trust fund.

(c) The trustee may rely upon certifications and affidavits made to it under the provisions of this Act, and shall not be liable to any person for such reliance.

(d) A trustee shall be allowed to withdraw from the trust funds maintained pursuant to this Act, payable solely from the income earned on such trust funds, a reasonable fee for all usual and customary services for the operation of the trust fund, including, but not limited to trustee fees, investment advisor fees, allocation fees, annual audit fees and other similar fees. The maximum amount allowed to be withdrawn for these fees each year shall be the lesser of 3% of the balance of the trust calculated on an annual basis or the amount of annual income generated therefrom.

(e) The trust shall be a single-purpose trust fund. In the event of the seller's bankruptcy, insolvency or assignment for the benefit of creditors, or an adverse judgment, the trust funds shall not be available to any creditor as assets of the seller or to pay any expenses of any bankruptcy or similar proceeding, but shall be distributed to the purchasers or managed for their benefit by the trustee holding the funds. Except in an action by the Comptroller to revoke a license issued pursuant to this Act and for creation of a receivership as provided in this Act, the trust shall not be subject to judgment, execution, garnishment, attachment, or other seizure by process in bankruptcy or otherwise, nor to sale, pledge, mortgage, or

other alienation, and shall not be assignable except as approved by the Comptroller. The changes made by this amendatory Act of the 91st General Assembly are intended to clarify existing law regarding the inability of licensees to pledge the trust.

(f) Because it is not known at the time of deposit or at the time that income is earned on the trust account to whom the principal and the accumulated earnings will be distributed, for purposes of determining the Illinois Income Tax due on these trust funds, the principal and any accrued earnings or losses relating to each individual account shall be held in suspense until the final determination is made as to whom the account shall be paid.

(Source: P.A. 88-477; 89-615, eff. 8-9-96.)

(815 ILCS 390/16.5 new)

Sec. 16.5. Licensee bankruptcy. In the event of a licensee's bankruptcy, insolvency, or assignment for the benefit of creditors, or in the event of the bankruptcy, insolvency, or assignment for the benefit of creditors of any person, partnership, association, corporation, or other entity that possesses a controlling interest in

a licensee, the licensee shall provide notice in writing of that event to each purchaser of a pre-need sales contract or a pre-need contract within 30 days after the event of bankruptcy, insolvency, or assignment for the benefit of creditors. At a minimum, the notice must contain the following:

(1) The name and address of the licensee.

(2) If different from the licensee, the name and address of the party that is the subject of the bankruptcy, insolvency, or assignment for the benefit of creditors.

(3) A brief description of the event of bankruptcy, insolvency, or assignment for the benefit of creditors.

(4) The case name or other identifying title of any matter pending in any court, federal or State, pertaining to the bankruptcy, insolvency, or assignment for the benefit of creditors.

(5) The name and address of the court in which the bankruptcy, insolvency, or assignment for the benefit of creditors is pending.

(6) A description of any action the purchaser must undertake to file a claim or to protect the purchaser's interests, including the purchaser's right to a refund under this Act."; and

in Section 10, Sec. 20, by replacing all of subsection (e) with the following:

"(e) On and after the effective date of this amendatory Act of the 91st General Assembly, a licensee may report all required information concerning the sale of outer burial containers on the licensee's annual report required to be filed under this Act and shall not be required to report that information under the Illinois Funeral or Burial Funds Act, as long as the information is reported under this Act."; and

by replacing all of Section 99 with the following:

"Section 99. Effective date. This Act takes effect upon becoming law, except that the changes to Section 1 of the Funeral or Burial

Funds Act and the changes to Sections 4, 14, 15, and 20 of the Pre-Need Cemetery Sales Act take effect on January 1, 2000.".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 2081**, as amended, was returned to the order of third reading.

On motion of Senator R. Madigan, **House Bill No. 2166** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2166 on page 2, line 11, by replacing "immunizations" with "immunizations ordered by a physician licensed to practice medicine in all its branches"; and
on page 2, line 13, by replacing "physician's prescription" with "~~physician's~~ prescription by a physician licensed to practice medicine in all its branches".

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

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2166 on page 1, lines 2 and 6, by changing "Section 8" each time it appears to "Sections 7 and 8"; and
on page 1 by inserting immediately below line 6 the following:

"(215 ILCS 105/7) (from Ch. 73, par. 1307)

Sec. 7. Eligibility.

a. Except as provided in subsection (e) of this Section or in Section 15 of this Act, any individual person who is either a citizen of the United States or an alien lawfully admitted for permanent residence and continues to be a resident of this State shall be eligible for Plan coverage if evidence is provided of:

(1) A notice of rejection or refusal to issue substantially similar individual health insurance coverage for health reasons by a health insurance issuer; or

(2) A refusal by a health insurance issuer to issue individual health insurance coverage except at a rate exceeding the applicable Plan rate for which the person is responsible.

A rejection or refusal by a group health plan or health insurance issuer offering only stop-loss or excess of loss insurance or contracts, agreements, or other arrangements for reinsurance coverage with respect to the applicant shall not be sufficient evidence under this subsection.

b. The board shall promulgate a list of medical or health conditions for which a person who is either a citizen of the United States or an alien lawfully admitted for permanent residence and a

resident of this State would be eligible for Plan coverage without applying for health insurance coverage pursuant to subsection a. of this Section. Persons who can demonstrate the existence or history of any medical or health conditions on the list promulgated by the board shall not be required to provide the evidence specified in subsection a. of this Section. The list shall be effective on the first day of the operation of the Plan and may be amended from time to time as appropriate.

c. Family members of the same household who each are covered persons are eligible for optional family coverage under the Plan.

d. For persons qualifying for coverage in accordance with Section 7 of this Act, the board shall, if it determines that such appropriations as are made pursuant to Section 12 of this Act are insufficient to allow the board to accept all of the eligible persons which it projects will apply for enrollment under the Plan, limit or close enrollment to ensure that the Plan is not over-subscribed and that it has sufficient resources to meet its obligations to existing enrollees. The board shall not limit or close enrollment for federally eligible individuals.

e. A person shall not be eligible for coverage under the Plan if:

(1) He or she has or obtains other coverage under a group health plan or health insurance coverage substantially similar to or better than a Plan policy as an insured or covered dependent or would be eligible to have that coverage if he or she elected to obtain it. Persons otherwise eligible for Plan coverage may, however, solely for the purpose of having coverage for a pre-existing condition, maintain other coverage only while satisfying any pre-existing condition waiting period under a Plan policy or a subsequent replacement policy of a Plan policy.

(1.1) His or her prior coverage under a group health plan or health insurance coverage, provided or arranged by an employer of more than 10 employees was discontinued for any reason without the entire group or plan being discontinued and not replaced, provided he or she remains an employee, or dependent thereof, of the same employer.

(2) He or she is a recipient of or is approved to receive medical assistance, except that a person may continue to receive medical assistance through the medical assistance no grant program, but only while satisfying the requirements for a preexisting condition under Section 8, subsection f. of this Act. Payment of premiums pursuant to this Act shall be allocable to the person's spenddown for purposes of the medical assistance no grant program, but that person shall not be eligible for any Plan benefits while that person remains eligible for medical assistance. If the person continues to receive or be approved to receive medical assistance through the medical assistance no grant program at or after the time that requirements for a preexisting condition are satisfied, the person shall not be eligible for coverage under the Plan. In that circumstance, coverage under the plan shall terminate as of the expiration of the preexisting condition limitation period. Under all other

circumstances, coverage under the Plan shall automatically terminate as of the effective date of any medical assistance.

(3) Except as provided in Section 15, the person has previously participated in the Plan and voluntarily terminated Plan coverage, unless 12 months have elapsed since the person's latest voluntary termination of coverage.

(4) The person fails to pay the required premium under the covered person's terms of enrollment and participation, in which event the liability of the Plan shall be limited to benefits incurred under the Plan for the time period for which premiums had been paid and the covered person remained eligible for Plan coverage.

(5) The Plan has paid a total of $1,000,000 in benefits on behalf of the covered person.

(6) The person is a resident of a public institution.

(7) The person's premium is paid for or reimbursed under any government sponsored program or by any government agency or health care provider, except as an otherwise qualifying full-time employee, or dependent of such employee, of a government agency or health care provider.

(8) The person has or later receives other benefits or funds from any settlement, judgement, or award resulting from any accident or injury, regardless of the date of the accident or injury, or any other circumstances creating a legal liability for damages due that person by a third party, whether the settlement, judgment, or award is in the form of a contract, agreement, or trust on behalf of a minor or otherwise and whether the settlement, judgment, or award is payable to the person, his or her dependent, estate, personal representative, or guardian in a lump sum or over time, so long as there continues to be benefits or assets remaining from those sources in an amount in excess of $100,000.

(9) Within the 5 years prior to the date a person's Plan application is received by the Board, the person's coverage under any health care benefit program as defined in 18 U.S.C. 24, including any public or private plan or contract under which any medical benefit, item, or service is provided, was terminated as a result of any act or practice that constitutes fraud under State or federal law or as a result of an intentional misrepresentation of material fact; or if that person knowingly and willfully obtained or attempted to obtain, or fraudulently aided or attempted to aid any other person in obtaining, any coverage or benefits under the Plan to which that person was not entitled.

f. The board or the administrator shall require verification of

residency and may require any additional information or documentation, or statements under oath, when necessary to determine residency upon initial application and for the entire term of the policy.

g. Coverage shall cease (i) on the date a person is no longer a resident of Illinois, (ii) on the date a person requests coverage to end, (iii) upon the death of the covered person, (iv) on the date

State law requires cancellation of the policy, or (v) at the Plan's option, 30 days after the Plan makes any inquiry concerning a person's eligibility or place of residence to which the person does not reply.

h. Except under the conditions set forth in subsection g of this Section, the coverage of any person who ceases to meet the eligibility requirements of this Section shall be terminated at the end of the current policy period for which the necessary premiums have been paid.

(Source: P.A. 89-486, eff. 6-21-96; 90-30, eff. 7-1-97.)".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 2166**, as amended, was returned to the order of third reading.

On motion of Senator Donahue, **House Bill No. 2283** was recalled from the order of third reading to the order of second reading.

Senator Donahue offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2283 on page 2, line 22, by inserting "Henderson, Warren, Morgan, Mercer," after "Schuyler"; and on page 2, line 25, by inserting "Any territory that is disconnected from the Mid-America Intermodal Authority Port District shall cease to be under the jurisdiction of the Mid-America Port Commission." after "Commission."; and

on page 4, by replacing lines 12 and 13 with the following:

"Section 900. The Mid-America Intermodal Authority Port District Act is amended by changing Section 10 and by adding Section 172 as follows:

(70 ILCS 1832/10)

Sec. 10. Mid-America Intermodal Authority Port District created. There is created a political subdivision, body politic, and municipal corporation by the name of the Mid-America Intermodal Authority Port District embracing all the area within the corporate limits of Adams, Brown, Cass, Hancock, Pike, Schuyler, Henderson, Warren, Morgan, Mercer, and Scott Counties. Territory may be annexed to the district in the manner provided in this Act. The district may sue and be sued in its corporate name but execution shall not in any case issue against any property of the district. It may adopt a common seal and change the same at its pleasure.

(Source: P.A. 90-636, eff. 7-24-98.)

(70 ILCS 1832/172 new)

Sec. 172. Disconnection. The registered voters of a county included in the District may petition the State Board of Elections requesting the submission of the question of whether the county should be disconnected from the District to the electors of the county. The petition shall be circulated in the manner required by Section 28-3 of the Election Code and objections thereto and the manner of their disposition shall be in accordance with Section 28-4 of the Election Code. If a petition is filed with the State Board of Elections, signed by not less than 5% of the registered voters of the

county, requesting that the question of disconnection be submitted to the electors of the county, the State Board of Elections must certify the question to the proper election authority, which must submit the question at a regular election held at least 78 days after the petition is filed in accordance with the Election Code.

The question must be submitted in substantially the following form:

Shall (name of county) be disconnected from the Mid-America Intermodal Authority Port District?

The votes must be recorded as "Yes" or "No".

If a majority of the electors voting on the question vote in the affirmative, the county shall be disconnected from the District.

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 2283**, as amended, was returned to the order of third reading.

On motion of Senator Maitland, **House Bill No. 2355** 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 House Bill 2355, on page 9, after line 33 by inserting the following:

"(13) the movement shall be valid only on state routes approved by the Department."

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 2355**, as amended, was returned to the order of third reading.

On motion of Senator Luechtefeld, **House Bill No. 1863** was recalled from the order of third reading to the order of second reading.

Senator Luechtefeld offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1863 on page 2, by replacing lines 15 through 22 with the following:

"The facility director of the Chester Mental Health Center may authorize the temporary use of handcuffs on a recipient for a period not to exceed 10 minutes when necessary in the course of transport of the recipient within the facility to maintain custody or security. Use of handcuffs is subject to the provisions of Section 2-108 of the Mental Health and Developmental Disabilities Code. The facility shall keep a monthly record listing each instance in which handcuffs are used, circumstances indicating the need for use of handcuffs, and time of application of handcuffs and time of release therefrom. The facility director shall allow the Illinois Guardianship and Advocacy

Commission, the agency designated by the Governor under Section 1 of the Protection and Advocacy for Developmentally Disabled Persons Act, and the Department to examine and copy such record upon request.".

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

And **House Bill No. 1863**, as amended, was returned to the order of third reading.

On motion of Senator Cronin, **House Bill No. 2218** was recalled from the order of third reading to the order of second reading.

Senators Cronin - Berman - Silverstein offered the following amendment:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2218 on page 1, lines 27 and 28, by deleting "A student member may serve only for one term.".

Senator Cronin moved the adoption of the foregoing amendment.
The motion prevailed.
And the amendment was adopted, and ordered printed.
And **House Bill No. 2218**, as amended, was returned to the order of third reading.

CONSIDERATION OF MOTION IN WRITING

Pursuant to Motion in Writing filed earlier today, Senator Cronin moved to reconsider the vote by which **House Bill No. 2008** passed.

And on that motion, a call of the roll was had resulting as follows:

Yeas 43; Nays 2.

The following voted in the affirmative:

Berman	Fawell	Maitland	Shaw
Bomke	Geo-Karis	Molaro	Silverstein
Bowles	Halvorson	Munoz	Sullivan
Clayborne	Hawkinson	Myers	Viverito
Cronin	Hendon	Obama	Walsh, L.
Cullerton	Jones, E.	O'Daniel	Walsh, T.
DeLeo	Klemm	Parker	Watson
del Valle	Lightford	Peterson	Weaver
Demuzio	Link	Radogno	Welch
Dillard	Luechtefeld	Rauschenberger	Mr. President
Donahue	Madigan, L.	Rea	

The following voted in the negative:

Lauzen
Syverson

The motion prevailed.

And **House Bill No. 2008** was returned to the order of third reading.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 128

Offered by Senator Demuzio and all Senators:

Mourns the death of Trevor P. Walton of Westchester.

The foregoing resolution was referred to the Resolutions Consent Calendar.

Senators Dillard - Philip offered the following Senate

Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 129

WHEREAS, The government of the State of Illinois is concerned with the safety of all citizens within the State; and

WHEREAS, The State is responsible for the security of public buildings located in both Springfield and Chicago; and

WHEREAS, Recent incidences, both nationally and in Illinois, have led to questions about the security protections in place in public buildings and public schools; and

WHEREAS, The security measures of our State should be periodically reviewed to take advantage of the new technological advancements available to the law enforcement community; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, That there be created the State Government Building Safety Commission; and be it further

RESOLVED, That the Commission shall consist of 10 members: 3 members of the Senate appointed by the President of the Senate, 2 members of the Senate appointed by the Minority Leader of the Senate, the Director of the Secretary of State Police or his or her designee, ex-officio, the Chief of Security for the Capitol complex, ex-officio, the Director of Central Management Services or his or her designee, ex-officio, the Director of the State Police or his or her designee, ex officio, and the Superintendent of the City of Chicago Police Department or his or her designee, ex-officio; and be it further

RESOLVED, That the President of the Senate shall choose one member from among his or her appointments to serve as a chairperson for the Commission; and be it further

RESOLVED, That the Commission shall meet initially at the call of the chairperson; and be it further

RESOLVED, That the Commission may hold hearings in closed session, and shall receive the assistance of those agencies it deems appropriate; and be it further

RESOLVED, That the Commission shall also consult appropriate federal government agencies, if necessary, for its report; and be it

further

RESOLVED, That the Commission shall survey security procedures of the 50 states at each state capitol building and other primary office buildings of each state government, including the staffing and training of full-time security personnel employed in those buildings, and the use of metal detectors, video cameras, and other screening devices; and be it further

RESOLVED, That the Commission shall study the current state of security and safety within Illinois school buildings; and be it further

RESOLVED, That the Commission shall make recommendations for implementation of increased security procedures, if necessary, for Illinois public schools, the Capitol Building, the Stratton Building, and the Michael J. Howlett Building in Springfield, the James R. Thompson Center and the State of Illinois Building in Chicago; and be it further

RESOLVED, That the members of the Commission shall serve without compensation but shall be reimbursed for their reasonable and necessary expenses from funds appropriated by the General Assembly for that purpose; and be it further

RESOLVED, That the Commission shall report its findings to the Governor and the General Assembly on or before December 30, 1999; and be it further

RESOLVED, That the report may be kept confidential at the

discretion of the Commission, except that the report shall be disclosed to the President and Minority Leader of the Senate, the Secretary of State, and the Governor.

LEGISLATIVE MEASURES FILED

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

Senate Amendment No. 1 to House Bill 63
Senate Amendment No. 2 to House Bill 105
Senate Amendment No. 2 to House Bill 526
Senate Amendment No. 1 to House Bill 606
Senate Amendment No. 2 to House Bill 658
Senate Amendment No. 2 to House Bill 1134
Senate Amendment No. 2 to House Bill 1278
Senate Amendment No. 3 to House Bill 1720
Senate Amendment No. 4 to House Bill 1959

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 73
Motion to Concur in House Amendment 1 to Senate Bill 109
Motion to Concur in House Amendment 1 to Senate Bill 146
Motion to Concur in House Amendment 1 to Senate Bill 376
Motion to Concur in House Amendment 1 to Senate Bill 435
Motion to Concur in H.A.'s 1 & 2 to Senate Bill 459
Motion to Concur in H.A.'s 1 & 2 to Senate Bill 658
Motion to Concur in House Amendment 1 to Senate Bill 1171

At the hour of 7:40 o'clock p.m., on motion of Senator Noland, the Senate stood adjourned until Thursday, May 13, 1999 at 10:00 o'clock a.m.