State of Illinois
91st General Assembly
Final Senate Journal

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

44TH LEGISLATIVE DAY

THURSDAY, MAY 13, 1999

10:00 O'CLOCK A.M.

The Senate met pursuant to adjournment.

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

Prayer by Dr. Roger Rominger, First United Methodist Church, Springfield, Illinois.

Senator Sieben led the Senate in the Pledge of Allegiance.

The Journal of Thursday, May 6, 1999, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Friday, May 7, 1999, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator Myers moved that reading and approval of the Journals of Tuesday, May 11, 1999 and Wednesday, May 12, 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. 3 to House Bill 526
Senate Amendment No. 6 to House Bill 619
Senate Amendment No. 2 to House Bill 1841
Senate Amendment No. 3 to House Bill 1841

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 79
Motion to Concur in H.A.'s 1, 2 & 3 to Senate Bill 680

INTRODUCTION OF A BILL

SENATE BILL NO. 1236. Introduced by Senator Rauschenberger, a bill for AN ACT to amend the Workers' Compensation Act and the Workers' Occupational Diseases Act in relation to the repeal of those Acts.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

PRESENTATION OF RESOLUTION

Senators Syverson - Rauschenberger offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 130

WHEREAS, Violence experienced within families, schools, communities and society can lead to negative effects on the development and maturing of young minds; and

WHEREAS, The State of Illinois has recognized that action should be taken to protect our youth from the harming influence of violence; and

WHEREAS, Many state agencies have implemented plans and programs to address the issues surrounding youth, families and violence in Illinois; and

WHEREAS, The State of Illinois has initiated the Illinois Violence Prevention Authority as the first, and only, state violence prevention agency in the nation to plan, coordinate, fund and evaluate local and statewide violence prevention programs; and

WHEREAS, The Department of Public Health keeps statistics and

records regarding the instances of youth violence in Illinois; and

WHEREAS, The Department of Public Health provides information, resources and training on applying the public health model to violence prevention; and

WHEREAS, It is in the best interest of the citizens of the State of Illinois to receive unified, unduplicated services and programs addressing violence prevention, as such efficiency is cost-effective and successful; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, That the Department of Public Health study the violence prevention programs currently operating within Illinois state agencies, focusing on similarities among efforts; and be it further

RESOLVED, That the Department of Public Health shall issue a report stating the findings of the study on State violence prevention programs and recommendations for program reorganization to the General Assembly no later January 1, 2000; and be it further

RESOLVED, That copies of this resolution shall be sent to the Attorney General, Director of the Department of Public Health and all members of the Illinois Violence Prevention Authority.

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

At the hour of 10:15 o'clock a.m., the Chair announced that the Senate stand at recess until 11:00 o'clock a.m.

AFTER RECESS

At the hour of 11:40 o'clock a.m., the Senate resumed consideration of business.

Senator Maitland, presiding.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Sieben, **Senate Bill No. 578**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Sieben 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. 578**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Lauzen, **Senate Bill No. 878**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Lauzen 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. 878**.

Ordered that the Secretary inform the House of Representatives thereof.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator O'Malley, **House Bill No. 17** 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 5.

The following voted in the affirmative:

Berman	Geo-Karis	Molaro	Shaw
Bomke	Halvorson	Myers	Sieben
Bowles	Jacobs	Noland	Silverstein
Clayborne	Jones, W.	Obama	Smith
Cullerton	Karpiel	O'Daniel	Sullivan
DeLeo	Klemm	O'Malley	Viverito
del Valle	Link	Parker	Walsh, L.
Demuzio	Luechtefeld	Peterson	Walsh, T.
Dillard	Madigan, L.	Petka	Watson
Donahue	Madigan, R.	Radogno	Weaver

Dudycz	Mahar	Rea	Welch
Fawell	Maitland	Shadid	Mr. President

The following voted in the negative:

Burzynski
Hawkinson
Lauzen
Rauschenberger
Syverson

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

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

On motion of Senator Rauschenberger, **House Bill No. 47** 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	Hawkinson	Maitland	Shadid
Bomke	Hendon	Molaro	Shaw
Bowles	Jacobs	Munoz	Sieben
Burzynski	Jones, E.	Myers	Silverstein
Clayborne	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
Halvorson	Mahar	Rea	Welch
			Mr. President

The following voted present:

Cullerton

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

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

At the hour of 11:53 o'clock a.m., Senator Donahue presiding.

On motion of Senator Clayborne, **House Bill No. 90** 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 53; Nays 5.

The following voted in the affirmative:

Bomke	Hawkinson	Maitland	Shadid
Bowles	Hendon	Munoz	Shaw
Burzynski	Jacobs	Myers	Sieben
Cullerton	Jones, E.	Noland	Silverstein
DeLeo	Karpiel	Obama	Smith
del Valle	Klemm	O'Daniel	Sullivan
Demuzio	Lauzen	O'Malley	Syverson
Dillard	Lightford	Parker	Trotter
Donahue	Link	Peterson	Viverito

Dudycz	Luechtefeld	Petka	Walsh, L.
Fawell	Madigan, L.	Radogno	Walsh, T.
Geo-Karis	Madigan, R.	Rauschenberger	Watson
Halvorson	Mahar	Rea	Weaver
			Mr. President

The following voted in the negative:

Berman
Cronin
Jones, W.
Molaro
Welch

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

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

Senator Clayborne asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **House Bill No. 90**.

On motion of Senator O'Malley, **House Bill No. 230** 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 Shaw, **House Bill No. 236** 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	Madigan, R.	Shadid
Bomke	Halvorson	Mahar	Shaw
Bowles	Hawkinson	Maitland	Sieben
Burzynski	Hendon	Molaro	Silverstein
Clayborne	Jacobs	Munoz	Smith
Cronin	Jones, E.	Myers	Sullivan
Cullerton	Jones, W.	Noland	Syverson
DeLeo	Karpiel	Obama	Trotter
del Valle	Klemm	O'Daniel	Viverito
Demuzio	Lauzen	Parker	Walsh, L.
Dillard	Lightford	Peterson	Walsh, T.
Donahue	Link	Petka	Watson
Dudycz	Luechtefeld	Radogno	Weaver
Fawell	Madigan, L.	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. 245** 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
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 Amendments adopted thereto.

On motion of Senator O'Malley, **House Bill No. 371** 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 39; Nays 18; Present 2.

The following voted in the affirmative:

Berman	Jones, E.	Myers	Smith
Bomke	Jones, W.	Noland	Sullivan
Cullerton	Klemm	O'Daniel	Trotter
DeLeo	Lightford	O'Malley	Viverito
del Valle	Madigan, L.	Parker	Walsh, L.
Dillard	Madigan, R.	Peterson	Walsh, T.
Dudycz	Mahar	Petka	Watson
Fawell	Maitland	Radogno	Weaver
Geo-Karis	Molaro	Sieben	Mr. President
Halvorson	Munoz	Silverstein	

The following voted in the negative:

Bowles	Demuzio	Jacobs	Obama
Burzynski	Donahue	Karpiel	Rauschenberger
Clayborne	Hawkinson	Lauzen	Rea
Cronin	Hendon	Link	Shadid
			Syverson
			Welch

The following voted present:

Luechtefeld
Shaw

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

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

On motion of Senator Mahar, **House Bill No. 379** 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 T. Walsh, **House Bill No. 429** 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. 471** 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:

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

The following voted in the negative:

Berman

The following voted present:

Hendon

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

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

On motion of Senator T. Walsh, **House Bill No. 472** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title

a third time.
And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 49; Nays 6; Present 2.

The following voted in the affirmative:

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

The following voted in the negative:

Demuzio
Halvorson
Hendon

Molaro
Viverito
Welch

The following voted present:

Lauzen
O'Malley

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

On motion of Senator T. Walsh, **House Bill No. 485** 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.

HOUSE BILL RECALLED

On motion of Senator Bowles, **House Bill No. 523** 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 523 on page 1, line 17, by replacing "Act." with the following:

"Act for a period of 10 years after the effective date of this amendatory Act of the 91st General Assembly."; and

on page 2, line 25, by replacing "may" with the following:

"may, for a period of 10 years after the effective date of this amendatory Act of the 91st General Assembly,"; and

on page 6, line 1, by replacing "may" with the following:

"may, for a period of 10 years after the effective date of this amendatory Act of the 91st General Assembly,"; and

on page 8, line 30, by replacing "may" with the following:

"may, for a period of 10 years after the effective date of this amendatory Act of the 91st General Assembly,".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 523**, as amended, was returned to the order of third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Burzynski, **House Bill No. 542** 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	Halvorson	Mahar	Shadid
Bomke	Hawkinson	Maitland	Shaw
Bowles	Hendon	Molaro	Sieben
Burzynski	Jacobs	Munoz	Silverstein
Clayborne	Jones, E.	Myers	Smith
Cronin	Jones, W.	Noland	Sullivan
Cullerton	Karpiel	Obama	Syverson
DeLeo	Klemm	O'Daniel	Trotter
del Valle	Lauzen	O'Malley	Viverito
Demuzio	Lightford	Parker	Walsh, L.
Dillard	Link	Peterson	Walsh, T.
Donahue	Luechtefeld	Petka	Watson
Dudycz	Madigan, L.	Radogno	Weaver
Geo-Karis	Madigan, R.	Rea	Welch
			Mr. President

The following voted present:

Rauschenberger

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

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

On motion of Senator Rauschenberger, **House Bill No. 578** 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 R. Madigan, **House Bill No. 675** 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; Present 1.

The following voted in the affirmative:

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

The following voted present:

Trotter

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Clayborne, **House Bill No. 702** having been

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

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 49; Nays 9; Present 1.

The following voted in the affirmative:

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

The following voted in the negative:

Burzynski	Dillard	Hawkinson	Madigan, R.
Cronin	Dudycz	Lauzen	Sullivan
			Syverson

The following voted present:

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 and ask their concurrence in the Senate Amendments adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Watson, **House Bill No. 733** was recalled from the order of third reading to the order of second reading.

Senator Watson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 733 as follows:
on page 3, below line 29, 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. 733**, as amended, was returned to the order of third reading.

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 520
Senate Amendment No. 2 to House Bill 1622
Senate Amendment No. 2 to House Bill 1780
Senate Amendment No. 2 to House Bill 1825
Senate Amendment No. 3 to House Bill 2713
Senate Amendment No. 4 to House Bill 2320
Senate Amendment No. 1 to House Bill 2770

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Watson, **House Bill No. 777** 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 53; Nays 6.

The following voted in the affirmative:

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

The following voted in the negative:

Cronin
Hawkinson
Lauzen
Madigan, R.
Parker
Petka

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 Amendments adopted thereto.

Senator Lauzen asked and obtained unanimous consent for the Journal to reflect that he inadvertently voted "No" instead of "Yes" on the passage of **House Bill No. 777**.

Senator Parker asked and obtained unanimous consent for the Journal to reflect that she inadvertently voted "No" instead of "Yes"

on the passage of **House Bill No. 777**.

At the hour of 12:40 o'clock p.m., Senator Maitland presiding.

On motion of Senator Dillard, **House Bill No. 833** 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 42; Nays 14.

The following voted in the affirmative:

Bowles	Geo-Karis	Maitland	Petka
Clayborne	Halvorson	Molaro	Rauschenberger
Cronin	Hawkinson	Munoz	Rea
Cullerton	Jones, E.	Myers	Shaw
DeLeo	Jones, W.	Noland	Sieben
del Valle	Klemm	Obama	Smith
Dillard	Lightford	O'Daniel	Sullivan
Donahue	Link	O'Malley	Trotter
Dudycz	Madigan, R.	Parker	Viverito
Fawell	Mahar	Peterson	Walsh, T.
			Weaver
			Welch

The following voted in the negative:

Berman	Demuzio	Lauzen	Radogno
Bomke	Hendon	Luechtefeld	Shadid
Burzynski	Karpiel	Madigan, L.	Silverstein
			Walsh, L.
			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 Jacobs, **House Bill No. 835** 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.	Obama	Sullivan
DeLeo	Karpiel	O'Daniel	Syverson
del Valle	Klemm	O'Malley	Trotter
Demuzio	Lauzen	Parker	Viverito
Dillard	Lightford	Peterson	Walsh, L.
Donahue	Link	Petka	Walsh, T.

Dudycz	Luechtefeld	Radogno	Watson
Fawell	Madigan, L.	Rauschenberger	Weaver
			Welch
			Mr. President

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

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

On motion of Senator Klemm, **House Bill No. 839** 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 Amendments adopted thereto.

On motion of Senator Geo-Karis, **House Bill No. 845** 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; Present 2.

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	Lightford	Peterson	Walsh, L.
Donahue	Link	Petka	Walsh, T.
Dudycz	Madigan, L.	Radogno	Watson
Fawell	Madigan, R.	Rauschenberger	Weaver
Geo-Karis	Mahar	Rea	Mr. President

The following voted present:

Demuzio
Welch

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

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

On motion of Senator Watson, **House Bill No. 878** 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
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 Amendments adopted thereto.

Senator Demuzio asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **House Bill No. 878**.

On motion of Senator Radogno, **House Bill No. 934** 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 Dillard, **House Bill No. 953** 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 Dillard, **House Bill No. 1117** 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 Amendments adopted thereto.

On motion of Senator Myers, **House Bill No. 1162** 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
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 Donahue, **House Bill No. 1188** 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 Cronin, **House Bill No. 1194** 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 Amendments adopted thereto.

On motion of Senator Obama, **House Bill No. 1232** 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 34; Nays 6; Present 18.

The following voted in the affirmative:

Berman	Halvorson	Madigan, L.	Rea
Bowles	Hawkinson	Molaro	Shadid
Clayborne	Hendon	Munoz	Shaw
Cullerton	Jacobs	Obama	Silverstein
DeLeo	Jones, E.	O'Daniel	Smith
del Valle	Jones, W.	O'Malley	Sullivan
Demuzio	Lightford	Parker	Trotter
Geo-Karis	Link	Radogno	Viverito
			Walsh, L.
			Welch

The following voted in the negative:

Fawell
Karpiel
Klemm
Maitland
Rauschenberger
Mr. President

The following voted present:

Bomke	Donahue	Madigan, R.	Petka
Burzynski	Dudycz	Myers	Sieben
Cronin	Lauzen	Noland	Syverson
Dillard	Luechtefeld	Peterson	Walsh, T.
			Watson
			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 and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator T. Walsh, **House Bill No. 1234** 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, E.	Noland	Smith
Cullerton	Jones, W.	Obama	Sullivan
DeLeo	Karpiel	O'Daniel	Syverson
del Valle	Lauzen	O'Malley	Trotter
Demuzio	Lightford	Parker	Viverito
Dillard	Link	Peterson	Walsh, L.
Donahue	Luechtefeld	Petka	Walsh, T.
Dudycz	Madigan, L.	Radogno	Watson
Fawell	Madigan, R.	Rauschenberger	Weaver
			Welch
			Mr. President

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

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

On motion of Senator Watson, **House Bill No. 1261** 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, E.	Noland	Smith
Cullerton	Jones, W.	Obama	Sullivan
DeLeo	Karpiel	O'Daniel	Syverson
del Valle	Klemm	O'Malley	Trotter
Demuzio	Lauzen	Parker	Viverito
Dillard	Lightford	Peterson	Walsh, L.
Donahue	Link	Petka	Walsh, T.
Dudycz	Madigan, L.	Radogno	Watson
Fawell	Madigan, R.	Rauschenberger	Weaver
			Welch
			Mr. President

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

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

At the hour of 1:30 o'clock p.m., Senator Watson presiding.

On motion of Senator Peterson, **House Bill No. 1268** 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 45; Nays 10; Present 1.

The following voted in the affirmative:

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

The following voted in the negative:

Demuzio	Halvorson	Hendon	Madigan, L.
Donahue	Hawkinson	Jones, E.	Obama
			Shaw
			Welch

The following voted present:

O'Malley

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

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

On motion of Senator Cronin, **House Bill No. 1274** 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 Sullivan, **House Bill No. 1281** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 55; Nays 1; Present 1.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rea

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

The following voted in the negative:

Welch

The following voted present:

Molaro

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Dillard, **House Bill No. 1304** 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	Jacobs	Munoz	Sieben
Clayborne	Jones, E.	Myers	Smith

Cronin	Jones, W.	Noland	Sullivan
Cullerton	Karpiel	Obama	Syverson
DeLeo	Klemm	O'Daniel	Trotter
del Valle	Lauzen	O'Malley	Viverito
Demuzio	Lightford	Parker	Walsh, L.
Dillard	Link	Peterson	Walsh, T.
Donahue	Luechtefeld	Petka	Watson
Dudycz	Madigan, L.	Radogno	Weaver
Fawell	Madigan, R.	Rauschenberger	Welch

Mr. President

The following voted present:

Hendon

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

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

On motion of Senator Luechtefeld, **House Bill No. 1318** 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.	Radogno	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.

On motion of Senator R. Madigan, **House Bill No. 1348** 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 L. Walsh, **House Bill No. 1538** 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	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
			Welch
			Mr. President

The following voted in the negative:

Rauschenberger

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

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

At the hour of 1:54 o'clock p.m., Senator Donahue presiding.

On motion of Senator R. Madigan, **House Bill No. 1581** 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 2.

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, E.	Noland	Sullivan
Cullerton	Jones, W.	Obama	Syverson
DeLeo	Karpiel	O'Daniel	Trotter
del Valle	Klemm	O'Malley	Viverito
Demuzio	Lightford	Parker	Walsh, L.
Dillard	Link	Peterson	Walsh, T.
Donahue	Luechtefeld	Petka	Watson
Dudycz	Madigan, L.	Radogno	Weaver
Fawell	Madigan, R.	Rea	Welch
			Mr. President

The following voted in the negative:

Lauzen
Rauschenberger

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

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

REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its May 13, 1999 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: **Senate Amendment No. 2 to House Bill 1825.**

Commerce and Industry: **Senate Amendment No. 1 to House Bill 520; Senate Amendment No. 2 to House Bill 658; Senate Amendment No. 4 to House Bill 1959.**

Education: **Senate Amendment No. 2 to House Bill 1134.**

Executive: **Senate Amendment No. 1 to House Bill 470; Senate Amendment No. 1 to House Bill 606; Senate Amendment No. 2 to House Bill 1622; Senate Amendment No. 1 to House Bill 1769; Senate Amendment No. 2 to House Bill 2163; Senate Amendment No. 4 to House Bill 2320.**

Judiciary: **Senate Amendment No. 2 to House Bill 105; Senate Amendments numbered 2 and 3 to House Bill 526; Senate Amendment No. 2 to House Bill 1278; Senate Amendment No. 3 to House Bill 1720.**

Licensed Activities: **Senate Amendment No. 6 to House Bill 619; Senate Amendment No. 2 to House Bill 1780.**

Local Government: **Senate Amendments numbered 2 and 3 to House Bill 1841.**

Senator Weaver, Chairperson of the Committee on Rules, during its May 13, 1999 meeting, reported the following Senate Resolutions have been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Resolutions numbered 121, 122, 129 and 130; Senate Joint Resolution Constitutional Amendment No. 38**.

Senator Weaver, Chairperson of the Committee on Rules, during its May 13, 1999 meeting, reported the following House Resolution has been assigned to the indicated Standing Committee of the Senate:

Transportation: **House Joint Resolution No. 17.**

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 63
Senate Amendment No. 3 to House Bill 2713

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

READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator R. Madigan, **House Bill No. 1598** 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 2.

The following voted in the affirmative:

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

The following voted in the negative:

Lauzen
Rauschenberger

This bill, having received the vote of a constitutional majority

of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

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

COMMITTEE MEETING ANNOUNCEMENT

Senator Klemm, Chairperson of the Committee on Executive announced that the Executive Committee will meet today, in Room 212, Capitol Building, at 3:00 o'clock p.m.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Viverito, **House Bill No. 1617** 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, E.	Noland	Smith

Cullerton	Jones, W.	Obama	Sullivan
DeLeo	Karpiel	O'Daniel	Syverson
del Valle	Klemm	O'Malley	Trotter
Demuzio	Lauzen	Parker	Viverito
Dillard	Lightford	Peterson	Walsh, L.
Donahue	Link	Petka	Walsh, T.
Dudycz	Madigan, L.	Radogno	Watson
Fawell	Madigan, R.	Rauschenberger	Weaver
			Welch
			Mr. President

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

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

On motion of Senator Cronin, **House Bill No. 1670** 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, E.	Noland	Smith
Cullerton	Jones, W.	Obama	Sullivan
DeLeo	Karpiel	O'Daniel	Syverson
del Valle	Klemm	O'Malley	Trotter
Demuzio	Lauzen	Parker	Viverito
Dillard	Lightford	Peterson	Walsh, L.
Donahue	Link	Petka	Walsh, T.
Dudycz	Luechtefeld	Radogno	Watson
Fawell	Madigan, L.	Rauschenberger	Weaver
			Welch
			Mr. President

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

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

On motion of Senator Peterson, **House Bill No. 1695** 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 T. Walsh, **House Bill No. 1697** 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, E.	Noland	Smith
Cullerton	Jones, W.	Obama	Sullivan
DeLeo	Karpiel	O'Daniel	Syverson
del Valle	Klemm	O'Malley	Trotter
Demuzio	Lightford	Parker	Viverito
Dillard	Link	Peterson	Walsh, L.
Donahue	Luechtefeld	Petka	Walsh, T.
Dudycz	Madigan, L.	Radogno	Watson

Fawell	Madigan, R.	Rauschenberger	Weaver
			Welch
			Mr. President

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

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

On motion of Senator Radogno, **House Bill No. 1713** 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, E.	Noland	Smith
Cullerton	Jones, W.	Obama	Sullivan
DeLeo	Karpiel	O'Daniel	Syverson
del Valle	Klemm	O'Malley	Trotter
Demuzio	Lightford	Parker	Viverito
Dillard	Link	Peterson	Walsh, L.
Donahue	Luechtefeld	Petka	Walsh, T.
Dudycz	Madigan, L.	Radogno	Watson
Fawell	Madigan, R.	Rauschenberger	Weaver
			Welch
			Mr. President

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

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

On motion of Senator Karpiel, **House Bill No. 1774** 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	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	Syverson
DeLeo	Karpiel	O'Daniel	Trotter
del Valle	Klemm	O'Malley	Viverito
Demuzio	Lightford	Parker	Walsh, L.
Dillard	Link	Peterson	Walsh, T.
Donahue	Luechtefeld	Petka	Watson
Dudycz	Madigan, L.	Radogno	Weaver
Fawell	Madigan, R.	Rauschenberger	Welch
			Mr. President

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

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 2:13 o'clock p.m., Senator Watson presiding.

On motion of Senator Sieben, **House Bill No. 1805** 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	Maitland	Shadid
Bowles	Hawkinson	Molaro	Shaw
Burzynski	Hendon	Munoz	Sieben
Clayborne	Jacobs	Myers	Silverstein
Cronin	Jones, E.	Noland	Smith
Cullerton	Jones, W.	Obama	Sullivan
DeLeo	Karpiel	O'Daniel	Syverson
del Valle	Klemm	O'Malley	Trotter
Demuzio	Lauzen	Parker	Viverito
Dillard	Lightford	Peterson	Walsh, L.
Donahue	Link	Petka	Walsh, T.
Dudycz	Luechtefeld	Radogno	Watson
Fawell	Madigan, L.	Rauschenberger	Weaver
			Welch
			Mr. President

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

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

On motion of Senator Lauzen, **House Bill No. 1812** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 38; Nays 18; Present 3.

The following voted in the affirmative:

Bomke	Fawell	Mahar	Rauschenberger
Burzynski	Geo-Karis	Myers	Rea
Cronin	Hawkinson	Noland	Sieben
DeLeo	Jones, W.	O'Daniel	Sullivan
del Valle	Karpiel	O'Malley	Syverson
Demuzio	Klemm	Parker	Viverito
Dillard	Lauzen	Peterson	Walsh, T.
Donahue	Luechtefeld	Petka	Watson
Dudycz	Madigan, R.	Radogno	Weaver
			Welch
			Mr. President

The following voted in the negative:

Berman	Hendon	Madigan, L.	Obama
Clayborne	Jones, E.	Maitland	Shadid
Cullerton	Lightford	Molaro	Shaw
Halvorson	Link	Munoz	Silverstein
			Smith
			Trotter

The following voted present:

Bowles
Jacobs
Walsh, L.

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

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

On motion of Senator Petka, **House Bill No. 1816** 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	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	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 Syverson, **House Bill No. 1832** 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	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	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 Bomke, **House Bill No. 1860** 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
Bowles	Hawkinson	Maitland	Shadid
Burzynski	Hendon	Molaro	Shaw
Clayborne	Jacobs	Munoz	Sieben
Cronin	Jones, E.	Myers	Silverstein

Cullerton	Jones, W.	Noland	Smith
DeLeo	Karpiel	Obama	Sullivan
del Valle	Klemm	O'Daniel	Syverson
Demuzio	Lauzen	O'Malley	Trotter
Dillard	Lightford	Parker	Viverito
Donahue	Link	Peterson	Walsh, L.
Dudycz	Luechtefeld	Petka	Walsh, T.
Fawell	Madigan, L.	Radogno	Watson
Geo-Karis	Madigan, R.	Rauschenberger	Weaver
			Welch
			Mr. President

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

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

On motion of Senator Luechtefeld, **House Bill No. 1863** 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 Donahue, **House Bill No. 1897** 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 Sullivan, **House Bill No. 1926** 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 Sullivan, **House Bill No. 1935** 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	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Radogno	Watson
Fawell	Madigan, L.	Rauschenberger	Weaver
			Welch
			Mr. President

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Petka, **House Bill No. 1966** 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 44; Nays 13; Present 1.

The following voted in the affirmative:

Berman	Geo-Karis	Maitland	Shaw
Bomke	Hawkinson	Molaro	Sieben
Bowles	Hendon	Munoz	Silverstein
Burzynski	Jacobs	Myers	Smith
Clayborne	Karpiel	Obama	Syverson
Cullerton	Lightford	O'Daniel	Trotter
DeLeo	Link	O'Malley	Viverito
del Valle	Luechtefeld	Parker	Walsh, T.
Dillard	Madigan, L.	Peterson	Watson
Dudycz	Madigan, R.	Petka	Weaver
Fawell	Mahar	Rea	Mr. President

The following voted in the negative:

Cronin	Halvorson	Klemm	Shadid
Demuzio	Jones, E.	Noland	Sullivan
Donahue	Jones, W.	Rauschenberger	Walsh, L.
			Welch

The following voted present:

Lauzen

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

Ordered that the Secretary inform the House of Representatives

thereof.

On motion of Senator Berman, **House Bill No. 1978** 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	Madigan, R.	Rea
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Molaro	Sieben
Clayborne	Jacobs	Munoz	Silverstein
Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Noland	Sullivan
DeLeo	Karpiel	Obama	Syverson
del Valle	Klemm	O'Daniel	Trotter
Demuzio	Lauzen	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
			Welch

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

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

HOUSE BILL RECALLED

On motion of Senator Cronin, **House Bill No. 2008** was recalled from the order of third reading to the order of second reading.

Senators Cronin - Lightford offered the following amendment:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2008 as follows:
on page 1, line 31, by deleting "This area is"; and
on page 1, by deleting line 32; and
on page 2, by deleting line 1; and
on page 2, by replacing line 2 with "The presence of the"; and
on page 2, by replacing lines 31 and 32 with the following:

"Section 15. Acquisition of property. The Authority shall have the power to acquire by gift, purchase, or legacy the fee simple title to real property located within the boundaries of the Authority, including temporary and permanent easements, as well as reversionary interests in the streets, alleys and other public places and personal property, required for its purposes, and title thereto shall be taken in the corporate name of the Authority. Any such property which is already devoted to a public use may nevertheless be acquired, provided that no property belonging to the United States of America or the State of Illinois may be acquired without the consent of such governmental unit. No property devoted to a public use belonging to a corporation subject to the jurisdiction of the Illinois Commerce Commission may be acquired without a prior finding

by the Illinois Commerce Commission that the taking would not result in the imposition of an undue burden on instrastate commerce. All land and appurtenances thereto, acquired or owned by the Authority, are to be deemed acquired or owned for a public use or public purpose.

Section 20. Sale or exchange of property. The Authority shall have the power to sell, transfer, exchange, vacate or assign property acquired for the purposes of this Act as it shall deem appropriate.

Section 25. Acceptance of grants, loans, and appropriations. The Authority shall have the power to apply for and accept grants, loans, advances and appropriations from the Federal Government and from the State of Illinois or any agency or instrumentality thereof to be used for the purposes of the Authority, and to enter into any agreement in relation to such grants, loans, advances and appropriations. The Authority may also accept from the State, any State agency, department or commission, any county or other political subdivision, any municipal corporation, any railroads, school authorities, or jointly therefrom, grants of funds or services for any of the purposes of this Act. The Authority shall be treated as a rail carrier subject to the Illinois Commerce Commission's jurisdiction and eligible to receive money from the Grade Crossing Protection Fund or any fund of the State or other source available for purposes of promoting safety and separation of at-grade railroad crossings or highway improvements.

Section 30. Borrowing money and issuance of bonds. The Authority may incur debt and borrow money from time to time and, in evidence thereof, may issue and sell bonds in such amount or amounts as the Authority may determine, to provide funds for carrying out the purposes of this Act, and to pay all costs and expenses incident thereto, and to refund and refinance, from time to time, bonds so issued and sold, as often as may be deemed to be advantageous by the Authority.

Section 35. Taxing powers. The Authority shall not have the power to levy real property taxes for any purpose whatsoever."; and
on page 3, by deleting lines 1 through 5; and
on page 3, line 6, by replacing "20" with "40"; and
on page 3, line 15, by replacing "25" with "45"; and
on page 4, below line 4, by inserting the following:

"Section 50. Removal of members. The Governor may remove from office any Authority member immediately in case of incompetency, neglect of duty or malfeasance of office or otherwise upon 15 days written notice to the other members. Absence from any 3 consecutive regular meetings of the Authority shall be deemed neglect of duty.

Section 55. Organization; chair and temporary Secretary. As soon as possible after the appointment of the initial members, the Authority shall organize for the transaction of business, select a Chair and a temporary Secretary from its own number, and adopt bylaws to govern its proceedings. The initial Chair and successors shall be elected by the Authority from time to time from among members. The Authority may act through its members by entering into an agreement that a member act on the Authority's behalf, in which instance the act or performance directed shall be deemed to be exclusively of, for, and by the Authority and not the individual act of the member or its represented person.

Section 60. Meetings; quorum; resolutions. Regular meetings of the Authority shall be held at least quarterly, the time and place of those meetings to be fixed by the Authority. Special meetings may be

called by the Chair or by any 3 members of the Authority by giving notice thereof in writing, stating the time, place, and purpose of the meeting. The notice shall be served by special delivery letter deposited in the mails at least 48 hours before the meeting. A

majority of the members of the Authority shall constitute a quorum for the transaction of business. All action of the Authority shall be by resolution and, except as otherwise provided in this Act, the affirmative vote of at least a majority shall be necessary for the adoption of any resolution. The Chair shall be entitled to vote on any and all matters coming before the Authority.

Section 65. Secretary and Treasurer; oaths; bond of Treasurer. The Authority may appoint a Secretary and a Treasurer, who need not be members of the Authority, to hold office during the pleasure of the Authority, and fix their duties and compensation. Before entering upon the duties of their respective offices, they shall take and subscribe to the constitutional oath of office, and the Treasurer shall execute a bond with corporate sureties to be approved by the Authority. The bond shall be payable to the Authority in whatever penal sum may be directed by the Authority conditioned upon the faithful performance of the duties of the office and the payment of all money received by the Treasurer according to law and the orders of the Authority. The Authority may, at any time, require a new bond for the Treasurer in such penal sum as may then be determined by the Authority.

Section 70. Deposit and withdrawal of funds; signatures. All funds deposited by the Treasurer in any bank or savings and loan association shall be placed in the name of the Authority and shall be withdrawn or paid out only by check or draft upon the bank or savings and loan association, signed by the Treasurer and countersigned by the Chair of the Authority. Subject to prior approval of the designations by a majority of the Authority, the Chair may designate any other member or any officer of the Authority to affix the signature of the Treasurer to any Authority check or draft for payment of salaries or wages and for payment of any other obligation of not more than $2,500.

No bank or savings and loan association shall receive public funds as permitted by this Section unless it has complied with the requirements established under Section 6 of the Public Funds Investment Act.

Section 75. Delivery of check after executing officer ceases to hold office. If any officer whose signature appears upon any check or draft issued pursuant to this Act ceases to hold office before the delivery of the check or draft to the payee, the officer's signature nevertheless shall be valid and sufficient for all purposes with the same effect as if the officer had remained in office until delivery of the check or draft.

Section 80. Rules. The Authority may make all rules and regulations proper or necessary and to carry into effect the powers granted to it. The rules and regulations shall be consistent with the guidelines, objectives, and project scope as set out by the Illinois Commerce Commission.

Section 85. Fiscal year. The Authority shall designate its

fiscal year.

Section 90. Reports and financial statements. Within 60 days after the end of its fiscal year, the Authority shall cause to be prepared by a certified public accountant a complete and detailed report and financial statement of the operations and assets and liabilities as relate to the 25th Avenue railroad grade separation project. A reasonably sufficient number of copies of the report shall be prepared for distribution to persons interested, upon request, and a copy of the report shall be filed with the Illinois Commerce Commission and with the county clerk of Cook County.

Section 95. Construction. Nothing in this Act shall be construed to confer upon the Authority the right, power, or duty to order or enforce the abandonment of any present property of the

railroads or the use in substitution therefor of any property acquired for the railroads in the absence of a contract duly executed by the railroads and the Authority setting forth the terms and conditions upon which relocation of the right of way and physical facilities of the railroads is to be accomplished. No such contract shall be or become enforceable until the provisions of the contract have been approved or authorized by the Illinois Commerce Commission.

Section 100. Existing contracts, obligations, and liabilities. No contract, obligation, or liability whatever of the railroads to pay any money into the State treasury, nor any lien of the State upon or right to tax property of the railroads, shall be released, suspended, modified, altered, remitted, or in any manner diminished or impaired by the contract with the Authority, and any such charter provisions applicable to the property on which the railroads are now located shall be deemed in full force and effect with respect to any property on which the railroads are relocated in substitution therefor pursuant to the provisions of this Act or any such contract with the Authority pursuant thereto. Notwithstanding, upon order of the Illinois Commerce Commission, the Authority shall succeed to and assume the performance and actions of the represented persons under the terms of the order and amending orders previously entered relative to the 25th Avenue railroad grade separation project and consistent with the objectives of the Authority.

Section 105. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes."; and

on page 4, line 5, by replacing "99" with "999".

Senator Cronin moved the adoption of the foregoing amendment.

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 2008**, as amended, was returned to the order of third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Molaro, **House Bill No. 2023** 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
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 Radogno, **House Bill No. 2031** 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 37; Nays 16; Present 3.

The following voted in the affirmative:

Berman	Donahue	Mahar	Rea
Bowles	Dudycz	Maitland	Shaw
Clayborne	Geo-Karis	Molaro	Silverstein
Cronin	Halvorson	Munoz	Sullivan
Cullerton	Jacobs	Obama	Trotter
DeLeo	Jones, E.	Parker	Viverito
del Valle	Karpiel	Peterson	Walsh, L.
Demuzio	Link	Radogno	Walsh, T.
Dillard	Madigan, L.	Rauschenberger	Welch
			Mr. President

The following voted in the negative:

Bomke	Jones, W.	Myers	Shadid
Burzynski	Klemm	Noland	Sieben

Fawell	Luechtefeld	O'Daniel	Syverson
Hawkinson	Madigan, R.	Petka	Watson

The following voted present:

Lauzen
O'Malley
Smith

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 Amendments adopted thereto.

On motion of Senator O'Malley, **House Bill No. 2038** 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 Amendments adopted thereto.

On motion of Senator Munoz, **House Bill No. 2042** 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 2.

The following voted in the affirmative:

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

The following voted in the negative:

Hendon
Trotter

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

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

COMMITTEE MEETING ANNOUNCEMENTS

Senator Hawkinson, Chairperson of the Committee on Judiciary announced that the Judiciary Committee will meet today, in Room 400, Capitol Building, at 5:00 o'clock p.m.

Senator Dillard, Chairperson of the Committee on Local Government

announced that the Local Government Committee will meet today, in Room 212, Capitol Building, at 4:00 o'clock p.m.

Senator Fawell, Chairperson of the Committee on Transportation announced that the Transportation Committee will meet today, in Room 400, Capitol Building, at 4:30 o'clock p.m.

Senator Cronin, Chairperson of the Committee on Education announced that the Education Committee will meet today, in Room 212, Capitol Building, at 4:30 o'clock p.m.

Senator Sieben, Chairperson of the Committee on Agriculture and

Conservation announced that the Agriculture and Conservation Committee will meet today, in Room 212, Capitol Building, at 5:00 o'clock p.m.

Senator Burzynski, Chairperson of the Committee on Licensed Activities announced that the Licensed Activities Committee will meet today, in Room 400, Capitol Building, at 5:30 o'clock p.m.

Senator Lauzen, Chairperson of the Committee on Commerce and Industry announced that the Commerce and Industry Committee will meet today, in Room 212, Capitol Building, at 5:30 o'clock p.m.

Senate Klemm Chairperson of the Committee on Executive announced that the Executive Committee will meet today, in Room 212, Capitol Building, immediately upon recess.

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 H.A.'s 1 & 2 to Senate Bill 149
Motion to Concur in H.A.'s 1 & 2 to Senate Bill 203
Motion to Concur in H.A.'s 1 & 2 to Senate Bill 423
Motion to Concur in H.A.'s 1, 2, 3 & 4 to Senate Bill 849
Motion to Concur in House Amendment 2 to Senate Bill 1024

Senator Smith asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

At the hour of 3:17 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 7:10 o'clock p.m., the Senate resumed consideration of business.
Senator Maitland, presiding.

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. 53

A bill for AN ACT to amend the Illinois Municipal Code by changing Sections 11-74.4-3 and 11-74.4-7.

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. 53
House Amendment No. 2 to SENATE BILL NO. 53

Passed the House, as amended, May 13, 1999.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 53

AMENDMENT NO. 1. Amend Senate Bill 53 on page 1, by replacing lines 1 and 2 with the following:

"AN ACT relating to tax increment financing."; and

on page 25, below line 6, by inserting the following:

"Section 10. The Economic Development Project Area Tax Increment Allocation Act of 1995 is amended by changing Sections 5 and 10 as follows:

(65 ILCS 110/5)

Sec. 5. Legislative Declaration.

(a) The General Assembly finds, determines, and declares the following:

(1) Actions taken by the Secretary of Defense to close military installations under Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note), the Defense Base Closure and Realignment Act of 1990 (part A of Title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), ~~or~~ Section 2687 of Title 10 of the United States Code (10 U.S.C. 2687), and actions taken by the Secretary of the Army to transfer military installations pursuant to the Illinois Land Conservation Act (Title XXIX of Public Law 104-106; 16 U.S.C. 1609), as supplemented and amended, have an adverse socioeconomic impact upon the State residents due to the loss of civilian job opportunities, the transfer of permanently stationed military personnel, the decline in population, the vacancy of existing buildings, structures, residential housing units and other facilities, the burden of assuming and maintaining existing utility systems, and the erosion of the State's economic base.

(2) The redevelopment and reuse by the public and private sectors of any military installation closed by the Secretary of Defense and converted to civilian use is impaired due to little or no platting of any of the land, deleterious land use and layout, lack of community planning, depreciation of physical maintenance, presence of structures below minimum code standards, excessive vacancies, lack of adequate utility services and need to improve transportation facilities.

(3) The closing of military installations within the State is a serious menace to the health, safety, morals, and general welfare of the people of the entire State.

(4) Protection against the economic burdens associated with the closing of military installations, the consequent spread of economic stagnation, the impairments to redevelopment and reuse, and the resulting harm to the tax base of the State can best be

provided by promoting, attracting and stimulating commerce,

industry, manufacturing and other public and private sector investment within the State.

(5) The continual encouragement, redevelopment, reuse, growth, and expansion of commercial businesses, industrial and manufacturing facilities and other public and private investment on closed military installations within the State requires a cooperative and continuous partnership between government and the private sector.

(6) The State has a responsibility to create a favorable climate for new and improved job opportunities for its citizens and to increase the tax base of the State and its political subdivisions by encouraging the redevelopment and reuse by the public and private sectors of new commercial businesses, industrial and manufacturing facilities, and other civilian uses with respect to the vacant buildings, structures, residential housing units, and other facilities on closed military installations within the State.

(7) The lack of redevelopment and reuse of closed military installations within the State has persisted, despite efforts of State and local authorities and private organizations to attract new commercial businesses, industrial and manufacturing facilities and other public and private sector investment for civilian use to closed military installations within the State.

(8) The economic burdens associated with the closing of military installations within the State may continue and worsen if the State and its political subdivisions are not able to provide additional incentives to commercial businesses, industrial and manufacturing facilities, and other public and private investment for civilian use to locate on closed military installations within the State.

(9) The provision of additional incentives by the State and its political subdivisions is intended to relieve conditions of unemployment, create new job opportunities, increase industry and commerce, increase the tax base of the State and its political subdivisions, and alleviate vacancies and conditions leading to deterioration and blight on closed military installations within the State, thereby creating job opportunities and eradicating deteriorating and blighting conditions for the residents of the State and reducing the evils attendant upon unemployment and blight.

(b) It is hereby declared to be the policy of the State, in the interest of promoting the health, safety, morals, and general welfare of all the people of the State, to provide incentives that will create new job opportunities and eradicate potentially blighted conditions on closed military installations within the State, and it is further declared that the relief of conditions of unemployment, the creation of new job opportunities, the increase of industry and commerce within the State, the alleviation of vacancies and conditions leading to deterioration and blight, the reduction of the evils of unemployment, and the increase of the tax base of the State and its political subdivisions are public purposes and for the public

safety, benefit, and welfare of the residents of this State.
(Source: P.A. 89-176, eff. 1-1-96; 90-655, eff. 7-30-98.)

(65 ILCS 110/10)

Sec. 10. Definitions. In this Act, words or terms have the following meanings:

(a) "Closed military installation" means a former base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States Department of the Defense which is not less in the aggregate than 500 acres and which is closed or in the process of being closed by the Secretary of

Defense under and pursuant to Title II of the Defense Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note), The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), ~~or~~ Section 2687 of Title 10 of the United States Code (10 U.S.C. 2687), or that has been transferred or is in the process of being transferred by the Secretary of the Army pursuant to the Illinois Land Conservation Act (Title XXIX of Public Law 104-106; 16 U.S.C. 1609), as each may be further supplemented or amended.

(b) "Economic development plan" means the written plan of a municipality that sets forth an economic development program for an economic development project area. Each economic development plan shall include but not be limited to (i) estimated economic development project costs, (ii) the sources of funds to pay those costs, (iii) the nature and term of any obligations to be issued by the municipality to pay those costs, (iv) the most recent equalized assessed valuation of the economic development project area, (v) an estimate of the equalized assessed valuation of the economic development project area after completion of an economic development project, (vi) the estimated date of completion of any economic development project proposed to be undertaken, (vii) a general description of the types of any proposed developers, users, or tenants of any property to be located or improved within the economic development project area, (viii) a description of the type, structure, and general character of the facilities to be developed or improved, (ix) a description of the general land uses to apply in the economic development project area, (x) a general description or an estimate of the type, class, and number of employees to be employed in the operation of the facilities to be developed or improved, and (xi) a commitment by the municipality to fair employment practices and an affirmative action plan regarding any economic development program to be undertaken by the municipality.

(c) "Economic development project" means any development project furthering the objectives of this Act.

(d) "Economic development project area" means any improved or vacant area that (i) is within or partially within or is ~~and~~ contiguous to the boundaries of a closed military installation as defined in subsection (a) of this Section, (ii) is located entirely within the territorial limits of a municipality, (iii) is contiguous, (iv) is not less in the aggregate than 1 1/2 acres, (v) is suitable for siting by a commercial, manufacturing, industrial, research, transportation or residential housing enterprise or facilities to

include but not be limited to commercial businesses, offices, factories, mills, processing plants, industrial or commercial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities, transportation facilities or single or multi-family residential housing units, regardless of whether the area has been used at any time for those facilities and regardless of whether the area has been used or is suitable for other uses and (vi) has been approved and certified by the corporate authorities of the municipality pursuant to this Act.

(e) "Economic development project costs" means and includes the total of all reasonable or necessary costs incurred or to be incurred under an economic development project, including, without limitation, the following:

(1) Costs of studies, surveys, development of plans and specifications, and implementation and administration of an economic development plan and personnel and professional service costs for architectural, engineering, legal, marketing, financial planning, police, fire, public works, public utility, or other

services. No charges for professional services, however, may be based on a percentage of incremental tax revenues.

(2) Property assembly costs within an economic development project area, including but not limited to acquisition of land and other real or personal property or rights or interests in property.

(3) Site preparation costs, including but not limited to clearance of any area within an economic development project area by demolition or removal of any existing buildings, structures, fixtures, utilities, and improvements and clearing and grading; and including installation, repair, construction, reconstruction, extension or relocation of public streets, public utilities, and other public site improvements located outside the boundaries of an economic development project area that are essential to the preparation of the economic development project area for use with an economic development plan.

(4) Costs of renovation, rehabilitation, reconstruction, relocation, repair, or remodeling of any existing buildings, improvements, equipment, and fixtures within an economic development project area.

(5) Costs of installation or construction within an economic development project area of any buildings, structures, works, streets, improvements, equipment, utilities, or fixtures, whether publicly or privately owned or operated.

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations, payment of any interest on any obligations issued under this Act that accrues during the estimated period of construction of any economic development project for which the obligations are issued and for not more than 36 months after that period, and any reasonable reserves related to the issuance of the obligations.

(7) All or a portion of a taxing district's capital or

operating costs resulting from an economic development project necessarily incurred or estimated to be incurred by a taxing district in the furtherance of the objectives of an economic development project, to the extent that the municipality, by written agreement, accepts and approves those costs.

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to pay relocation costs by federal or State law.

(9) The estimated tax revenues from real property in an economic development project area acquired by a municipality in furtherance of an economic development project under this Act that, according to the economic development plan, is to be used for a private use (i) that any taxing district would have received had the municipality not adopted tax increment allocation financing for an economic development project area and (ii) that would result from the taxing district's levies made after the time of the adoption by the municipality of tax increment allocation financing to the time the current equalized assessed value of real property in the economic development project area exceeds the total initial equalized value of real property.

(10) Costs of rebating ad valorem taxes paid by any developer or other nongovernmental person in whose name the general taxes were paid for the last preceding year on any lot, block, tract, or parcel of land in the economic development project area, provided that:

(A) the economic development project area is located in an enterprise zone created under the Illinois Enterprise

Zone Act;

(B) the ad valorem taxes shall be rebated only in amounts and for a tax year or years as the municipality and any one or more affected taxing districts have agreed by prior written agreement;

(C) any amount of rebate of taxes shall not exceed the portion, if any, of taxes levied by the municipality or taxing district or districts that is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the economic development project area over and above the initial equalized assessed value of each property existing at the time property tax allocation financing was adopted for the economic development project area; and

(D) costs of rebating ad valorem taxes shall be paid by a municipality solely from the special tax allocation fund established under this Act and shall not be paid from the proceeds of any obligations issued by a municipality.

(11) Costs of job training or advanced vocational or career education, including but not limited to courses in occupational, semi-technical, or technical fields leading directly to employment, incurred by one or more taxing districts, but only if the costs are related to the establishment and maintenance of additional job training, advanced vocational education, or career

education programs for persons employed or to be employed by employers located in the economic development project area and only if, when the costs are incurred by a taxing district or taxing districts other than the municipality, they shall be set forth in a written agreement by or among the municipality and the taxing district or taxing districts that describes the program to be undertaken, including without limitation the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay the costs, and the term of the agreement. These costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20 and 10-23.3a of the School Code.

(12) Private financing costs incurred by a developer or other nongovernmental person in connection with an economic development project, provided that:

(A) private financing costs shall be paid or reimbursed by a municipality only pursuant to the prior official action of the municipality evidencing an intent to pay or reimburse such private financing costs;

(B) except as provided in subparagraph (D), the aggregate amount of the costs paid or reimbursed by a municipality in any one year shall not exceed 30% of the costs paid or incurred by the developer or other nongovernmental person in that year;

(C) private financing costs shall be paid or reimbursed by a municipality solely from the special tax allocation fund established under this Act and shall not be paid from the proceeds of any obligations issued by a municipality; and

(D) if there are not sufficient funds available in the special tax allocation fund in any year to make the payment or reimbursement in full, any amount of the interest costs remaining to be paid or reimbursed by a municipality shall

accrue and be payable when funds are available in the special tax allocation fund to make the payment.

If a special service area has been established under the Special Service Area Tax Act, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act may be used within the economic development project area for the purposes permitted by that Act as well as the purposes permitted by this Act.

(f) "Municipality" means a city, village, or incorporated town.

(g) "Obligations" means any instrument evidencing the obligation of a municipality to pay money, including without limitation bonds, notes, installment or financing contracts, certificates, tax anticipation warrants or notes, vouchers, and any other evidences of indebtedness.

(h) "Taxing districts" means counties, townships, and school, road, park, sanitary, mosquito abatement, forest preserve, public

health, fire protection, river conservancy, tuberculosis sanitarium, and any other districts or other municipal corporations with the power to levy taxes.
(Source: P.A. 89-176, eff. 1-1-96.)".

AMENDMENT NO. 2 TO SENATE BILL 53

AMENDMENT NO. 2. Amend Senate Bill 53, AS AMENDED, by replacing the title with the following:

"AN ACT concerning local government economic development."; and

by inserting immediately below the enacting clause the following:

"Section 3. The Illinois Enterprise Zone Act is amended by changing Section 5.3 as follows:

(20 ILCS 655/5.3) (from Ch. 67 1/2, par. 608)

Sec. 5.3. Certification of Enterprise Zones; Effective date.

(a) Approval of designated Enterprise Zones shall be made by the Department by certification of the designating ordinance. The Department shall promptly issue a certificate for each Enterprise Zone upon its approval. The certificate shall be signed by the Director of the Department, shall make specific reference to the designating ordinance, which shall be attached thereto, and shall be filed in the office of the Secretary of State. A certified copy of the Enterprise Zone Certificate, or a duplicate original thereof, shall be recorded in the office of recorder of deeds of the county in which the Enterprise Zone lies.

(b) An Enterprise Zone shall be effective upon its certification. The Department shall transmit a copy of the certification to the Department of Revenue, and to the designating municipality or county.

Upon certification of an Enterprise Zone, the terms and provisions of the designating ordinance shall be in effect, and may not be amended or repealed except in accordance with Section 5.4.

(c) An Enterprise Zone shall be in effect for 30 ~~20~~ calendar years, or for a lesser number of years specified in the certified designating ordinance. Enterprise Zones shall terminate at midnight of December 31 of the final calendar year of the certified term, except as provided in Section 5.4. In Vermilion County, however, an enterprise zone shall be in effect for 30 calendar years or for a lesser number of years specified in the certified designating ordinance.

(d) No more than 12 Enterprise Zones may be certified by the Department in calendar year 1984, no more than 12 Enterprise Zones may be certified by the Department in calendar year 1985, no more than 13 Enterprise Zones may be certified by the Department in calendar year 1986, no more than 15 Enterprise Zones may be certified by the Department in calendar year 1987, and no more than 20 Enterprise Zones may be certified by the Department in calendar year

1990. In other calendar years, no more than 13 Enterprise Zones may be certified by the Department. The Department may also designate up to 8 additional Enterprise Zones outside the regular application cycle if warranted by the extreme economic circumstances as determined by the Department. The Department may also designate one additional Enterprise Zone outside the regular application cycle if

an aircraft manufacturer agrees to locate an aircraft manufacturing facility in the proposed Enterprise Zone. Notwithstanding any other provision of this Act, no more than 89 Enterprise Zones may be certified by the Department for the 10 calendar years commencing with 1983. The 7 additional Enterprise Zones authorized by Public Act 86-15 shall not lie within municipalities or unincorporated areas of counties that abut or are contiguous to Enterprise Zones certified pursuant to this Section prior to June 30, 1989. The 7 additional Enterprise Zones (excluding the additional Enterprise Zone which may be designated outside the regular application cycle) authorized by Public Act 86-1030 shall not lie within municipalities or unincorporated areas of counties that abut or are contiguous to Enterprise Zones certified pursuant to this Section prior to February 28, 1990. In any calendar year, the Department may not certify more than 3 Zones located within the same municipality. The Department may certify Enterprise Zones in each of the 10 calendar years commencing with 1983. The Department may not certify more than a total of 18 Enterprise Zones located within the same county (whether within municipalities or within unincorporated territory) for the 10 calendar years commencing with 1983. Thereafter, the Department may not certify any additional Enterprise Zones, but may amend and rescind certifications of existing Enterprise Zones in accordance with Section 5.4.

(e) Notwithstanding any other provision of law, if (i) the county board of any county in which a current military base is located, in part or in whole, or in which a military base that has been closed within 20 years of the effective date of this amendatory Act of 1998 is located, in part or in whole, adopts a designating ordinance in accordance with Section 5 of this Act to designate the military base in that county as an enterprise zone and (ii) the property otherwise meets the qualifications for an enterprise zone as prescribed in Section 4 of this Act, then the Department may certify the designating ordinance or ordinances, as the case may be.
(Source: P.A. 90-657, eff. 7-30-98.)".

Under the rules, the foregoing **Senate Bill No. 53**, 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. 171

A bill for AN ACT in relation to public safety.

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. 171

Passed the House, as amended, May 13, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 171

AMENDMENT NO. 1. Amend Senate Bill 171 on page 3, by replacing lines 14 through 30 with the following:

"Notwithstanding any other provision of this Section, a non-homerule municipality of 130,000 or fewer inhabitants, through its council or board of trustees, may, by ordinance, provide for a position of deputy chief to be appointed by the chief of the police department. The ordinance shall provide for no more than one deputy chief position if the police department has fewer than 25 police officers and for no more than 2 deputy chief positions if the police department has 25 or more police officers. The deputy chief position shall be an exempt rank immediately below that of Chief. The deputy chief may be appointed from any rank of sworn, full-time officers of the municipality's police department, but must have at least 5 years of full-time service as a police officer in that department. A deputy chief shall serve at the discretion of the Chief and, if removed from the position, shall revert to the rank held immediately prior to appointment to the deputy chief position.".

Under the rules, the foregoing **Senate Bill No. 171**, 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. 458

A bill for AN ACT in relation to automated external defibrillators.

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. 458

Passed the House, as amended, May 13, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 458

AMENDMENT NO. 1. Amend Senate Bill 458 on page 4, by replacing lines 4 through 14 with the following:

"Section 30. Exemption from civil liability.

(a) A physician licensed in Illinois to practice medicine in all its branches who authorizes the purchase of an automated external defibrillator is not liable for civil damages as a result of any act or omission arising out of authorizing the purchase of an automated external defibrillator, except for willful or wanton misconduct, if the requirements of this Act are met.

(b) An individual or entity providing training in the use of automated external defibrillators is not liable for civil damages as a result of any act or omission involving the use of an automated

external defibrillator, except for willful or wanton misconduct, if the requirements of this Act are met.

(c) A person owning, occupying, or managing the premises where an automated external defibrillator is located is not liable for civil damages as a result of any act or omission involving the use of an automated external defibrillator, except for willful or wanton misconduct, if the requirements of this Act are met.

(d) A trained AED user is not liable for civil damages as a result of any act or omission involving the use of an automated external defibrillator in an emergency situation, except for willful or wanton misconduct, if the requirements of this Act are met.".

Under the rules, the foregoing **Senate Bill No. 458**, 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. 460

A bill for AN ACT to amend the Code of Civil Procedure by changing Sections 5-105 and 5-105.5.

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. 460
House Amendment No. 3 to SENATE BILL NO. 460

Passed the House, as amended, May 13, 1999.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 460

AMENDMENT NO. 1. Amend Senate Bill 460 on page 1, lines 2 and 6, by changing "Sections 5-105 and 5-105.5" each time it appears to "Section 5-105"; and
by deleting lines 20 through 33 on page 5 and lines 1 through 22 on page 6.

AMENDMENT NO. 3 TO SENATE BILL 460

AMENDMENT NO. 3. Amend Senate Bill 460, AS AMENDED, in the title and in the introductory clause of Section 5, by changing "Section 5-105" each time it appears to "Sections 2-1101 and 5-105"; and
in Section 5, by inserting after the introductory clause the following:

"(735 ILCS 5/2-1101) (from Ch. 110, par. 2-1101)

Sec. 2-1101. Subpoenas. The clerk of any court in which an action is pending shall, from time to time, issue subpoenas for those witnesses and to those counties in the State as may be required by

either party. Every clerk who shall refuse so to do shall be guilty of a petty offense and fined any sum not to exceed $100. An order of court is not required to obtain the issuance by the clerk of a subpoena duces tecum. For good cause shown, the court on motion may quash or modify any subpoena or, in the case of a subpoena duces tecum, condition the denial of the motion upon payment in advance by the person in whose behalf the subpoena is issued of the reasonable expense of producing any item therein specified.

In the event that a party has subpoenaed an expert witness including, but not limited to physicians or medical providers, and the expert witness appears in court, and a conflict arises between the party subpoenaing the expert witness and the expert witness over the fees charged by the expert witness, the trial court shall be advised of the conflict. The trial court shall conduct a hearing subsequent to the testimony of the expert witness, ~~and~~ shall determine the reasonable fee to be paid to the expert witness, and

shall order payment by the subpoenaing party to the expert witness. (Source: P.A. 87-418.)".

Under the rules, the foregoing **Senate Bill No. 460**, with House Amendments numbered 1 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. 656

A bill for AN ACT to amend the Liquor Control Act of 1934 by changing Sections 6-11 and 7-13.

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. 656

Passed the House, as amended, May 13, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 656

AMENDMENT NO. 1. Amend Senate Bill 656 on page 2, by replacing lines 18 through 31 with the following:

"In the interest of further developing Illinois' economy in the area of commerce, tourism, convention, and banquet business, nothing in this Section shall prohibit issuance of a retail license authorizing the sale of alcoholic beverages to a restaurant, banquet facility, grocery store, or hotel having not fewer than 150 guest room accommodations located in a municipality of more than 500,000 persons, notwithstanding the proximity of such hotel, restaurant, ~~or~~ banquet facility, or grocery store to any church or school, if the

licensed premises described on the license are located within an enclosed mall or building of a height of at least 6 stories, or 60 feet in the case of a building that has been registered as a national landmark, or in a grocery store having a minimum of 56,010 square feet of floor space in a single story building in an open mall of at least 3.96 acres that is adjacent to a public school that opened as a boys technical high school in 1934, and in any ~~either~~ case if the sale of alcoholic liquors is not the principal business carried on by the licensee ~~license~~.".

Under the rules, the foregoing **Senate Bill No. 656**, 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. 725
A bill for AN Act concerning aquaculture.

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. 725
House Amendment No. 2 to SENATE BILL NO. 725

Passed the House, as amended, May 13, 1999.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 725
AMENDMENT NO. 1. Amend Senate Bill 725 on page 1, line 27, by replacing "The" with the following:
"At the beginning of each fiscal period, the Cooperative shall prepare a budget plan for the next fiscal period, including the probable cost of all programs, projects, and contracts. The Cooperative shall submit the proposed budget to the Director for review and comment. The Director may recommend programs and activities considered appropriate for the Cooperative. The Cooperative shall keep minutes, books, and records that clearly reflect all of the acts and transactions of the Cooperative and shall make this information public. The financial books and records of the Cooperative shall be audited by a certified public accountant at least once each fiscal year and at other times as designated by the Director. The expense of the audit shall be the responsibility of the Cooperative. Copies of the audit shall be provided to all members of the Cooperative, to the Department, and to other requesting members of the aquaculture industry."; and
on page 1, by deleting lines 28 and 29; and
on page 2, by deleting line 1; and
on page 64, line 21, by replacing "and (iii)" with "(iii) Illinois

State University at Bloomington-Normal, (iv) Western Illinois University at Macomb, and (v)".

AMENDMENT NO. 2 TO SENATE BILL 725

AMENDMENT NO. 2. Amend Senate Bill 725 on page 1, line 22, by replacing "Cooperative." with "Cooperative from the Illinois Aquaculture Development Fund, a special fund created in the State Treasury. On July 1, 1999 and on each July 1 thereafter through July 1, 2008, the Comptroller shall order transferred and the Treasurer shall transfer $1,000,000 from the General Revenue Fund into the Illinois Aquaculture Development Fund."; and
on page 2, by replacing lines 21 through 24 with "report shall detail whether the Cooperative funding should be"; and
on page 2, line 30, by replacing "Sections 5.490 and 6z-47" with "Section 5.490"; and
by deleting pages 3 through 62; and
on page 63, by deleting lines 1 through 32.

Under the rules, the foregoing **Senate Bill No. 725**, 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. 786

A bill for AN ACT promoting micro-enterprise and self-employment in Illinois.

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

House Amendment No. 2 to SENATE BILL NO. 786

Passed the House, as amended, May 13, 1999.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 786

AMENDMENT NO. 2. Amend Senate Bill 786 as follows:
on page 3, line 28, by deleting "and"; and
on page 3, by replacing line 29 with the following:
"Secretary of Human Services or his or her designee, and one shall be the chair of the Illinois State Micro-Enterprise Initiative or his or her designee. Three".

Under the rules, the foregoing **Senate Bill No. 786**, with House Amendment No. 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. 946

A bill for AN ACT concerning taxes.

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. 946
House Amendment No. 2 to SENATE BILL NO. 946

Passed the House, as amended, May 13, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 946

AMENDMENT NO. 1. Amend Senate Bill 946 by replacing everything after the enacting clause with the following:

"Section 5. The Gas Revenue Tax Act is amended by changing Section 2a.1 as follows:

(35 ILCS 615/2a.1) (from Ch. 120, par. 467.17a.1)

Sec. 2a.1. Imposition of tax on invested capital. In addition to the taxes imposed by the Illinois Income Tax Act and Section 2 of this Act, there is hereby imposed upon persons engaged in the business of distributing, supplying, furnishing or selling gas and subject to the tax imposed by this Act (other than a school district or unit of local government as defined in Section 1 of Article VII of the Illinois Constitution of 1970), an additional tax in an amount equal to 0.8% ~~.8%~~ of such persons' invested capital for the taxable period. If such persons are not liable for such additional tax for the entire taxable period, such additional tax shall be computed on the portion of the taxable period during which such persons were liable for such additional tax. The invested capital tax imposed by this Section shall not be imposed upon persons who are not regulated by the Illinois Commerce Commission. Provided, in the case of any person which is subject to the invested capital tax imposed by this Section and which is also subject to the tax on the distribution of electricity imposed by Section 2a.1 of the Public Utilities Revenue Act, the invested capital tax imposed by this Section shall be an amount equal to 0.8% of such person's invested capital for the taxable period multiplied by a fraction the numerator of which is the

average of the beginning and ending balances of such person's gross gas utility plant in service and the denominator of which is the average of the beginning and ending balances of such person's gross electric and gas utility plant in service, as set forth in such person's annual report to the Illinois Commerce Commission for the taxable period.

(Source: P.A. 90-561, eff. 1-1-98.)".

AMENDMENT NO. 2 TO SENATE BILL 946

AMENDMENT NO. 2. Amend Senate Bill 946 by replacing the title with the following:

"AN ACT to amend the Gas Revenue Tax Act by changing Section 2a.1."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Gas Revenue Tax Act is amended by changing Section 2a.1 as follows:

(35 ILCS 615/2a.1) (from Ch. 120, par. 467.17a.1)

Sec. 2a.1. Imposition of tax on invested capital. In addition to the taxes imposed by the Illinois Income Tax Act and Section 2 of this Act, there is hereby imposed upon persons engaged in the business of distributing, supplying, furnishing or selling gas and subject to the tax imposed by this Act (other than a school district or unit of local government as defined in Section 1 of Article VII of the Illinois Constitution of 1970), an additional tax in an amount equal to .8% of such persons' invested capital for the taxable period. If such persons are not liable for such additional tax for the entire taxable period, such additional tax shall be computed on the portion of the taxable period during which such persons were liable for such additional tax. The invested capital tax imposed by this Section shall not be imposed upon persons who are not regulated by the Illinois Commerce Commission. Provided, in the case of any person which is subject to the invested capital tax imposed by this Section and which is also subject to the tax on the distribution of electricity imposed by Section 2a.1 of the Public Utilities Revenue Act, for taxable periods beginning on or after January 1, 1998, the invested capital tax imposed by this Section shall be the lesser of (i) an amount equal to 0.8% of such person's invested capital for the taxable period multiplied by a fraction the numerator of which is the average of the beginning and ending balances of such person's gross gas utility plant in service and the denominator of which is the average of the beginning and ending balances of such person's gross electric and gas utility plant in service, as set forth in such person's annual report to the Illinois Commerce Commission for the taxable period, or (ii) an amount equal to 0.8% of the person's invested capital for the taxable period ended December 31, 1996 multiplied by a fraction the numerator of which is the average of the beginning and ending balances of the person's gross gas utility plant in service and the denominator of which is the average of the beginning and ending balances of the person's gross electric and gas utility plant in service as set forth in the person's annual report to the Illinois Commerce Commission for the taxable period ended December 31, 1996 modified by an adjustment factor. The adjustment factor is a ratio the numerator of which is the average of the beginning and ending balances of the person's gross gas plant in service for the taxable period and the denominator of which is the average of the beginning and ending balances of the person's gross gas plant in service for the taxable period ended December 31, 1996, as set forth in the person's annual reports to the Illinois Commerce Commission for such taxable periods.

(Source: P.A. 90-561, eff. 1-1-98.)".

Under the rules, the foregoing **Senate Bill No. 946**, 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. 1061

A bill for AN ACT regarding the delivery of medical services in correctional institutions and facilities.

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. 1061
House Amendment No. 2 to SENATE BILL NO. 1061

Passed the House, as amended, May 13, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1061

AMENDMENT NO. 1. Amend Senate Bill 1061 by replacing the title with the following:

"AN ACT regarding the delivery of medical services in correctional institutions and facilities."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Department of Corrections Medical Services Continuity Act.

Section 5. Legislative findings; declaration of policy.

(a) The purpose of this Act is to provide for continuity of medical services in correctional institutions and facilities, including juvenile facilities, under the maintenance and control of the Department of Corrections. The Department of Corrections is mandated to maintain and administer all State correctional institutions and facilities, including juvenile facilities. The Department of Corrections is required to provide medical and dental services, including mental health services, to all incarcerated persons in the correctional institutions and facilities, including the juvenile facilities, under its maintenance and control. In certain instances, contracts are entered into with private entities (contractors) for the purposes of providing those medical and dental services, including mental health services. From time to time, under and in accordance with the contracting and bidding requirements of State law, the identity of the contractor or contractors providing those services is changed or the Department of Corrections resumes providing those medical, mental health, or dental services.

(b) The General Assembly finds that disruption in the provision of medical and dental services, including mental health services, to incarcerated persons in correctional institutions and facilities, including juvenile facilities, of this State is detrimental to the operation of those facilities, including the maintenance of security in those facilities. The General Assembly further finds that such disruption will be less likely if there is a transition employment period when a new contractor replaces a previous contractor in providing medical, dental, or mental health services in correctional

institutions and facilities, including juvenile facilities, of this State.

(c) It is hereby declared to be the policy of the State of

Illinois that there shall be a transition employment period when a new contractor replaces a previous contractor in providing medical, dental, or mental health services in correctional institutions and facilities, including juvenile facilities, under the maintenance and control of the Department of Corrections.

Section 10. Definitions. As used in this Act:

"Contractor" means an individual or entity having a written or oral agreement to provide covered services in a correctional facility. "Contractor" includes a subcontractor. "Contractor" includes the Department of Corrections under the circumstances set forth in the definition of "new contractor".

"Correctional facility" means a correctional institution or facility, including a juvenile facility, under the maintenance and control of the Department of Corrections.

"Covered services" mean the medical, dental, or mental health services provided by a contractor and includes all services, both direct and indirect, provided in connection with those services.

"Employee" means a person employed by a contractor other than a person employed in a bona fide supervisory or managerial position as defined by applicable law.

"New contractor" means a contractor with written or oral contract to provide covered services in a correctional facility that were previously provided by a previous contractor or that will no longer be provided by a previous contractor when the previous contractor's contract expires. The Department of Corrections shall be deemed to be a "new contractor" for purposes of this Act when the Department of Corrections resumes providing covered services that were previously provided by a previous contractor.

"Previous contractor" means a contractor who had or has an oral or written contract to provide covered services but whose contract has expired or is expiring.

Section 15. Transition employment period.

(a) If there is a collective bargaining agreement in effect with the new contractor on the effective date of the new contract which covers employees of the previous contractor, this Section shall not apply to the new contractor.

(b) A new contractor shall employ, for a 90-day transition employment period, employees who had been employed by or were on the payroll of the previous contractor on the last working day immediately preceding the effective date of the contract of the new contractor.

(c) A new contractor who is awarded an oral or written contract to provide covered services shall maintain, for a 90-day transition employment period, the hours, wages, benefits, and all other terms and working conditions in effect for employees employed by or on the payroll of the previous contractor on the last working day immediately preceding the effective date of the contract of the new contractor.

(d) No later than 10 days after a contract is awarded to a new

contractor, the previous contractor shall make available to the new contractor the names of all employees of the previous contractor, the date each employee was hired, each employee's occupation classification, and each employee's wages, hours, benefits, and other terms and working conditions.

(e) If, at any time, the new contractor determines that fewer employees are required to perform the covered services than were employed by the previous contractor, the new contractor shall retain employees by seniority within job classifications.

(f) During the 90-day transition employment period, the new contractor shall maintain a preferential hiring list of employees not retained by the new contractor from which the new contractor shall

hire any additional employees as needed by the new contractor.

(g) Except as provided in subsection (e), the new contractor may not discharge an employee during the 90-day transition employment period without just cause.

Section 20. Other requirements.

(a) No contractor shall receive a contract to provide covered services unless the contractor has agreed to comply with this Act.

(b) All contracts for the provision of covered services shall include the requirements set forth in Section 15 and an agreement by the contractor to comply with this Act.

Section 25. Enforcement.

(a) If a person violates any provision of this Act, the State of Illinois or the Department of Corrections may take any action necessary to compel compliance, including but not limited to, instituting a civil action for injunctive relief, specific performance, or damages or a combination of those remedies.

(b) If the State of Illinois or the Department of Corrections brings an action to enforce this Act, any person, organization, or association 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 or the Department of Corrections declines to institute an action for enforcement for violation of the transition employment period provisions of this Act, any person, organization, or association with a direct interest in compliance with this Act may institute a civil action on his or her or its own behalf and on behalf of the State of Illinois for injunctive relief, specific performance, or damages or a combination of those remedies.

(d) Monetary damages for violation of this Act shall include:

(i) For each employee discharged or removed from employment in violation of this Act or not offered re-employment as required by this Act, an amount equal to the salary or wages that the employee would have received but for the violation of this Act.

(ii) For each employee whose wages, hours, benefits, or other terms and working conditions are altered in violation of this Act, an amount measured by the difference between the salary or wages or monetary value of benefits received and the amount that the employee would have received but for the violation of this Act.

(iii) In view of the difficulty in determining actual damages incurred as a result of a violation of this Act with

respect to certain working conditions, liquidated damages in the amount of $25 per day for each employee who has been affected by a violation of this Act or in an amount equal to the damages awarded under items (i) and (ii) above, whichever is greater.

(iv) Reasonable attorney's fees and costs.

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 on September 1, 1999.".

AMENDMENT NO. 2 TO SENATE BILL 1061

AMENDMENT NO. 2. Amend Senate Bill 1061, AS AMENDED, in Section 15, by replacing subsection (a) with the following:

"(a) If a labor organization is the exclusive bargaining agent of the new contractor's employees on the effective date of the new contract, this Act shall not apply to the new contractor."; and

in Section 99, by changing "on September 1, 1999" to "upon becoming law".

Under the rules, the foregoing **Senate Bill No. 1061**, 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. 1112

A bill for AN ACT in relation to criminal penalties, 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. 2 to SENATE BILL NO. 1112

Passed the House, as amended, May 13, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 1112

AMENDMENT NO. 2. Amend Senate Bill 1112 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Sections 8-4, 9-1.2, 10-2, 12-4.3, 12-11, 12-14, 12-14.1, 18-2, 18-4, 33A-1, 33A-2, and adding Sections 2-3.6, 2-7.5, and 2-15.5 as follows:

(720 ILCS 5/2-3.6 new)

Sec. 2-3.6. "Armed with a firearm". Except as otherwise provided in a specific Section, a person is considered "armed with a firearm" when he or she carries on or about his or her person or is otherwise armed with a firearm.

(720 ILCS 5/2-7.5 new)

Sec. 5/2-7.5 "Firearm". Except as otherwise provided in a specific Section, "firearm" has the meaning ascribed to it in Section 1.1 of the Firearm Owners Identification Card Act.

(720 ILCS 5/2-15.5 new)

Sec. 2-15.5. "Personally discharged a firearm". A person is considered to have "personally discharged a firearm" when he or she, while armed with a firearm, knowingly and intentionally fires a firearm causing the ammunition projectile to be forcefully expelled from the firearm.

(720 ILCS 5/8-4) (from Ch. 38, par. 8-4)

Sec. 8-4. Attempt.

(a) Elements of the Offense.

A person commits an attempt when, with intent to commit a specific offense, he does any act which constitutes a substantial step toward the commission of that offense.

(b) Impossibility.

It shall not be a defense to a charge of attempt that because of a misapprehension of the circumstances it would have been impossible for the accused to commit the offense attempted.

(c) Sentence.

A person convicted of an attempt may be fined or imprisoned or both not to exceed the maximum provided for the offense attempted but, except for an attempt to commit the offense defined in Section 33A-2 of this Act,

(1) the sentence for attempt to commit first degree murder is the sentence for a Class X felony, except that

(A) an attempt to commit first degree murder when at least one of the aggravating factors specified in paragraphs (1), (2) and (12) of subsection (b) of Section 9-1 is

present is a Class X felony for which the sentence shall be a term of imprisonment of not less than 20 years and not more than 80 years;

(B) an attempt to commit first degree murder while armed with a firearm is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court;

(C) an attempt to commit first degree murder during which the person personally discharged a firearm is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court;

(D) an attempt to commit first degree murder during which the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(2) the sentence for attempt to commit a Class X felony is the sentence for a Class 1 felony;

(3) the sentence for attempt to commit a Class 1 felony is the sentence for a Class 2 felony;

(4) the sentence for attempt to commit a Class 2 felony is the sentence for a Class 3 felony; and

(5) the sentence for attempt to commit any felony other than those specified in Subsections (1), (2), (3) and (4) hereof is the sentence for a Class A misdemeanor.

(Source: P.A. 87-921; 88-680, eff. 1-1-95.)

(720 ILCS 5/9-1.2) (from Ch. 38, par. 9-1.2)

Sec. 9-1.2. Intentional Homicide of an Unborn Child. (a) A person commits the offense of intentional homicide of an unborn child if, in performing acts which cause the death of an unborn child, he without lawful justification:

(1) either intended to cause the death of or do great bodily harm to the pregnant woman or her unborn child or knew that such acts would cause death or great bodily harm to the pregnant woman or her unborn child; or

(2) he knew that his acts created a strong probability of death or great bodily harm to the pregnant woman or her unborn child; and

(3) he knew that the woman was pregnant.

(b) For purposes of this Section, (1) "unborn child" shall mean any individual of the human species from fertilization until birth, and (2) "person" shall not include the pregnant woman whose unborn child is killed.

(c) This Section shall not apply to acts which cause the death of an unborn child if those acts were committed during any abortion, as defined in Section 2 of the Illinois Abortion Law of 1975, as amended, to which the pregnant woman has consented. This Section shall not apply to acts which were committed pursuant to usual and customary standards of medical practice during diagnostic testing or therapeutic treatment.

(d) Penalty. The sentence for intentional homicide of an unborn child shall be the same as for first degree murder, except that:

(1) the death penalty may not be imposed;

(2) if the person committed the offense while armed with a firearm, 15 years shall be added to the term of imprisonment imposed by the court;

(3) if, during the commission of the offense, the person personally discharged a firearm, 20 years shall be added to the term of imprisonment imposed by the court;

(4) if, during the commission of the offense, the person

personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(e) The provisions of this Act shall not be construed to prohibit the prosecution of any person under any other provision of law.

(Source: P.A. 85-293.)

(720 ILCS 5/10-2) (from Ch. 38, par. 10-2)

Sec. 10-2. Aggravated kidnaping.

(a) A kidnaper within the definition of paragraph (a) of Section 10-1 is guilty of the offense of aggravated kidnaping when he:

(1) Kidnaps for the purpose of obtaining ransom from the

person kidnaped or from any other person, or

(2) Takes as his victim a child under the age of 13 years, or an institutionalized severely or profoundly mentally retarded person, or

(3) Inflicts great bodily harm, other than by the discharge of a firearm, or commits another felony upon his victim, or

(4) Wears a hood, robe or mask or conceals his identity, or

(5) Commits the offense of kidnaping while armed with a dangerous weapon, other than a firearm, as defined in Section 33A-1 of the "Criminal Code of 1961", or

(6) Commits the offense of kidnaping while armed with a firearm, or

(7) During the commission of the offense of kidnaping, personally discharged a firearm, or

(8) During the commission of the offense of kidnaping, personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person.

As used in this Section, "ransom" includes money, benefit or other valuable thing or concession.

(b) Sentence. Aggravated kidnaping in violation of paragraph (1), (2), (3), (4), or (5) of subsection (a) is a Class X felony. A violation of subsection (a)(6) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(7) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(8) is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

A person who is convicted of a second or subsequent offense of aggravated kidnaping shall be sentenced to a term of natural life imprisonment; provided, however, that a sentence of natural life imprisonment shall not be imposed under this Section unless the second or subsequent offense was committed after conviction on the first offense.

(Source: P.A. 89-707, eff. 6-1-97.)

(720 ILCS 5/12-4.3) (from Ch. 38, par. 12-4.3)

Sec. 12-4.3. Aggravated battery of a child.

(a) Any person of the age 18 years and upwards who intentionally or knowingly, and without legal justification and by any means, causes great bodily harm or permanent disability or disfigurement to any child under the age of 13 years or to any institutionalized severely or profoundly mentally retarded person, commits the offense of aggravated battery of a child.

(b) Aggravated battery of a child is a Class X felony, except that:

(1) if the person committed the offense while armed with a firearm, 15 years shall be added to the term of imprisonment

imposed by the court;

(2) if, during the commission of the offense, the person personally discharged a firearm, 20 years shall be added to the term of imprisonment imposed by the court;

(3) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(Source: P.A. 89-313, eff. 1-1-96.)

(720 ILCS 5/12-11) (from Ch. 38, par. 12-11)

Sec. 12-11. Home Invasion.

(a) A person who is not a peace officer acting in the line of duty commits home invasion when without authority he or she knowingly enters the dwelling place of another when he or she knows or has reason to know that one or more persons is present or he or she knowingly enters the dwelling place of another and remains in such dwelling place until he or she knows or has reason to know that one or more persons is present and

(1) While armed with a dangerous weapon, other than a firearm, uses force or threatens the imminent use of force upon any person or persons within such dwelling place whether or not injury occurs, or

(2) Intentionally causes any injury, except as provided in subsection (a)(5), to any person or persons within such dwelling place, or

(3) While armed with a firearm uses force or threatens the imminent use of force upon any person or persons within such dwelling place whether or not injury occurs, or

(4) Uses force or threatens the imminent use of force upon any person or persons within such dwelling place whether or not injury occurs and during the commission of the offense personally discharges a firearm, or

(5) Personally discharges a firearm that proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person within such dwelling place.

(b) It is an affirmative defense to a charge of home invasion that the accused who knowingly enters the dwelling place of another and remains in such dwelling place until he or she knows or has reason to know that one or more persons is present either immediately leaves such premises or surrenders to the person or persons lawfully present therein without either attempting to cause or causing serious bodily injury to any person present therein.

(c) Sentence. Home invasion in violation of subsection (a)(1) or (a)(2) is a Class X felony. A violation of subsection (a)(3) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(4) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(5) is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(d) For purposes of this Section, "dwelling place of another" includes a dwelling place where the defendant maintains a tenancy interest but from which the defendant has been barred by a divorce decree, judgment of dissolution of marriage, order of protection, or other court order.

(Source: P.A. 90-787, eff. 8-14-98.)

(720 ILCS 5/12-14) (from Ch. 38, par. 12-14)

Sec. 12-14. Aggravated Criminal Sexual Assault.

(a) The accused commits aggravated criminal sexual assault if he or she commits criminal sexual assault and any of the following

aggravating circumstances existed during, or for the purposes of paragraph (7) of this subsection (a) as part of the same course of conduct as, the commission of the offense:

(1) the accused displayed, threatened to use, or used a dangerous weapon, other than a firearm, or any object fashioned or utilized in such a manner as to lead the victim under the circumstances reasonably to believe it to be a dangerous weapon; or

(2) the accused caused bodily harm, except as provided in subsection (a)(10), to the victim; or

(3) the accused acted in such a manner as to threaten or endanger the life of the victim or any other person; or

(4) the criminal sexual assault was perpetrated during the course of the commission or attempted commission of any other felony by the accused; or

(5) the victim was 60 years of age or over when the offense was committed; or

(6) the victim was a physically handicapped person; or

(7) the accused delivered (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without his or her consent, or by threat or deception, and for other than medical purposes, any controlled substance; or~~.~~

(8) the accused was armed with a firearm; or

(9) the accused personally discharged a firearm during the commission of the offense; or

(10) the accused, during the commission of the offense, personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person.

(b) The accused commits aggravated criminal sexual assault if the accused was under 17 years of age and (i) commits an act of sexual penetration with a victim who was under 9 years of age when the act was committed; or (ii) commits an act of sexual penetration with a victim who was at least 9 years of age but under 13 years of age when the act was committed and the accused used force or threat of force to commit the act.

(c) The accused commits aggravated criminal sexual assault if he or she commits an act of sexual penetration with a victim who was an institutionalized severely or profoundly mentally retarded person at the time the act was committed.

(d) Sentence.

(1) Aggravated criminal sexual assault in violation of paragraph (1), (2), (3), (4), (5), (6), or (7) of subsection (a) is a Class X felony. A violation of subsection (a)(8) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(9) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(10) is a Class X felony for which 25 years or up to a term of natural life imprisonment shall be added to the term of imprisonment imposed by the court.

(2) A person who is convicted of a second or subsequent

offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault

or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply.

(Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 90-396, eff. 1-1-98; 90-735, eff. 8-11-98.)

(720 ILCS 5/12-14.1)

Sec. 12-14.1. Predatory criminal sexual assault of a child.

(a) The accused commits predatory criminal sexual assault of a child if:

(1) the accused was 17 years of age or over and commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed; or

(1.1) the accused was 17 years of age or over and, while armed with a firearm, commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed; or

(1.2) the accused was 17 years of age or over and commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed and, during the commission of the offense, the accused personally discharged a firearm; or

(2) the accused was 17 years of age or over and commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed and the accused caused great bodily harm to the victim that:

(A) resulted in permanent disability; or

(B) was life threatening; or

(3) the accused was 17 years of age or over and commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed and the accused delivered (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without his or her consent, or by threat or deception, and for other than medical purposes, any controlled substance.

(b) Sentence.

(1) A person convicted of a violation of subsection (a)(1) commits a Class X felony. A person convicted of a violation of subsection (a)(1.1) commits a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A person convicted of a violation of subsection (a)(1.2) commits a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A person convicted of a

violation of subsection (a)(2) commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 50 years or up to a term of natural life imprisonment. A person convicted of a violation of subsection ~~(a)(2) or~~ (a) (3) commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 50 years and not more than 60 years.

(2) A person who is convicted of a second or subsequent offense of predatory criminal sexual assault of a child, or who is convicted of the offense of predatory criminal sexual assault of a child after having previously been convicted of the offense of criminal sexual assault or the offense of aggravated criminal sexual assault, or who is convicted of the offense of predatory criminal sexual assault of a child after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of predatory criminal sexual assault of a child, the offense of aggravated criminal sexual assault or the offense of criminal

sexual assault, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply.

(Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 90-396, eff. 1-1-98; 90-735, eff. 8-11-98.)

(720 ILCS 5/18-2) (from Ch. 38, par. 18-2)

Sec. 18-2. Armed robbery.

(a) A person commits armed robbery when he or she violates Section 18-1; and

(1) ~~while~~ he or she carries on or about his or her person~~,~~ or is otherwise armed with a dangerous weapon other than a firearm; or

(2) he or she carries on or about his or her person or is otherwise armed with a firearm; or

(3) he or she, during the commission of the offense, personally discharges a firearm; or

(4) he or she, during the commission of the offense, personally discharges a firearm that proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.

(b) Sentence.

Armed robbery in violation of subsection (a)(1) is a Class X felony. A violation of subsection (a)(2) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(3) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(4) is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(Source: P.A. 80-1099.)

(720 ILCS 5/18-4)

Sec. 18-4. Aggravated vehicular hijacking.

(a) A person commits aggravated vehicular hijacking when he or

she violates Section 18-3; and

(1) the person from whose immediate presence the motor vehicle is taken is a physically handicapped person or a person 60 years of age or over; or

(2) a person under 16 years of age is a passenger in the motor vehicle at the time of the offense; or

(3) he or she carries on or about his or her person, or is otherwise armed with a dangerous weapon, other than a firearm; or

(4) he or she carries on or about his or her person or is otherwise armed with a firearm; or

(5) he or she, during the commission of the offense, personally discharges a firearm; or

(6) he or she, during the commission of the offense, personally discharges a firearm that proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.

(b) Sentence. Aggravated vehicular hijacking in violation of subsections (a)(1) or (a)(2) is a Class X felony. Aggravated vehicular hijacking in violation of subsection (a)(3) is a Class X felony for which a term of imprisonment of not less than 7 years shall be imposed. Aggravated vehicular hijacking in violation of subsection (a)(4) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. Aggravated vehicular hijacking in violation of subsection (a)(5) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. Aggravated vehicular hijacking in violation of subsection (a)(6) is a Class X felony for which 25 years or up to a

term of natural life shall be added to the term of imprisonment imposed by the court.

(Source: P.A. 88-351.)

(720 ILCS 5/33A-1) (from Ch. 38, par. 33A-1)

Sec. 33A-1. Legislative intent and definitions.

(a) Legislative findings. The legislature finds and declares the following:

(1) The use of a dangerous weapon in the commission of a felony offense poses a much greater threat to the public health, safety, and general welfare, then when a weapon is not used in the commission of the offense.

(2) Further, the use of a firearm greatly facilitates the commission of a criminal offense because of the more lethal nature of a firearm and the greater perceived threat produced in those confronted by a person wielding a firearm. Unlike other dangerous weapons such as knives and clubs, the use of a firearm in the commission of a criminal felony offense significantly escalates the threat and the potential for bodily harm, and the greater range of the firearm increases the potential for harm to more persons. Not only are the victims and bystanders at greater risk when a firearm is used, but also the law enforcement officers whose duty is to confront and apprehend the armed suspect.

(3) Current law does contain offenses involving the use or discharge of a gun toward or against a person, such as aggravated

battery with a firearm, aggravated discharge of a firearm, and reckless discharge of a firearm; however, the General Assembly has legislated greater penalties for the commission of a felony while in possession of a firearm because it deems such acts as more serious.

(b) Legislative intent.

(1) In order to deter the use of firearms in the commission of a felony offense, the General Assembly deems it appropriate for a greater penalty to be imposed when a firearm is used or discharged in the commission of an offense than the penalty imposed for using other types of weapons and for the penalty to increase on more serious offenses.

(2) With the additional elements of the discharge of a firearm and great bodily harm inflicted by a firearm being added to armed violence and other serious felony offenses, it is the intent of the General Assembly to punish those elements more severely during commission of a felony offense than when those elements stand alone as the act of the offender.

(3) It is the intent of the 91st General Assembly that should Public Act 88-680 be declared unconstitutional for a violation of Article 4, Section 8 of the 1970 Constitution of the State of Illinois, the amendatory changes made by Public Act 88-680 to Article 33A of the Criminal Code of 1961 and which are set forth as law in this amendatory Act of the 91st General Assembly are hereby reenacted by this amendatory Act of the 91st General Assembly.

(c) Definitions.

(1) ~~(a)~~ "Armed with a dangerous weapon". A person is considered armed with a dangerous weapon for purposes of this Article, when he or she carries on or about his or her person or is otherwise armed with a Category I, Category II, or Category III weapon.

(2) ~~(b)~~ A Category I weapon is a handgun, sawed-off shotgun, sawed-off rifle, any other firearm small enough to be concealed upon the person, semiautomatic firearm, or machine gun. A Category II weapon is any other rifle, shotgun, spring gun,

other firearm, stun gun or taser as defined in paragraph (a) of Section 24-1 of this Code, knife with a blade of at least 3 inches in length, dagger, dirk, switchblade knife, stiletto, axe, hatchet, or other deadly or dangerous weapon or instrument of like character. As used in this subsection (b) "semiautomatic firearm" means a repeating firearm that utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round and that requires a separate pull of the trigger to fire each cartridge.

t (3) ~~(c)~~ A Category III weapon is a bludgeon, black-jack, slungshot, sand-bag, sand-club, metal knuckles, billy, or other dangerous weapon of like character.

(Source: P.A. 88-680, eff. 1-1-95.)

(720 ILCS 5/33A-2) (from Ch. 38, par. 33A-2)

Sec. 33A-2. Armed violence-Elements of the offense.

(a) A person commits armed violence when, while armed with a

dangerous weapon, he commits any felony defined by Illinois Law, except first degree murder, attempted first degree murder, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnaping, aggravated battery of a child, home invasion, armed robbery, or aggravated vehicular hijacking.

(b) A person commits armed violence when he or she personally discharges a firearm that is a Category I or Category II weapon while committing any felony defined by Illinois law, except first degree murder, attempted first degree murder, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnaping, aggravated battery of a child, home invasion, armed robbery, or aggravated vehicular hijacking.

(c) A person commits armed violence when he or she personally discharges a firearm that is a Category I or Category II weapon that proximately causes great bodily harm, permanent disability, or permanent disfigurement or death to another person while committing any felony defined by Illinois law, except first degree murder, attempted first degree murder, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnaping, aggravated battery of a child, home invasion, armed robbery, or aggravated vehicular hijacking.

(d) This Section does not apply to violations of the Fish and Aquatic Life Code or the Wildlife Code.

(Source: P.A. 80-1099.)

(720 ILCS 5/33A-3) (from Ch. 38, par. 33A-3)

Sec. 33A-3. Sentence.

(a) Violation of Section 33A-2(a) ~~33A-2~~ with a Category I weapon is a Class X felony for which the defendant shall be sentenced to a minimum term of imprisonment of 15 years.

(a-5) Violation of Section 33A-2(a) ~~33A-2~~ with a Category II weapon is a Class X felony for which the defendant shall be sentenced to a minimum term of imprisonment of 10 years.

(b) Violation of Section 33A-2(a) ~~33A-2~~ with a Category III weapon is a Class 2 felony or the felony classification provided for the same act while unarmed, whichever permits the greater penalty. A second or subsequent violation of Section 33A-2(a) ~~33A-2~~ with a Category III weapon is a Class 1 felony or the felony classification provided for the same act while unarmed, whichever permits the greater penalty.

(b-5) Violation of Section 33A-2(b) with a firearm that is a Category I or Category II weapon is a Class X felony for which the defendant shall be sentenced to a minimum term of imprisonment of 20

years.

(b-10) Violation of Section 33A-2(c) with a firearm that is a Category I or Category II weapon is a Class X felony for which the defendant shall be sentenced to a term of imprisonment of not less than 25 years nor more than 40 years.

(c) Unless sentencing under Section 33B-1 is applicable, any person who violates subsection (a) or (b) of Section 33A-2 with a

firearm, when that person has been convicted in any state or federal court of 3 or more of the following offenses: treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, arson, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement, or a violation of Section 401(a) of the Illinois Controlled Substances Act, when the third offense was committed after conviction on the second, the second offense was committed after conviction on the first, and the violation of Section 33A-2 was committed after conviction on the third, shall be sentenced to a term of imprisonment of not less than 25 years nor more than 50 years.

(c-5) Except as otherwise provided in paragraph (b-10) or (c) of this Section, a person who violates Section 33A-2(a) with a firearm that is a Category I weapon or Section 33A-2(b) in any school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or on the real property comprising any school or public park, and where the offense was related to the activities of an organized gang, shall be sentenced to a term of imprisonment of not less than the term set forth in subsection (a) or (b-5) of this Section, whichever is applicable, and not more than 30 years. For the purposes of this subsection (c-5), "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(d) For armed violence based upon a predicate offense listed in this subsection (d) the court shall enter the sentence for armed violence to run consecutively to the sentence imposed for the predicate offense. The offenses covered by this provision are:

(i) solicitation of murder,

(ii) solicitation of murder for hire,

(iii) heinous battery,

(iv) aggravated battery of a senior citizen,

(v) criminal sexual assault,

(vi) a violation of subsection (g) of Section 5 of the Cannabis Control Act,

(vii) cannabis trafficking,

(viii) a violation of subsection (a) of Section 401 of the Illinois Controlled Substances Act,

(ix) controlled substance trafficking involving a Class X felony amount of controlled substance under Section 401 of the Illinois Controlled Substances Act,

(x) calculated criminal drug conspiracy, or

(xi) streetgang criminal drug conspiracy.

(Source: P.A. 88-467; 88-680, eff. 1-1-95; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

Section 10. The Unified Code of Corrections is amended by changing Sections 5-5-3, 5-8-1, 5-8-4 as follows:

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

Sec. 5-5-3. Disposition.

(a) Every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than

those identified in subsection (c) of this Section:

(1) A period of probation.

(2) A term of periodic imprisonment.

(3) A term of conditional discharge.

(4) A term of imprisonment.

(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961.

(6) A fine.

(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.

(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.

Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may accept an alcohol or other drug evaluation or remedial education program in the state of such individual's residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

In addition to any other fine or penalty required by law, any individual convicted of a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of local ordinance, whose operation of a motor vehicle while in violation of Section 11-501 or such ordinance proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. Such restitution shall not exceed $500 per public agency for each such emergency response. For the purpose of this paragraph, emergency response shall mean any incident requiring a response by: a police officer as defined under Section 1-162 of the Illinois Vehicle Code; a fireman carried on the rolls of a regularly constituted fire department; and an ambulance as defined under Section 4.05 of the Emergency Medical Services (EMS) Systems Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both

in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.

(B) Attempted first degree murder.

(C) A Class X felony.

(D) A violation of Section 401.1 or 407 of the

Illinois Controlled Substances Act, or a violation of subdivision (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing cocaine or an analog thereof.

(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which he committed the offense for which he is being sentenced.

(G) Residential burglary.

(H) Criminal sexual assault, except as otherwise provided in subsection (e) of this Section.

(I) Aggravated battery of a senior citizen.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.

(O) A violation of Section 12-6.1 of the Criminal Code of 1961.

(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 of the Criminal Code of 1961.

(R) ~~(Q)~~ A violation of Section 24-3A of the Criminal Code of 1961.

(3) A minimum term of imprisonment of not less than 48 consecutive hours or 100 hours of community service as may be determined by the court shall be imposed for a second or subsequent violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(4) A minimum term of imprisonment of not less than 7 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) A minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour periodic imprisonment or 720 hours of community service, as may be determined by the court, shall be imposed for a violation of Section 11-501 of the Illinois Vehicle Code during a period in which the defendant's

driving privileges are revoked or suspended, where the revocation or suspension was for a violation of Section 11-501 or Section 11-501.1 of that Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;

(B) a fine;

(C) make restitution to the victim under Section 5-5-6 of this Code.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted of any Class 2 or greater Class felonies in Illinois, and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

~~(10) Beginning July 1, 1994, unless sentencing under Section 33B-1 is applicable, a term of imprisonment of not less than 15 years nor more than 50 years shall be imposed on a defendant who violates Section 33A-2 of the Criminal Code of 1961 with a firearm, when that person has been convicted in any state or federal court of 3 or more of the following offenses: treason, first degree murder, second degree murder, aggravated criminal~~

~~sexual assault, criminal sexual assault, robbery, burglary, arson, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement, or a violation of Section 401(a) of the Illinois Controlled Substances Act, when the third offense was committed after conviction on the second, the second offense was committed after conviction on the first, and the violation of Section 33A-2 of the Criminal Code of 1961 was committed after conviction on the third.~~

~~(11) Beginning July 1, 1994, a term of imprisonment of not less than 10 years and not more than 30 years shall be imposed on a defendant who violates Section 33A-2 with a Category I weapon where the offense was committed in any school, or any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, on the real property comprising any school or public park, and where the offense was related to the activities of an organized gang. For the purposes of this paragraph (11), "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.~~

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence

was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections.

(e) In cases where prosecution for criminal sexual assault or aggravated criminal sexual abuse under Section 12-13 or 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

(i) removal from the household;

(ii) restricted contact with the victim;

(iii) continued financial support of the family;

(iv) restitution for harm done to the victim; and

(v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's

parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the

judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of

court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the

Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in

this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(Source: P.A. 89-8, eff. 3-21-95; 89-314, eff. 1-1-96; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 89-477, eff. 6-18-96; 89-507, eff. 7-1-97; 89-545, eff. 7-25-96; 89-587, eff. 7-31-96; 89-627, eff. 1-1-97; 89-688, eff. 6-1-97; 90-14, eff. 7-1-97; 90-68, eff. 7-8-97; 90-680, eff. 1-1-99; 90-685, eff. 1-1-99; 90-787, eff. 8-14-98; revised 9-16-98.)

(730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

Sec. 5-8-1. Sentence of Imprisonment for Felony.

(a) Except as otherwise provided in the statute defining the offense, a sentence of imprisonment for a felony shall be a determinate sentence set by the court under this Section, according to the following limitations:

(1) for first degree murder,

(a) a term shall be not less than 20 years and not more than 60 years, or

(b) if the court finds that the murder was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty or, except as set forth in subsection (a)(1)(c) of this Section, that any of the aggravating factors listed in subsection (b) of Section 9-1 of the Criminal Code of 1961 are present, the court may sentence the defendant to a term of natural life imprisonment, or

(c) the court shall sentence the defendant to a term of natural life imprisonment when the death penalty is not imposed if the defendant,

(i) has previously been convicted of first degree

murder under any state or federal law, or

(ii) is a person who, at the time of the commission of the murder, had attained the age of 17 or

more and is found guilty of murdering an individual under 12 years of age; or, irrespective of the defendant's age at the time of the commission of the offense, is found guilty of murdering more than one victim, or

(iii) is found guilty of murdering a peace officer or fireman when the peace officer or fireman was killed in the course of performing his official duties, or to prevent the peace officer or fireman from performing his official duties, or in retaliation for the peace officer or fireman performing his official duties, and the defendant knew or should have known that the murdered individual was a peace officer or fireman, or

(iv) is found guilty of murdering an employee of an institution or facility of the Department of Corrections, or any similar local correctional agency, when the employee was killed in the course of performing his official duties, or to prevent the employee from performing his official duties, or in retaliation for the employee performing his official duties, or

(v) is found guilty of murdering an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid person while employed by a municipality or other governmental unit when the person was killed in the course of performing official duties or to prevent the person from performing official duties or in retaliation for performing official duties and the defendant knew or should have known that the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistant or first aid personnel, or

(vi) is a person who, at the time of the commission of the murder, had not attained the age of 17, and is found guilty of murdering a person under 12 years of age and the murder is committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping, or

(vii) is found guilty of first degree murder and the murder was committed by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning

ascribed to it in Section 2-3.5 of the Criminal Code of 1961.

For purposes of clause (v), "emergency medical technician - ambulance", "emergency medical technician - intermediate", "emergency medical technician - paramedic", have the meanings ascribed to them in the Emergency Medical Services (EMS) Systems Act.

(d) (i) if the person committed the offense while armed with a firearm, 15 years shall be added to the term of imprisonment imposed by the court;

(ii) if, during the commission of the offense, the person personally discharged a firearm, 20 years

shall be added to the term of imprisonment imposed by the court;

(iii) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(1.5) for second degree murder, a term shall be not less than 4 years and not more than 20 years;

(2) for a person adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, as amended, the sentence shall be a term of natural life imprisonment;

(2.5) for a person convicted under the circumstances described in paragraph (3) of subsection (b) of Section 12-13, paragraph (2) of subsection (d) of Section 12-14, or paragraph (2) of subsection (b) of Section 12-14.1 of the Criminal Code of 1961, the sentence shall be a term of natural life imprisonment;

(3) except as otherwise provided in the statute defining the offense, for a Class X felony, the sentence shall be not less than 6 years and not more than 30 years;

(4) for a Class 1 felony, other than second degree murder, the sentence shall be not less than 4 years and not more than 15 years;

(5) for a Class 2 felony, the sentence shall be not less than 3 years and not more than 7 years;

(6) for a Class 3 felony, the sentence shall be not less than 2 years and not more than 5 years;

(7) for a Class 4 felony, the sentence shall be not less than 1 year and not more than 3 years.

(b) The sentencing judge in each felony conviction shall set forth his reasons for imposing the particular sentence he enters in the case, as provided in Section 5-4-1 of this Code. Those reasons may include any mitigating or aggravating factors specified in this Code, or the lack of any such circumstances, as well as any other such factors as the judge shall set forth on the record that are consistent with the purposes and principles of sentencing set out in this Code.

(c) A motion to reduce a sentence may be made, or the court may

reduce a sentence without motion, within 30 days after the sentence is imposed. A defendant's challenge to the correctness of a sentence or to any aspect of the sentencing hearing shall be made by a written motion filed within 30 days following the imposition of sentence. However, the court may not increase a sentence once it is imposed.

If a motion filed pursuant to this subsection is timely filed within 30 days after the sentence is imposed, the proponent of the motion shall exercise due diligence in seeking a determination on the motion and the court shall thereafter decide such motion within a reasonable time.

If a motion filed pursuant to this subsection is timely filed within 30 days after the sentence is imposed, then for purposes of perfecting an appeal, a final judgment shall not be considered to have been entered until the motion to reduce a sentence has been decided by order entered by the trial court.

A motion filed pursuant to this subsection shall not be considered to have been timely filed unless it is filed with the circuit court clerk within 30 days after the sentence is imposed together with a notice of motion, which notice of motion shall set the motion on the court's calendar on a date certain within a reasonable time after the date of filing.

(d) Except where a term of natural life is imposed, every sentence shall include as though written therein a term in addition to the term of imprisonment. For those sentenced under the law in effect prior to February 1, 1978, such term shall be identified as a parole term. For those sentenced on or after February 1, 1978, such term shall be identified as a mandatory supervised release term. Subject to earlier termination under Section 3-3-8, the parole or mandatory supervised release term shall be as follows:

(1) for first degree murder or a Class X felony, 3 years;

(2) for a Class 1 felony or a Class 2 felony, 2 years;

(3) for a Class 3 felony or a Class 4 felony, 1 year.

(e) A defendant who has a previous and unexpired sentence of imprisonment imposed by another state or by any district court of the United States and who, after sentence for a crime in Illinois, must return to serve the unexpired prior sentence may have his sentence by the Illinois court ordered to be concurrent with the prior sentence in the other state. The court may order that any time served on the unexpired portion of the sentence in the other state, prior to his return to Illinois, shall be credited on his Illinois sentence. The other state shall be furnished with a copy of the order imposing sentence which shall provide that, when the offender is released from confinement of the other state, whether by parole or by termination of sentence, the offender shall be transferred by the Sheriff of the committing county to the Illinois Department of Corrections. The court shall cause the Department of Corrections to be notified of such sentence at the time of commitment and to be provided with copies of all records regarding the sentence.

(f) A defendant who has a previous and unexpired sentence of imprisonment imposed by an Illinois circuit court for a crime in this State and who is subsequently sentenced to a term of imprisonment by another state or by any district court of the United States and who

has served a term of imprisonment imposed by the other state or district court of the United States, and must return to serve the unexpired prior sentence imposed by the Illinois Circuit Court may apply to the court which imposed sentence to have his sentence reduced.

The circuit court may order that any time served on the sentence imposed by the other state or district court of the United States be credited on his Illinois sentence. Such application for reduction of a sentence under this subsection (f) shall be made within 30 days after the defendant has completed the sentence imposed by the other state or district court of the United States.

(Source: P.A. 89-203, eff. 7-21-95; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 90-396, eff. 1-1-98; 90-651, eff. 1-1-99.)

(730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

Sec. 5-8-4. Concurrent and Consecutive Terms of Imprisonment.

(a) When multiple sentences of imprisonment are imposed on a defendant at the same time, or when a term of imprisonment is imposed on a defendant who is already subject to sentence in this State or in another state, or for a sentence imposed by any district court of the United States, the sentences shall run concurrently or consecutively as determined by the court. When a term of imprisonment is imposed on a defendant by an Illinois circuit court and the defendant is subsequently sentenced to a term of imprisonment by another state or by a district court of the United States, the Illinois circuit court which imposed the sentence may order that the Illinois sentence be made concurrent with the sentence imposed by the other state or district court of the United States. The defendant must apply to the circuit court within 30 days after the defendant's sentence imposed by the other state or district of the United States is finalized. The court shall not impose consecutive sentences for offenses which were

committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective, unless:

(i), one of the offenses for which defendant was convicted was a Class X or Class 1 felony and the defendant inflicted severe bodily injury, or

(ii) ~~where~~ the defendant was convicted of a violation of Section 12-13, 12-14, or 12-14.1 of the Criminal Code of 1961, or

(iii) the defendant was convicted of armed violence based upon the predicate offense of solicitation of murder, solicitation of murder for hire, heinous battery, aggravated battery of a senior citizen, criminal sexual assault, a violation of subsection (g) of Section 5 of the Cannabis Control Act, cannabis trafficking, a violation of subsection (a) of Section 401 of the Illinois Controlled Substances Act, controlled substance trafficking involving a Class X felony amount of controlled substance under Section 401 of the Illinois Controlled Substances Act, calculated criminal drug conspiracy, or streetgang criminal drug conspiracy,

in which event the court shall enter sentences to run consecutively. Sentences shall run concurrently unless otherwise specified by the court.

(b) The court shall not impose a consecutive sentence except as provided for in subsection (a) unless, having regard to the nature and circumstances of the offense and the history and character of the defendant, it is of the opinion that such a term is required to protect the public from further criminal conduct by the defendant, the basis for which the court shall set forth in the record; except that no such finding or opinion is required when multiple sentences of imprisonment are imposed on a defendant for offenses that were not committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective, and one of the offenses for which the defendant was convicted was a Class X or Class 1 felony and the defendant inflicted severe bodily injury, or when the defendant was convicted of a violation of Section 12-13, 12-14, or 12-14.1 of the Criminal Code of 1961, or where the defendant was convicted of armed violence based upon the predicate offense of solicitation of murder, solicitation of murder for hire, heinous battery, aggravated battery of a senior citizen, criminal sexual assault, a violation of subsection (g) of Section 5 of the Cannabis Control Act, cannabis trafficking, a violation of subsection (a) of Section 401 of the Illinois Controlled Substances Act, controlled substance trafficking involving a Class X felony amount of controlled substance under Section 401 of the Illinois Controlled Substances Act, calculated criminal drug conspiracy, or streetgang criminal drug conspiracy, in which event the Court shall enter sentences to run consecutively.

(c) (1) For sentences imposed under law in effect prior to February 1, 1978 the aggregate maximum of consecutive sentences shall not exceed the maximum term authorized under Section 5-8-1 for the 2 most serious felonies involved. The aggregate minimum period of consecutive sentences shall not exceed the highest minimum term authorized under Section 5-8-1 for the 2 most serious felonies involved. When sentenced only for misdemeanors, a defendant shall not be consecutively sentenced to more than the maximum for one Class A misdemeanor.

(2) For sentences imposed under the law in effect on or after February 1, 1978, the aggregate of consecutive sentences for offenses that were committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective shall not exceed the sum of the

maximum terms authorized under Section 5-8-2 for the 2 most serious felonies involved, but no such limitation shall apply for offenses that were not committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective. When sentenced only for misdemeanors, a defendant shall not be consecutively sentenced to more than the maximum for one Class A misdemeanor.

(d) An offender serving a sentence for a misdemeanor who is convicted of a felony and sentenced to imprisonment shall be transferred to the Department of Corrections, and the misdemeanor sentence shall be merged in and run concurrently with the felony sentence.

(e) In determining the manner in which consecutive sentences of

imprisonment, one or more of which is for a felony, will be served, the Department of Corrections shall treat the offender as though he had been committed for a single term with the following incidents:

(1) the maximum period of a term of imprisonment shall consist of the aggregate of the maximums of the imposed indeterminate terms, if any, plus the aggregate of the imposed determinate sentences for felonies plus the aggregate of the imposed determinate sentences for misdemeanors subject to paragraph (c) of this Section;

(2) the parole or mandatory supervised release term shall be as provided in paragraph (e) of Section 5-8-1 of this Code for the most serious of the offenses involved;

(3) the minimum period of imprisonment shall be the aggregate of the minimum and determinate periods of imprisonment imposed by the court, subject to paragraph (c) of this Section; and

(4) the offender shall be awarded credit against the aggregate maximum term and the aggregate minimum term of imprisonment for all time served in an institution since the commission of the offense or offenses and as a consequence thereof at the rate specified in Section 3-6-3 of this Code.

(f) A sentence of an offender committed to the Department of Corrections at the time of the commission of the offense shall be served consecutive to the sentence under which he is held by the Department of Corrections. However, in case such offender shall be sentenced to punishment by death, the sentence shall be executed at such time as the court may fix without regard to the sentence under which such offender may be held by the Department.

(g) A sentence under Section 3-6-4 for escape or attempted escape shall be served consecutive to the terms under which the offender is held by the Department of Corrections.

(h) If a person charged with a felony commits a separate felony while on pre-trial release or in pretrial detention in a county jail facility or county detention facility, the sentences imposed upon conviction of these felonies shall be served consecutively regardless of the order in which the judgments of conviction are entered.

(i) If a person admitted to bail following conviction of a felony commits a separate felony while free on bond or if a person detained in a county jail facility or county detention facility following conviction of a felony commits a separate felony while in detention, any sentence following conviction of the separate felony shall be consecutive to that of the original sentence for which the defendant was on bond or detained.

(Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 90-128, eff. 7-22-97.)".

Under the rules, the foregoing **Senate Bill No. 1112**, with House Amendment No. 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. 1168

A bill for AN ACT to amend the School Code by adding Sections 2-3.126, 10-20.31, and 34-18.18.

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. 1168

Passed the House, as amended, May 13, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1168

AMENDMENT NO. 1. Amend Senate Bill 1168 by replacing the title with the following:

"AN ACT to amend the School Code by adding Sections 2-3.126, 10-20.31, and 34-18.18 and changing Section 14-8.05."; and

by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Sections 2-3.126, 10-20.31, and 34-18.18 and changing Section 14-8.05 as follows:

(105 ILCS 5/2-3.126 new)

Sec. 2-3.126. Time out and physical restraint rules. The State Board of Education shall promulgate rules governing the use of time out and physical restraint in the public schools. The rules shall include provisions governing recordkeeping that is required when physical restraint or more restrictive forms of time out are used.

(105 ILCS 5/10-20.31 new)

Sec. 10-20.31. Time out and physical restraint. Until rules are adopted under Section 2-3.126 of this Code, the use of any of the following rooms or enclosures for time out purposes is prohibited:

(1) a locked room other than one with a locking mechanism that engages only when a key or handle is being held by a person;

(2) a confining space such as a closet or box;

(3) a room where the student cannot be continually observed; or

(4) any other room or enclosure or time out procedure that is contrary to current guidelines of the State Board of Education.

The use of physical restraints is prohibited except when (i) the student poses a physical risk to himself, herself, or others, (ii) there is no medical contraindication to its use, and (iii) the staff applying the restraint have been trained in its safe application. For the purposes of this Section, "restraint" does not include momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force and that are designed (i) to prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property or (ii) to remove a disruptive student who is unwilling to voluntarily leave the area. The use of physical restraints that meet the requirements of this Section may be included in a student's individualized education plan where deemed appropriate by the student's individualized education plan team. Whenever physical

restraints are used, school personnel shall fully document the incident, including the events leading up to the incident, the type of restraint used, the length of time the student is restrained, and the staff involved. The parents or guardian of a student shall be informed whenever physical restraints are used.

(105 ILCS 5/14-8.05) (from Ch. 122, par. 14-8.05)

Sec. 14-8.05. Behavioral intervention.

(a) The General Assembly finds and declares that principals and teachers of students with disabilities require training and guidance that provide ways for working successfully with children who have difficulties conforming to acceptable behavioral patterns in order to provide an environment in which learning can occur. It is the intent of the General Assembly:

(1) That when behavioral interventions are used, they be used in consideration of the pupil's physical freedom and social interaction, and be administered in a manner that respects human dignity and personal privacy and that ensures a pupil's right to placement in the least restrictive educational environment.

(2) That behavioral management plans be developed and used, to the extent possible, in a consistent manner when a local educational agency has placed the pupil in a day or residential setting for education purposes.

(3) That a statewide study be conducted of the use of behavioral interventions with students with disabilities receiving special education and related services.

(4) That training programs be developed and implemented in institutions of higher education that train teachers, and that in-service training programs be made available as necessary in school districts, in educational service centers, and by regional superintendents of schools to assure that adequately trained staff are available to work effectively with the behavioral intervention needs of students with disabilities.

(b) On or before September 30, 1993, the State Superintendent of Education shall conduct a statewide study of the use of behavioral interventions with students with disabilities receiving special education and related services. The study shall include, but not necessarily be limited to identification of the frequency in the use of behavioral interventions; the number of districts with policies in place for working with children exhibiting continuous serious behavioral problems; how policies, rules, or regulations within districts differ between emergency and routine behavioral interventions commonly practiced; the nature and extent of costs for training provided to personnel for implementing a program of nonaversive behavioral interventions; and the nature and extent of costs for training provided to parents of students with disabilities who would be receiving behavioral interventions. The scope of the study shall be developed by the State Board of Education, in consultation with individuals and groups representing parents, teachers, administrators, and advocates. On or before June 30, 1994, the State Board of Education shall issue guidelines based on the study's findings. The guidelines shall address, but not be limited to, the following: (i) appropriate behavioral interventions, and

(ii) how to properly document the need for and use of behavioral interventions in the process of developing individualized education plans for students with disabilities. The guidelines shall be used as a reference to assist school boards in developing local policies and procedures in accordance with this Section. The State Board of Education, with the advice of parents of students with disabilities and other parents, teachers, administrators, advocates for persons with disabilities, and individuals with knowledge or expertise in the development and implementation of behavioral interventions for

persons with disabilities, shall review its behavioral intervention guidelines at least once every 3 years to determine their continuing appropriateness and effectiveness and shall make such modifications in the guidelines as it deems necessary.

(c) Each school board must establish and maintain a committee to develop policies and procedures on the use of behavioral interventions for students with disabilities who require behavioral intervention. The policies and procedures shall be adopted and implemented by school boards by January 1, 1996, shall be amended as necessary to comply with the rules established by the State Board of Education under Section 2-3.126 of this Code not later than one month after commencement of the school year after the State Board of Education's rules are adopted, and shall: (i) be developed with the advice of parents with students with disabilities and other parents, teachers, administrators, advocates for persons with disabilities, and individuals with knowledge or expertise in the development and implementation of behavioral interventions for persons with disabilities; (ii) emphasize positive interventions that are designed to develop and strengthen desirable behaviors; (iii) incorporate procedures and methods consistent with generally accepted practice in the field of behavioral intervention; (iv) include criteria for determining when a student with disabilities may require a behavioral intervention plan; (v) reflect that the guidelines of the State Board of Education have been reviewed and considered and provide the address of the State Board of Education so that copies of the State Board of Education behavioral guidelines may be requested; and (vi) include procedures for monitoring the use of restrictive behavioral interventions. Each school board shall (i) furnish a copy of its local policies and procedures to parents and guardians of all students with individualized education plans within 15 days after the policies and procedures have been adopted by the school board, or within 15 days after the school board has amended its policies and procedures, or at the time an individualized education plan is first implemented for the student, and (ii) require that each school inform its students of the existence of the policies and procedures annually. Provided, at the annual individualized education plan review, the school board shall (1) explain the local policies and procedures, (2) furnish a copy of the local policies to parents and guardians, and (3) make available, upon request of any parents and guardians, a copy of local procedures.

(d) The State Superintendent of Education shall consult with representatives of institutions of higher education and the State Teacher Certification Board in regard to the current training

requirements for teachers to ensure that sufficient training is available in appropriate behavioral interventions consistent with professionally accepted practices and standards for people entering the field of education.
(Source: P.A. 89-191, eff. 7-21-95; 90-63, eff. 7-3-97.)

(105 ILCS 5/34-18.18 new)

Sec. 34-18.18. Time out and physical restraint. Until rules are adopted under Section 2-3.126 of this Code, the use of any of the following rooms or enclosures for time out purposes is prohibited:

(1) a locked room other than one with a locking mechanism that engages only when a key or handle is being held by a person;

(2) a confining space such as a closet or box;

(3) a room where the student cannot be continually observed; or

(4) any other room or enclosure or time out procedure that is contrary to current guidelines of the State Board of Education.

The use of physical restraints is prohibited except when (i) the

student poses a physical risk to himself, herself, or others, (ii) there is no medical contraindication to its use, and (iii) the staff applying the restraint have been trained in its safe application. For the purposes of this Section, "restraint" does not include momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force and that are designed (i) to prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property or (ii) to remove a disruptive student who is unwilling to voluntarily leave the area. The use of physical restraints that meet the requirements of this Section may be included in a student's individualized education plan where deemed appropriate by the student's individualized education plan team. Whenever physical restraints are used, school personnel shall fully document the incident, including the events leading up to the incident, the type of restraint used, the length of time the student is restrained, and the staff involved. The parents or guardian of a student shall be informed whenever physical restraints are used.

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

Under the rules, the foregoing **Senate Bill No. 1168**, 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 7

A bill for AN ACT to amend the Criminal Code of 1961 by adding Section 11-9.4.

SENATE BILL NO 1121

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 16A-5.

SENATE BILL NO 1141

A bill for AN ACT to amend the Illinois Municipal Code by changing Section 11-42-11.

Passed the House, May 13, 1999.

ANTHONY D. ROSSI, Clerk of the House

REPORTS FROM STANDING COMMITTEES

Senator Sieben, Chairperson of the Committee on Agriculture and Conservation to which was referred **Senate floor Amendment No. 2 to House Bill No. 1825,** 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 Lauzen, Chairperson of the Committee on Commerce and Industry to which was referred **Senate floor Amendment No. 1 to House Bill No. 520,** 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 Lauzen, Chairperson of the Committee on Commerce and Industry to which was referred **Senate floor Amendment No. 2 to House Bill No. 658,** reported the same back with the recommendation that it be adopted.

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

Senator Klemm, Chairperson of the Committee on Executive to which was referred **Senate floor Amendment No. 1 to House Bill No. 606,** 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. 1622,** 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. 1 to House Bill No. 1769,** 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. 2163,** 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. 4 to House Bill No. 2320,** 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. 31,** 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. 105,** 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. 3 to House Bill No. 526,** 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. 3 to House Bill No.**

1177, 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. 1278,** 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. 3 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 Burzynski, Chairperson of the Committee on Licensed Activities to which was referred **Senate floor Amendment No. 6 to House Bill No. 619,** reported the same back with the recommendation that it be adopted.

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

Senator Burzynski, Chairperson of the Committee on Licensed Activities to which was referred **Senate floor Amendment No. 2 to House Bill No. 1780,** 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. 819,** reported the same back with the recommendation that it be approved for consideration.

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

Senator Fawell, Chairperson of the Committee on Transportation to which was referred **Senate floor Amendment No. 2 to House Bill No. 1869,** 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 THIRD TIME

On motion of Senator Shadid, **House Bill No. 2081** 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 Amendments adopted thereto.

On motion of Senator Dillard, **House Bill No. 2088** 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, E.	Noland	Smith
Cullerton	Jones, W.	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.

Senator Karpiel asked and obtained unanimous consent for the Journal to reflect her affirmative vote on **House Bill No. 2088**.

On motion of Senator Clayborne, **House Bill No. 2147** 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 R. Madigan, **House Bill No. 2166** 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	Rea
Bomke	Halvorson	Maitland	Shadid
Bowles	Hawkinson	Molaro	Shaw
Burzynski	Hendon	Munoz	Sieben
Clayborne	Jacobs	Myers	Silverstein
Cronin	Jones, E.	Noland	Smith
Cullerton	Jones, W.	Obama	Sullivan
DeLeo	Karpiel	O'Daniel	Syverson
del Valle	Lauzen	O'Malley	Trotter
Demuzio	Lightford	Parker	Viverito
Dillard	Link	Peterson	Walsh, L.
Donahue	Luechtefeld	Petka	Walsh, T.
Dudycz	Madigan, L.	Radogno	Weaver
Fawell	Madigan, R.	Rauschenberger	Welch
			Mr. President

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

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

thereto.

On motion of Senator Cronin, **House Bill No. 2218** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 50; Nays 5; Present 2.

The following voted in the affirmative:

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

The following voted in the negative:

Burzynski
Jacobs
Lauzen
Petka
Radogno

The following voted present:

Shaw
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 and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Geo-Karis, **House Bill No. 2219** 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	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 Syverson, **House Bill No. 2255** 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 2; Present 2.

The following voted in the affirmative:

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

The following voted in the negative:

Lauzen

Rauschenberger

The following voted present:

Lightford
Shaw

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

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

Senator Lightford asked and obtained unanimous consent for the Journal to reflect that she inadvertently voted "Present" instead of "Yes" on the passage of **House Bill No. 2255**.

Senator Shaw asked and obtained unanimous consent for the Journal

to reflect that he inadvertently voted "Present" instead of "Yes" on the passage of **House Bill No. 2255**.

On motion of Senator Klemm, **House Bill No. 2263** 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 Klemm, **House Bill No. 2264** 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	Maitland	Shadid
Bowles	Hawkinson	Molaro	Shaw
Burzynski	Hendon	Munoz	Sieben
Clayborne	Jacobs	Myers	Silverstein
Cronin	Jones, E.	Noland	Smith
Cullerton	Jones, W.	Obama	Sullivan
DeLeo	Karpiel	O'Daniel	Syverson
del Valle	Klemm	O'Malley	Trotter
Demuzio	Lauzen	Parker	Viverito
Dillard	Lightford	Peterson	Walsh, L.
Donahue	Link	Petka	Walsh, T.
Dudycz	Luechtefeld	Radogno	Watson
Fawell	Madigan, L.	Rauschenberger	Weaver
			Welch
			Mr. President

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

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

On motion of Senator R. Madigan, **House Bill No. 2271** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

On motion of Senator Donahue, **House Bill No. 2283** 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 Amendments adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Watson, **House Bill No. 2320** was recalled from the order of third reading to the order of second reading.

Floor Amendments numbered 1, 2 and 3 were held in the Committee on Rules.

Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend House Bill 2320 as follows:

on page 1, by replacing lines 1 and 2 with the following:

"AN ACT concerning enterprise zones."; and

on page 1, below line 4, by inserting the following:

"Section 3. The Illinois Enterprise Zone Act is amended by changing Section 5.3 as follows:

(20 ILCS 655/5.3) (from Ch. 67 1/2, par. 608)

Sec. 5.3. Certification of Enterprise Zones; Effective date.

(a) Approval of designated Enterprise Zones shall be made by the Department by certification of the designating ordinance. The Department shall promptly issue a certificate for each Enterprise Zone upon its approval. The certificate shall be signed by the Director of the Department, shall make specific reference to the designating ordinance, which shall be attached thereto, and shall be filed in the office of the Secretary of State. A certified copy of the Enterprise Zone Certificate, or a duplicate original thereof, shall be recorded in the office of recorder of deeds of the county in which the Enterprise Zone lies.

(b) An Enterprise Zone shall be effective upon its certification. The Department shall transmit a copy of the certification to the Department of Revenue, and to the designating municipality or county.

Upon certification of an Enterprise Zone, the terms and provisions of the designating ordinance shall be in effect, and may not be amended or repealed except in accordance with Section 5.4.

(c) An Enterprise Zone shall be in effect for 20 calendar years, or for a lesser number of years specified in the certified designating ordinance. Enterprise Zones shall terminate at midnight of December 31 of the final calendar year of the certified term, except as provided in Section 5.4. In Vermilion County, however, an enterprise zone shall be in effect for 30 calendar years or for a lesser number of years specified in the certified designating ordinance. The Whiteside County/Carroll County Enterprise Zone, however, solely with respect to industrial purposes and uses, shall be in effect for 30 calendar years or for a lesser number of years specified in the certified designating ordinance.

(d) No more than 12 Enterprise Zones may be certified by the Department in calendar year 1984, no more than 12 Enterprise Zones may be certified by the Department in calendar year 1985, no more

than 13 Enterprise Zones may be certified by the Department in calendar year 1986, no more than 15 Enterprise Zones may be certified by the Department in calendar year 1987, and no more than 20 Enterprise Zones may be certified by the Department in calendar year 1990. In other calendar years, no more than 13 Enterprise Zones may be certified by the Department. The Department may also designate up to 8 additional Enterprise Zones outside the regular application

cycle if warranted by the extreme economic circumstances as determined by the Department. The Department may also designate one additional Enterprise Zone outside the regular application cycle if an aircraft manufacturer agrees to locate an aircraft manufacturing facility in the proposed Enterprise Zone. Notwithstanding any other provision of this Act, no more than 89 Enterprise Zones may be certified by the Department for the 10 calendar years commencing with 1983. The 7 additional Enterprise Zones authorized by Public Act 86-15 shall not lie within municipalities or unincorporated areas of counties that abut or are contiguous to Enterprise Zones certified pursuant to this Section prior to June 30, 1989. The 7 additional Enterprise Zones (excluding the additional Enterprise Zone which may be designated outside the regular application cycle) authorized by Public Act 86-1030 shall not lie within municipalities or unincorporated areas of counties that abut or are contiguous to Enterprise Zones certified pursuant to this Section prior to February 28, 1990. In any calendar year, the Department may not certify more than 3 Zones located within the same municipality. The Department may certify Enterprise Zones in each of the 10 calendar years commencing with 1983. The Department may not certify more than a total of 18 Enterprise Zones located within the same county (whether within municipalities or within unincorporated territory) for the 10 calendar years commencing with 1983. Thereafter, the Department may not certify any additional Enterprise Zones, but may amend and rescind certifications of existing Enterprise Zones in accordance with Section 5.4.

(e) Notwithstanding any other provision of law, if (i) the county board of any county in which a current military base is located, in part or in whole, or in which a military base that has been closed within 20 years of the effective date of this amendatory Act of 1998 is located, in part or in whole, adopts a designating ordinance in accordance with Section 5 of this Act to designate the military base in that county as an enterprise zone and (ii) the property otherwise meets the qualifications for an enterprise zone as prescribed in Section 4 of this Act, then the Department may certify the designating ordinance or ordinances, as the case may be.

(Source: P.A. 90-657, eff. 7-30-98.)"; and

on page 2, below line 10, by inserting the following:

"Section 10. The Public Utilities Act is amended by changing Section 9-222.1 as follows:

(220 ILCS 5/9-222.1) (from Ch. 111 2/3, par. 9-222.1)

Sec. 9-222.1. A business enterprise which is located within an area designated by a county or municipality as an enterprise zone pursuant to the Illinois Enterprise Zone Act or located in a federally designated Foreign Trade Zone or Sub-Zone shall be exempt from the additional charges added to the business enterprise's utility bills as a pass-on of municipal and State utility taxes under Sections 9-221 and 9-222 of this Act, to the extent such charges are exempted by ordinance adopted in accordance with paragraph (e) of Section 8-11-2 of the Illinois Municipal Code in the case of municipal utility taxes, and to the extent such charges are exempted by the percentage specified by the Department of Commerce and Community Affairs in the case of State utility taxes, provided such business enterprise meets the following criteria:

(1) it either (i) makes investments which cause the creation of a minimum of 200 full-time equivalent jobs in Illinois; (ii) makes investments of at least $175,000,000 which cause the creation of a minimum of 150 full-time equivalent jobs in Illinois; or (iii) makes investments which cause the retention of a minimum of 1,000 full-time jobs in Illinois; and

(2) it is either (i) located in an Enterprise Zone established pursuant to the Illinois Enterprise Zone Act or (ii) it is located in a federally designated Foreign Trade Zone or Sub-Zone and is designated a High Impact Business by the Department of Commerce and Community Affairs; and

(3) it is certified by the Department of Commerce and Community Affairs as complying with the requirements specified in clauses (1) and (2) of this Section.

The Department of Commerce and Community Affairs shall determine the period during which such exemption from the charges imposed under Section 9-222 is in effect which shall not exceed 20 years, except in the case of the Whiteside County/Carroll County Enterprise Zone, where, solely with respect to industrial purposes and uses, the exemption period shall not exceed 30 years, and shall specify the percentage of the exemption from State utility taxes.

The Department of Commerce and Community Affairs shall have the power to promulgate rules and regulations to carry out the provisions of this Section including procedures for complying with the requirements specified in clauses (1) and (2) of this Section and procedures for applying for the exemptions authorized under this Section; to define the amounts and types of eligible investments which business enterprises must make in order to receive State utility tax exemptions pursuant to Sections 9-222 and 9-222.1 of this Act; to approve such utility tax exemptions for business enterprises whose investments are not yet placed in service; and to require that business enterprises granted tax exemptions repay the exempted tax should the business enterprise fail to comply with the terms and conditions of the certification. However, no business enterprise shall be required, as a condition for certification under clause (3) of this Section, to attest that its decision to invest under clause (1) of this Section and to locate under clause (2) of this Section is predicated upon the availability of the exemptions authorized by this Section.

A business enterprise shall be exempt, in whole or in part, from the pass-on charges of municipal utility taxes imposed under Section 9-221, only if it meets the criteria specified in clauses (1) through (3) of this Section and the municipality has adopted an ordinance authorizing the exemption under paragraph (e) of Section 8-11-2 of the Illinois Municipal Code. Upon certification of the business enterprises by the Department of Commerce and Community Affairs, the Department of Commerce and Community Affairs shall notify the Department of Revenue of such certification. The Department of Revenue shall notify the public utilities of the exemption status of business enterprises from the pass-on charges of State and municipal utility taxes. Such exemption status shall be effective within 3 months after certification of the business enterprise.
(Source: P.A. 90-16, eff. 6-16-97.)".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 2320**, as amended, was returned to the order of third reading.

READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Klemm, **House Bill No. 2330** 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.

HOUSE BILL RECALLED

On motion of Senator R. Madigan, **House Bill No. 2713** 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. 3

AMENDMENT NO. 3. Amend House Bill 2713, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 4, line 15, before "failure", by inserting "known"; and
on page 5, line 22, before "failure", by inserting "known".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 2713**, as amended, was returned to the order of third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Cronin, **House Bill No. 2726** 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 Cronin, **House Bill No. 2727** 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 Weaver, **House Bill No. 2733** 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
Dillard	Link	Peterson	Walsh, L.
Donahue	Luechtefeld	Petka	Walsh, T.
Dudycz	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 Dillard, **House Bill No. 2823** 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 Sieben, **House Bill No. 2826** 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 None; Present 9.

The following voted in the affirmative:

Berman	Hendon	Molaro	Shaw
Bomke	Jacobs	Munoz	Sieben
Bowles	Jones, E.	Myers	Silverstein
Cronin	Jones, W.	Noland	Smith
Cullerton	Karpiel	Obama	Syverson
DeLeo	Klemm	O'Daniel	Trotter
del Valle	Lauzen	O'Malley	Walsh, L.
Demuzio	Lightford	Parker	Walsh, T.
Dillard	Link	Petka	Watson
Donahue	Luechtefeld	Radogno	Weaver
Fawell	Madigan, L.	Rea	Welch

Halvorson	Maitland	Shadid	Mr. President

The following voted present:

Burzynski	Geo-Karis	Mahar	Rauschenberger
Clayborne	Hawkinson	Peterson	Sullivan
			Viverito

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. 2845** 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 Donahue, **House Bill No. 287** 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 35; Nays 16; Present 7.

The following voted in the affirmative:

Bomke	Fawell	Munoz	Sieben
Bowles	Hawkinson	Myers	Syverson
Burzynski	Jacobs	Noland	Viverito
Clayborne	Karpiel	O'Daniel	Walsh, L.
Cronin	Klemm	Peterson	Watson
Cullerton	Luechtefeld	Petka	Weaver
Demuzio	Madigan, R.	Rauschenberger	Welch
Donahue	Mahar	Rea	Mr. President
Dudycz	Maitland	Shaw	

The following voted in the negative:

Berman	Jones, W.	Madigan, L.	Silverstein
Dillard	Lauzen	Parker	Smith
Geo-Karis	Lightford	Radogno	Sullivan
Jones, E.	Link	Shadid	Trotter

The following voted present:

DeLeo	Halvorson	Obama	Walsh, T.
del Valle	Molaro	O'Malley	

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

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

On motion of Senator Fawell, **House Bill No. 604** 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 35; Nays 20; Present 1.

The following voted in the affirmative:

Bowles	Halvorson	O'Daniel	Silverstein
Burzynski	Jacobs	O'Malley	Smith
Cronin	Jones, W.	Parker	Syverson
Cullerton	Karpiel	Peterson	Viverito
DeLeo	Klemm	Rauschenberger	Walsh, L.
Demuzio	Lightford	Rea	Walsh, T.
Dudycz	Mahar	Shadid	Watson
Fawell	Molaro	Shaw	Mr. President

Geo-Karis	Munoz	Sieben

The following voted in the negative:

Bomke	Hendon	Madigan, R.	Petka
Clayborne	Lauzen	Maitland	Radogno
del Valle	Link	Myers	Sullivan
Donahue	Luechtefeld	Noland	Trotter
Hawkinson	Madigan, L.	Obama	Welch

The following voted present:

Dillard

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

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

Senator Berman asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **House Bill No. 604**.

CONSIDERATION OF MOTION IN WRITING

Pursuant to Motion in writing filed on May 11, 1999, Senator Dillard having voted on the prevailing side moved to reconsider the vote by which **House Bill No. 1061** failed.

And on that motion, a call of the roll was had resulting as follows:

Yeas 34; Nays 23.

The following voted in the affirmative:

Bomke	Geo-Karis	Madigan, R.	Petka
Burzynski	Hawkinson	Mahar	Rauschenberger
Cronin	Jacobs	Maitland	Rea
Cullerton	Jones, W.	Molaro	Sullivan
Dillard	Karpiel	Myers	Syverson
Donahue	Klemm	O'Daniel	Viverito
Dudycz	Link	O'Malley	Walsh, T.
Fawell	Luechtefeld	Peterson	Watson
			Weaver
			Mr. President

The following voted in the negative:

Berman	Hendon	Noland	Silverstein
Bowles	Jones, E.	Parker	Smith
Clayborne	Lauzen	Radogno	Trotter
del Valle	Lightford	Shadid	Walsh, L.
Demuzio	Madigan, L.	Shaw	Welch
Halvorson	Munoz	Sieben	

The motion prevailed.

And **House Bill No. 1061**, as amended, was returned to the order of third reading.

READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Philip, **House Bill No. 1061** 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 31; Nays 26.

The following voted in the affirmative:

Bomke	Jacobs	Molaro	Sullivan
Burzynski	Jones, W.	Myers	Syverson
Cronin	Karpiel	O'Daniel	Viverito
DeLeo	Klemm	O'Malley	Walsh, T.
Donahue	Link	Peterson	Watson
Dudycz	Luechtefeld	Petka	Weaver
Fawell	Mahar	Rauschenberger	Mr. President
Hawkinson	Maitland	Rea	

The following voted in the negative:

Berman	Halvorson	Madigan, R.	Shadid
Bowles	Hendon	Munoz	Shaw
Clayborne	Jones, E.	Noland	Sieben
del Valle	Lauzen	Obama	Silverstein
Demuzio	Lightford	Parker	Smith
Geo-Karis	Madigan, L.	Radogno	Trotter
			Walsh, L.
			Welch

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

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

CONSIDERATION OF MOTION IN WRITING

Pursuant to Motion in writing filed on April 26, 1999, Senator Clayborne having voted on the prevailing side moved to reconsider the vote by which **House Bill No. 1900** passed.

And on that motion, a call of the roll was had resulting as follows:

Yeas 27; Nays 28; Present 3.

The following voted in the affirmative:

Berman	Halvorson	Molaro	Silverstein
Bowles	Hendon	Munoz	Smith
Clayborne	Jacobs	Obama	Trotter

Cullerton	Jones, E.	O'Daniel	Viverito
DeLeo	Lightford	Rea	Walsh, L.
del Valle	Link	Shadid	Welch
Demuzio	Madigan, L.	Shaw	

The following voted in the negative:

Bomke	Karpiel	Myers	Rauschenberger
Cronin	Klemm	Noland	Sullivan
Dillard	Lauzen	O'Malley	Syverson
Donahue	Luechtefeld	Parker	Walsh, T.
Dudycz	Madigan, R.	Peterson	Watson
Geo-Karis	Mahar	Petka	Weaver
Jones, W.	Maitland	Radogno	Mr. President

The following voted present:

Fawell
Hawkinson
Sieben

The motion lost.

HOUSE BILLS RECALLED

On motion of Senator O'Malley, **House Bill No. 31** 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 31, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Sections 8-4, 9-1.2, 10-2, 12-4.3, 12-11, 12-14, 12-14.1, 18-2, 18-4, 33A-1, 33A-2, and adding Sections 2-3.6, 2-7.5, and 2-15.5 as follows:

(720 ILCS 5/2-3.6 new)

Sec. 2-3.6. "Armed with a firearm". Except as otherwise provided in a specific Section, a person is considered "armed with a firearm" when he or she carries on or about his or her person or is otherwise armed with a firearm.

(720 ILCS 5/2-7.5 new)

Sec. 5/2-7.5 "Firearm". Except as otherwise provided in a specific Section, "firearm" has the meaning ascribed to it in Section 1.1 of the Firearm Owners Identification Card Act.

(720 ILCS 5/2-15.5 new)

Sec. 2-15.5. "Personally discharged a firearm". A person is considered to have "personally discharged a firearm" when he or she, while armed with a firearm, knowingly and intentionally fires a firearm causing the ammunition projectile to be forcefully expelled from the firearm.

(720 ILCS 5/8-4) (from Ch. 38, par. 8-4)

Sec. 8-4. Attempt.

(a) Elements of the Offense.

A person commits an attempt when, with intent to commit a specific offense, he does any act which constitutes a substantial step toward the commission of that offense.

(b) Impossibility.

It shall not be a defense to a charge of attempt that because of a misapprehension of the circumstances it would have been impossible for the accused to commit the offense attempted.

(c) Sentence.

A person convicted of an attempt may be fined or imprisoned or both not to exceed the maximum provided for the offense attempted but, except for an attempt to commit the offense defined in Section 33A-2 of this Act,

(1) the sentence for attempt to commit first degree murder is the sentence for a Class X felony, except that

(A) an attempt to commit first degree murder when at least one of the aggravating factors specified in paragraphs (1), (2) and (12) of subsection (b) of Section 9-1 is present is a Class X felony for which the sentence shall be a term of imprisonment of not less than 20 years and not more than 80 years;

(B) an attempt to commit first degree murder while armed with a firearm is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court;

(C) an attempt to commit first degree murder during which the person personally discharged a firearm is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court;

(D) an attempt to commit first degree murder during which the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(2) the sentence for attempt to commit a Class X felony is the sentence for a Class 1 felony;

(3) the sentence for attempt to commit a Class 1 felony is the sentence for a Class 2 felony;

(4) the sentence for attempt to commit a Class 2 felony is the sentence for a Class 3 felony; and

(5) the sentence for attempt to commit any felony other than those specified in Subsections (1), (2), (3) and (4) hereof is the sentence for a Class A misdemeanor.

(Source: P.A. 87-921; 88-680, eff. 1-1-95.)

(720 ILCS 5/9-1.2) (from Ch. 38, par. 9-1.2)

Sec. 9-1.2. Intentional Homicide of an Unborn Child. (a) A person commits the offense of intentional homicide of an unborn child if, in performing acts which cause the death of an unborn child, he

without lawful justification:

(1) either intended to cause the death of or do great bodily harm to the pregnant woman or her unborn child or knew that such acts would cause death or great bodily harm to the pregnant woman or her unborn child; or

(2) he knew that his acts created a strong probability of death or great bodily harm to the pregnant woman or her unborn child; and

(3) he knew that the woman was pregnant.

(b) For purposes of this Section, (1) "unborn child" shall mean any individual of the human species from fertilization until birth, and (2) "person" shall not include the pregnant woman whose unborn child is killed.

(c) This Section shall not apply to acts which cause the death of an unborn child if those acts were committed during any abortion, as defined in Section 2 of the Illinois Abortion Law of 1975, as amended, to which the pregnant woman has consented. This Section shall not apply to acts which were committed pursuant to usual and customary standards of medical practice during diagnostic testing or therapeutic treatment.

(d) Penalty. The sentence for intentional homicide of an unborn child shall be the same as for first degree murder, except that:

(1) the death penalty may not be imposed;

(2) if the person committed the offense while armed with a firearm, 15 years shall be added to the term of imprisonment

imposed by the court;

(3) if, during the commission of the offense, the person personally discharged a firearm, 20 years shall be added to the term of imprisonment imposed by the court;

(4) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(e) The provisions of this Act shall not be construed to prohibit the prosecution of any person under any other provision of law.

(Source: P.A. 85-293.)

(720 ILCS 5/10-2) (from Ch. 38, par. 10-2)

Sec. 10-2. Aggravated kidnaping.

(a) A kidnaper within the definition of paragraph (a) of Section 10-1 is guilty of the offense of aggravated kidnaping when he:

(1) Kidnaps for the purpose of obtaining ransom from the person kidnaped or from any other person, or

(2) Takes as his victim a child under the age of 13 years, or an institutionalized severely or profoundly mentally retarded person, or

(3) Inflicts great bodily harm, other than by the discharge of a firearm, or commits another felony upon his victim, or

(4) Wears a hood, robe or mask or conceals his identity, or

(5) Commits the offense of kidnaping while armed with a dangerous weapon, other than a firearm, as defined in Section 33A-1 of the "Criminal Code of 1961", or

(6) Commits the offense of kidnaping while armed with a firearm, or

(7) During the commission of the offense of kidnaping, personally discharged a firearm, or

(8) During the commission of the offense of kidnaping, personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person.

As used in this Section, "ransom" includes money, benefit or other valuable thing or concession.

(b) Sentence. Aggravated kidnaping in violation of paragraph (1), (2), (3), (4), or (5) of subsection (a) is a Class X felony. A violation of subsection (a)(6) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(7) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(8) is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

A person who is convicted of a second or subsequent offense of aggravated kidnaping shall be sentenced to a term of natural life imprisonment; provided, however, that a sentence of natural life imprisonment shall not be imposed under this Section unless the second or subsequent offense was committed after conviction on the first offense.

(Source: P.A. 89-707, eff. 6-1-97.)

(720 ILCS 5/12-4.3) (from Ch. 38, par. 12-4.3)

Sec. 12-4.3. Aggravated battery of a child.

(a) Any person of the age 18 years and upwards who intentionally or knowingly, and without legal justification and by any means, causes great bodily harm or permanent disability or disfigurement to any child under the age of 13 years or to any institutionalized severely or profoundly mentally retarded person, commits the offense

of aggravated battery of a child.

(b) Aggravated battery of a child is a Class X felony, except that:

(1) if the person committed the offense while armed with a firearm, 15 years shall be added to the term of imprisonment imposed by the court;

(2) if, during the commission of the offense, the person personally discharged a firearm, 20 years shall be added to the term of imprisonment imposed by the court;

(3) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(Source: P.A. 89-313, eff. 1-1-96.)

(720 ILCS 5/12-11) (from Ch. 38, par. 12-11)

Sec. 12-11. Home Invasion.

(a) A person who is not a peace officer acting in the line of duty commits home invasion when without authority he or she knowingly

enters the dwelling place of another when he or she knows or has reason to know that one or more persons is present or he or she knowingly enters the dwelling place of another and remains in such dwelling place until he or she knows or has reason to know that one or more persons is present and

(1) While armed with a dangerous weapon, other than a firearm, uses force or threatens the imminent use of force upon any person or persons within such dwelling place whether or not injury occurs, or

(2) Intentionally causes any injury, except as provided in subsection (a)(5), to any person or persons within such dwelling place, or

(3) While armed with a firearm uses force or threatens the imminent use of force upon any person or persons within such dwelling place whether or not injury occurs, or

(4) Uses force or threatens the imminent use of force upon any person or persons within such dwelling place whether or not injury occurs and during the commission of the offense personally discharges a firearm, or

(5) Personally discharges a firearm that proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person within such dwelling place.

(b) It is an affirmative defense to a charge of home invasion that the accused who knowingly enters the dwelling place of another and remains in such dwelling place until he or she knows or has reason to know that one or more persons is present either immediately leaves such premises or surrenders to the person or persons lawfully present therein without either attempting to cause or causing serious bodily injury to any person present therein.

(c) Sentence. Home invasion in violation of subsection (a)(1) or (a)(2) is a Class X felony. A violation of subsection (a)(3) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(4) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(5) is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(d) For purposes of this Section, "dwelling place of another" includes a dwelling place where the defendant maintains a tenancy interest but from which the defendant has been barred by a divorce decree, judgment of dissolution of marriage, order of protection, or other court order.

(Source: P.A. 90-787, eff. 8-14-98.)

(720 ILCS 5/12-14) (from Ch. 38, par. 12-14)

Sec. 12-14. Aggravated Criminal Sexual Assault.

(a) The accused commits aggravated criminal sexual assault if he or she commits criminal sexual assault and any of the following aggravating circumstances existed during, or for the purposes of paragraph (7) of this subsection (a) as part of the same course of conduct as, the commission of the offense:

(1) the accused displayed, threatened to use, or used a dangerous weapon, other than a firearm, or any object fashioned

or utilized in such a manner as to lead the victim under the circumstances reasonably to believe it to be a dangerous weapon; or

(2) the accused caused bodily harm, except as provided in subsection (a)(10), to the victim; or

(3) the accused acted in such a manner as to threaten or endanger the life of the victim or any other person; or

(4) the criminal sexual assault was perpetrated during the course of the commission or attempted commission of any other felony by the accused; or

(5) the victim was 60 years of age or over when the offense was committed; or

(6) the victim was a physically handicapped person; or

(7) the accused delivered (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without his or her consent, or by threat or deception, and for other than medical purposes, any controlled substance; or.

(8) the accused was armed with a firearm; or

(9) the accused personally discharged a firearm during the commission of the offense; or

(10) the accused, during the commission of the offense, personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person.

(b) The accused commits aggravated criminal sexual assault if the accused was under 17 years of age and (i) commits an act of sexual penetration with a victim who was under 9 years of age when the act was committed; or (ii) commits an act of sexual penetration with a victim who was at least 9 years of age but under 13 years of age when the act was committed and the accused used force or threat of force to commit the act.

(c) The accused commits aggravated criminal sexual assault if he or she commits an act of sexual penetration with a victim who was an institutionalized severely or profoundly mentally retarded person at the time the act was committed.

(d) Sentence.

(1) Aggravated criminal sexual assault in violation of paragraph (1), (2), (3), (4), (5), (6), or (7) of subsection (a) is a Class X felony. A violation of subsection (a)(8) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(9) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(10) is a Class X felony for which 25 years or up to a term of natural life imprisonment shall be added to the term of imprisonment imposed by the court.

(2) A person who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual

assault of a child, or who is convicted of the offense of

aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply.

(Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 90-396, eff. 1-1-98; 90-735, eff. 8-11-98.)

(720 ILCS 5/12-14.1)

Sec. 12-14.1. Predatory criminal sexual assault of a child.

(a) The accused commits predatory criminal sexual assault of a child if:

(1) the accused was 17 years of age or over and commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed; or

(1.1) the accused was 17 years of age or over and, while armed with a firearm, commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed; or

(1.2) the accused was 17 years of age or over and commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed and, during the commission of the offense, the accused personally discharged a firearm; or

(2) the accused was 17 years of age or over and commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed and the accused caused great bodily harm to the victim that:

(A) resulted in permanent disability; or

(B) was life threatening; or

(3) the accused was 17 years of age or over and commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed and the accused delivered (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without his or her consent, or by threat or deception, and for other than medical purposes, any controlled substance.

(b) Sentence.

(1) A person convicted of a violation of subsection (a)(1) commits a Class X felony. A person convicted of a violation of subsection (a)(1.1) commits a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A person convicted of a violation of subsection (a)(1.2) commits a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A person convicted of a violation of subsection (a)(2) commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 50 years or up to a term of natural life imprisonment. A person convicted of a violation of subsection ~~(a)(2) or~~ (a) (3) commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 50 years and not more than 60 years.

(2) A person who is convicted of a second or subsequent offense of predatory criminal sexual assault of a child, or who is convicted of the offense of predatory criminal sexual assault

of a child after having previously been convicted of the offense of criminal sexual assault or the offense of aggravated criminal sexual assault, or who is convicted of the offense of predatory

criminal sexual assault of a child after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of predatory criminal sexual assault of a child, the offense of aggravated criminal sexual assault or the offense of criminal sexual assault, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply.

(Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 90-396, eff. 1-1-98; 90-735, eff. 8-11-98.)

(720 ILCS 5/18-2) (from Ch. 38, par. 18-2)

Sec. 18-2. Armed robbery.

(a) A person commits armed robbery when he or she violates Section 18-1; and

(1) ~~while~~ he or she carries on or about his or her person~~,~~ or is otherwise armed with a dangerous weapon other than a firearm; or

(2) he or she carries on or about his or her person or is otherwise armed with a firearm; or

(3) he or she, during the commission of the offense, personally discharges a firearm; or

(4) he or she, during the commission of the offense, personally discharges a firearm that proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.

(b) Sentence.

Armed robbery in violation of subsection (a)(1) is a Class X felony. A violation of subsection (a)(2) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(3) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(4) is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(Source: P.A. 80-1099.)

(720 ILCS 5/18-4)

Sec. 18-4. Aggravated vehicular hijacking.

(a) A person commits aggravated vehicular hijacking when he or she violates Section 18-3; and

(1) the person from whose immediate presence the motor vehicle is taken is a physically handicapped person or a person 60 years of age or over; or

(2) a person under 16 years of age is a passenger in the motor vehicle at the time of the offense; or

(3) he or she carries on or about his or her person, or is otherwise armed with a dangerous weapon, other than a firearm; or

(4) he or she carries on or about his or her person or is otherwise armed with a firearm; or

(5) he or she, during the commission of the offense, personally discharges a firearm; or

(6) he or she, during the commission of the offense, personally discharges a firearm that proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.

(b) Sentence. Aggravated vehicular hijacking in violation of subsections (a)(1) or (a)(2) is a Class X felony. Aggravated vehicular hijacking in violation of subsection (a)(3) is a Class X felony for which a term of imprisonment of not less than 7 years shall be imposed. Aggravated vehicular hijacking in violation of subsection (a)(4) is a Class X felony for which 15 years shall be

added to the term of imprisonment imposed by the court. Aggravated vehicular hijacking in violation of subsection (a)(5) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. Aggravated vehicular hijacking in violation of subsection (a)(6) is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(Source: P.A. 88-351.)

(720 ILCS 5/33A-1) (from Ch. 38, par. 33A-1)

Sec. 33A-1. Legislative intent and definitions.

(a) Legislative findings. The legislature finds and declares the following:

(1) The use of a dangerous weapon in the commission of a felony offense poses a much greater threat to the public health, safety, and general welfare, then when a weapon is not used in the commission of the offense.

(2) Further, the use of a firearm greatly facilitates the commission of a criminal offense because of the more lethal nature of a firearm and the greater perceived threat produced in those confronted by a person wielding a firearm. Unlike other dangerous weapons such as knives and clubs, the use of a firearm in the commission of a criminal felony offense significantly escalates the threat and the potential for bodily harm, and the greater range of the firearm increases the potential for harm to more persons. Not only are the victims and bystanders at greater risk when a firearm is used, but also the law enforcement officers whose duty is to confront and apprehend the armed suspect.

(3) Current law does contain offenses involving the use or discharge of a gun toward or against a person, such as aggravated battery with a firearm, aggravated discharge of a firearm, and reckless discharge of a firearm; however, the General Assembly has legislated greater penalties for the commission of a felony while in possession of a firearm because it deems such acts as more serious.

(b) Legislative intent.

(1) In order to deter the use of firearms in the commission of a felony offense, the General Assembly deems it appropriate for a greater penalty to be imposed when a firearm is used or discharged in the commission of an offense than the penalty

imposed for using other types of weapons and for the penalty to increase on more serious offenses.

(2) With the additional elements of the discharge of a firearm and great bodily harm inflicted by a firearm being added to armed violence and other serious felony offenses, it is the intent of the General Assembly to punish those elements more severely during commission of a felony offense than when those elements stand alone as the act of the offender.

(3) It is the intent of the 91st General Assembly that should Public Act 88-680 be declared unconstitutional for a violation of Article 4, Section 8 of the 1970 Constitution of the State of Illinois, the amendatory changes made by Public Act 88-680 to Article 33A of the Criminal Code of 1961 and which are set forth as law in this amendatory Act of the 91st General Assembly are hereby reenacted by this amendatory Act of the 91st General Assembly.

(c) Definitions.

(1) ~~(a)~~ "Armed with a dangerous weapon". A person is considered armed with a dangerous weapon for purposes of this Article, when he or she carries on or about his or her person or is otherwise armed with a Category I, Category II, or Category

III weapon.

(2) ~~(b)~~ A Category I weapon is a handgun, sawed-off shotgun, sawed-off rifle, any other firearm small enough to be concealed upon the person, semiautomatic firearm, or machine gun. A Category II weapon is any other rifle, shotgun, spring gun, other firearm, stun gun or taser as defined in paragraph (a) of Section 24-1 of this Code, knife with a blade of at least 3 inches in length, dagger, dirk, switchblade knife, stiletto, axe, hatchet, or other deadly or dangerous weapon or instrument of like character. As used in this subsection (b) "semiautomatic firearm" means a repeating firearm that utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round and that requires a separate pull of the trigger to fire each cartridge.

t (3) ~~(c)~~ A Category III weapon is a bludgeon, black-jack, slungshot, sand-bag, sand-club, metal knuckles, billy, or other dangerous weapon of like character.

(Source: P.A. 88-680, eff. 1-1-95.)

(720 ILCS 5/33A-2) (from Ch. 38, par. 33A-2)

Sec. 33A-2. Armed violence-Elements of the offense.

(a) A person commits armed violence when, while armed with a dangerous weapon, he commits any felony defined by Illinois Law, except first degree murder, attempted first degree murder, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnaping, aggravated battery of a child, home invasion, armed robbery, or aggravated vehicular hijacking.

(b) A person commits armed violence when he or she personally discharges a firearm that is a Category I or Category II weapon while committing any felony defined by Illinois law, except first degree murder, attempted first degree murder, intentional homicide of an

unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnaping, aggravated battery of a child, home invasion, armed robbery, or aggravated vehicular hijacking.

(c) A person commits armed violence when he or she personally discharges a firearm that is a Category I or Category II weapon that proximately causes great bodily harm, permanent disability, or permanent disfigurement or death to another person while committing any felony defined by Illinois law, except first degree murder, attempted first degree murder, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnaping, aggravated battery of a child, home invasion, armed robbery, or aggravated vehicular hijacking.

(d) This Section does not apply to violations of the Fish and Aquatic Life Code or the Wildlife Code.

(Source: P.A. 80-1099.)

(720 ILCS 5/33A-3) (from Ch. 38, par. 33A-3)

Sec. 33A-3. Sentence.

(a) Violation of Section 33A-2(a) ~~33A-2~~ with a Category I weapon is a Class X felony for which the defendant shall be sentenced to a minimum term of imprisonment of 15 years.

(a-5) Violation of Section 33A-2(a) ~~33A-2~~ with a Category II weapon is a Class X felony for which the defendant shall be sentenced to a minimum term of imprisonment of 10 years.

(b) Violation of Section 33A-2(a) ~~33A-2~~ with a Category III weapon is a Class 2 felony or the felony classification provided for the same act while unarmed, whichever permits the greater penalty. A second or subsequent violation of Section 33A-2(a) ~~33A-2~~ with a Category III weapon is a Class 1 felony or the felony classification

provided for the same act while unarmed, whichever permits the greater penalty.

(b-5) Violation of Section 33A-2(b) with a firearm that is a Category I or Category II weapon is a Class X felony for which the defendant shall be sentenced to a minimum term of imprisonment of 20 years.

(b-10) Violation of Section 33A-2(c) with a firearm that is a Category I or Category II weapon is a Class X felony for which the defendant shall be sentenced to a term of imprisonment of not less than 25 years nor more than 40 years.

(c) Unless sentencing under Section 33B-1 is applicable, any person who violates subsection (a) or (b) of Section 33A-2 with a firearm, when that person has been convicted in any state or federal court of 3 or more of the following offenses: treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, arson, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement, or a violation of Section 401(a) of the Illinois Controlled Substances Act, when the third offense was committed after conviction on the second, the second offense was committed after conviction on the first, and the violation of Section 33A-2 was committed after

conviction on the third, shall be sentenced to a term of imprisonment of not less than 25 years nor more than 50 years.

(c-5) Except as otherwise provided in paragraph (b-10) or (c) of this Section, a person who violates Section 33A-2(a) with a firearm that is a Category I weapon or Section 33A-2(b) in any school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or on the real property comprising any school or public park, and where the offense was related to the activities of an organized gang, shall be sentenced to a term of imprisonment of not less than the term set forth in subsection (a) or (b-5) of this Section, whichever is applicable, and not more than 30 years. For the purposes of this subsection (c-5), "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(d) For armed violence based upon a predicate offense listed in this subsection (d) the court shall enter the sentence for armed violence to run consecutively to the sentence imposed for the predicate offense. The offenses covered by this provision are:

(i) solicitation of murder,

(ii) solicitation of murder for hire,

(iii) heinous battery,

(iv) aggravated battery of a senior citizen,

(v) criminal sexual assault,

(vi) a violation of subsection (g) of Section 5 of the Cannabis Control Act,

(vii) cannabis trafficking,

(viii) a violation of subsection (a) of Section 401 of the Illinois Controlled Substances Act,

(ix) controlled substance trafficking involving a Class X felony amount of controlled substance under Section 401 of the Illinois Controlled Substances Act,

(x) calculated criminal drug conspiracy, or

(xi) streetgang criminal drug conspiracy.

(Source: P.A. 88-467; 88-680, eff. 1-1-95; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

Section 10. The Unified Code of Corrections is amended by changing Sections 5-5-3, 5-8-1, 5-8-4 as follows:

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

Sec. 5-5-3. Disposition.

(a) Every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

(1) A period of probation.

(2) A term of periodic imprisonment.

(3) A term of conditional discharge.

(4) A term of imprisonment.

(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961.

(6) A fine.

(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.

(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.

Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may accept an alcohol or other drug evaluation or remedial education program in the state of such individual's residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

In addition to any other fine or penalty required by law, any individual convicted of a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of local ordinance, whose operation of a motor vehicle while in violation of Section 11-501 or such ordinance proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. Such restitution shall not exceed $500 per public agency for each such emergency response. For the purpose of this paragraph, emergency response shall mean any incident requiring a response by: a police officer as defined under Section 1-162 of the Illinois Vehicle Code; a fireman carried on the rolls of a regularly constituted fire department; and an ambulance as defined under Section 4.05 of the Emergency Medical Services (EMS) Systems Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.

(B) Attempted first degree murder.

(C) A Class X felony.

(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing cocaine or an analog thereof.

(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which he committed the offense for which he is being sentenced.

(G) Residential burglary.

(H) Criminal sexual assault, except as otherwise provided in subsection (e) of this Section.

(I) Aggravated battery of a senior citizen.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.

(O) A violation of Section 12-6.1 of the Criminal Code of 1961.

(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 of the Criminal Code of 1961.

(R) ~~(Q)~~ A violation of Section 24-3A of the Criminal Code of 1961.

(3) A minimum term of imprisonment of not less than 48 consecutive hours or 100 hours of community service as may be determined by the court shall be imposed for a second or subsequent violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(4) A minimum term of imprisonment of not less than 7 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) A minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour periodic imprisonment or 720 hours of community service, as may be determined by the court, shall be imposed for a violation of Section 11-501 of the Illinois Vehicle Code during a period in which the defendant's driving privileges are revoked or suspended, where the revocation or suspension was for a violation of Section 11-501 or Section 11-501.1 of that Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;

(B) a fine;

(C) make restitution to the victim under Section 5-5-6 of this Code.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted of any Class 2 or greater Class felonies in Illinois, and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

~~(10) Beginning July 1, 1994, unless sentencing under Section 33B-1 is applicable, a term of imprisonment of not less than 15 years nor more than 50 years shall be imposed on a defendant who violates Section 33A-2 of the Criminal Code of 1961 with a firearm, when that person has been convicted in any state or federal court of 3 or more of the following offenses: treason, first degree murder, second degree murder, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, arson, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement, or a violation of Section 401(a) of the Illinois Controlled Substances Act, when the third offense was committed after conviction on the second, the second offense was committed after conviction on the first, and the violation of Section 33A-2 of the Criminal Code of 1961 was committed after conviction on the third.~~

~~(11) Beginning July 1, 1994, a term of imprisonment of not less than 10 years and not more than 30 years shall be imposed on~~

~~a defendant who violates Section 33A-2 with a Category I weapon where the offense was committed in any school, or any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, on the real property comprising any school or public park, and where the offense was related to the activities of an organized gang. For the purposes of this paragraph (11), "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.~~

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections.

(e) In cases where prosecution for criminal sexual assault or aggravated criminal sexual abuse under Section 12-13 or 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

(i) removal from the household;

(ii) restricted contact with the victim;

(iii) continued financial support of the family;

(iv) restitution for harm done to the victim; and

(v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings

to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim

and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of

such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6,

11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to

prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued

against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the

Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(Source: P.A. 89-8, eff. 3-21-95; 89-314, eff. 1-1-96; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 89-477, eff. 6-18-96; 89-507, eff. 7-1-97; 89-545, eff. 7-25-96; 89-587, eff. 7-31-96; 89-627, eff. 1-1-97; 89-688, eff. 6-1-97; 90-14, eff. 7-1-97; 90-68, eff. 7-8-97; 90-680, eff. 1-1-99; 90-685, eff. 1-1-99; 90-787, eff. 8-14-98; revised 9-16-98.)

(730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

Sec. 5-8-1. Sentence of Imprisonment for Felony.

(a) Except as otherwise provided in the statute defining the offense, a sentence of imprisonment for a felony shall be a determinate sentence set by the court under this Section, according to the following limitations:

(1) for first degree murder,

(a) a term shall be not less than 20 years and not more than 60 years, or

(b) if the court finds that the murder was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty or, except as set forth in subsection (a)(1)(c) of this Section, that any of the aggravating factors listed in subsection (b) of Section 9-1 of the Criminal Code of 1961 are present, the court may sentence the defendant to a term of natural life imprisonment, or

(c) the court shall sentence the defendant to a term of natural life imprisonment when the death penalty is not

imposed if the defendant,

(i) has previously been convicted of first degree murder under any state or federal law, or

(ii) is a person who, at the time of the commission of the murder, had attained the age of 17 or more and is found guilty of murdering an individual under 12 years of age; or, irrespective of the

defendant's age at the time of the commission of the offense, is found guilty of murdering more than one victim, or

(iii) is found guilty of murdering a peace officer or fireman when the peace officer or fireman was killed in the course of performing his official duties, or to prevent the peace officer or fireman from performing his official duties, or in retaliation for the peace officer or fireman performing his official duties, and the defendant knew or should have known that the murdered individual was a peace officer or fireman, or

(iv) is found guilty of murdering an employee of an institution or facility of the Department of Corrections, or any similar local correctional agency, when the employee was killed in the course of performing his official duties, or to prevent the employee from performing his official duties, or in retaliation for the employee performing his official duties, or

(v) is found guilty of murdering an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid person while employed by a municipality or other governmental unit when the person was killed in the course of performing official duties or to prevent the person from performing official duties or in retaliation for performing official duties and the defendant knew or should have known that the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistant or first aid personnel, or

(vi) is a person who, at the time of the commission of the murder, had not attained the age of 17, and is found guilty of murdering a person under 12 years of age and the murder is committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping, or

(vii) is found guilty of first degree murder and the murder was committed by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 1961.

For purposes of clause (v), "emergency medical technician - ambulance", "emergency medical technician - intermediate", "emergency medical technician - paramedic", have the meanings ascribed to them in the Emergency Medical Services (EMS) Systems Act.

(d) (i) if the person committed the offense while armed with a firearm, 15 years shall be added to the term of imprisonment imposed by the court;

(ii) if, during the commission of the offense, the person personally discharged a firearm, 20 years shall be added to the term of imprisonment imposed by the court;

(iii) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(1.5) for second degree murder, a term shall be not less than 4 years and not more than 20 years;

(2) for a person adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, as amended, the sentence shall be a term of natural life imprisonment;

(2.5) for a person convicted under the circumstances described in paragraph (3) of subsection (b) of Section 12-13, paragraph (2) of subsection (d) of Section 12-14, or paragraph (2) of subsection (b) of Section 12-14.1 of the Criminal Code of 1961, the sentence shall be a term of natural life imprisonment;

(3) except as otherwise provided in the statute defining the offense, for a Class X felony, the sentence shall be not less than 6 years and not more than 30 years;

(4) for a Class 1 felony, other than second degree murder, the sentence shall be not less than 4 years and not more than 15 years;

(5) for a Class 2 felony, the sentence shall be not less than 3 years and not more than 7 years;

(6) for a Class 3 felony, the sentence shall be not less than 2 years and not more than 5 years;

(7) for a Class 4 felony, the sentence shall be not less than 1 year and not more than 3 years.

(b) The sentencing judge in each felony conviction shall set forth his reasons for imposing the particular sentence he enters in the case, as provided in Section 5-4-1 of this Code. Those reasons may include any mitigating or aggravating factors specified in this Code, or the lack of any such circumstances, as well as any other such factors as the judge shall set forth on the record that are consistent with the purposes and principles of sentencing set out in this Code.

(c) A motion to reduce a sentence may be made, or the court may reduce a sentence without motion, within 30 days after the sentence is imposed. A defendant's challenge to the correctness of a sentence or to any aspect of the sentencing hearing shall be made by a written motion filed within 30 days following the imposition of sentence. However, the court may not increase a sentence once it is imposed.

If a motion filed pursuant to this subsection is timely filed within 30 days after the sentence is imposed, the proponent of the motion shall exercise due diligence in seeking a determination on the motion and the court shall thereafter decide such motion within a reasonable time.

If a motion filed pursuant to this subsection is timely filed within 30 days after the sentence is imposed, then for purposes of perfecting an appeal, a final judgment shall not be considered to have been entered until the motion to reduce a sentence has been decided by order entered by the trial court.

A motion filed pursuant to this subsection shall not be

considered to have been timely filed unless it is filed with the circuit court clerk within 30 days after the sentence is imposed together with a notice of motion, which notice of motion shall set the motion on the court's calendar on a date certain within a reasonable time after the date of filing.

(d) Except where a term of natural life is imposed, every sentence shall include as though written therein a term in addition to the term of imprisonment. For those sentenced under the law in effect prior to February 1, 1978, such term shall be identified as a parole term. For those sentenced on or after February 1, 1978, such term shall be identified as a mandatory supervised release term. Subject to earlier termination under Section 3-3-8, the parole or mandatory supervised release term shall be as follows:

(1) for first degree murder or a Class X felony, 3 years;

(2) for a Class 1 felony or a Class 2 felony, 2 years;

(3) for a Class 3 felony or a Class 4 felony, 1 year.

(e) A defendant who has a previous and unexpired sentence of imprisonment imposed by another state or by any district court of the United States and who, after sentence for a crime in Illinois, must return to serve the unexpired prior sentence may have his sentence by the Illinois court ordered to be concurrent with the prior sentence in the other state. The court may order that any time served on the unexpired portion of the sentence in the other state, prior to his return to Illinois, shall be credited on his Illinois sentence. The other state shall be furnished with a copy of the order imposing sentence which shall provide that, when the offender is released from confinement of the other state, whether by parole or by termination of sentence, the offender shall be transferred by the Sheriff of the committing county to the Illinois Department of Corrections. The court shall cause the Department of Corrections to be notified of such sentence at the time of commitment and to be provided with copies of all records regarding the sentence.

(f) A defendant who has a previous and unexpired sentence of imprisonment imposed by an Illinois circuit court for a crime in this State and who is subsequently sentenced to a term of imprisonment by another state or by any district court of the United States and who has served a term of imprisonment imposed by the other state or district court of the United States, and must return to serve the unexpired prior sentence imposed by the Illinois Circuit Court may apply to the court which imposed sentence to have his sentence reduced.

The circuit court may order that any time served on the sentence imposed by the other state or district court of the United States be credited on his Illinois sentence. Such application for reduction of a sentence under this subsection (f) shall be made within 30 days after the defendant has completed the sentence imposed by the other

state or district court of the United States.
(Source: P.A. 89-203, eff. 7-21-95; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 90-396, eff. 1-1-98; 90-651, eff. 1-1-99.)

(730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

Sec. 5-8-4. Concurrent and Consecutive Terms of Imprisonment.

(a) When multiple sentences of imprisonment are imposed on a defendant at the same time, or when a term of imprisonment is imposed on a defendant who is already subject to sentence in this State or in another state, or for a sentence imposed by any district court of the United States, the sentences shall run concurrently or consecutively as determined by the court. When a term of imprisonment is imposed on a defendant by an Illinois circuit court and the defendant is subsequently sentenced to a term of imprisonment by another state or by a district court of the United States, the Illinois circuit court which imposed the sentence may order that the Illinois sentence be

made concurrent with the sentence imposed by the other state or district court of the United States. The defendant must apply to the circuit court within 30 days after the defendant's sentence imposed by the other state or district of the United States is finalized. The court shall not impose consecutive sentences for offenses which were committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective, unless:

(i) ~~,~~ one of the offenses for which defendant was convicted was a Class X or Class 1 felony and the defendant inflicted severe bodily injury, or

(ii) ~~where~~ the defendant was convicted of a violation of Section 12-13, 12-14, or 12-14.1 of the Criminal Code of 1961, or

(iii) the defendant was convicted of armed violence based upon the predicate offense of solicitation of murder, solicitation of murder for hire, heinous battery, aggravated battery of a senior citizen, criminal sexual assault, a violation of subsection (g) of Section 5 of the Cannabis Control Act, cannabis trafficking, a violation of subsection (a) of Section 401 of the Illinois Controlled Substances Act, controlled substance trafficking involving a Class X felony amount of controlled substance under Section 401 of the Illinois Controlled Substances Act, calculated criminal drug conspiracy, or streetgang criminal drug conspiracy,

in which event the court shall enter sentences to run consecutively. Sentences shall run concurrently unless otherwise specified by the court.

(b) The court shall not impose a consecutive sentence except as provided for in subsection (a) unless, having regard to the nature and circumstances of the offense and the history and character of the defendant, it is of the opinion that such a term is required to protect the public from further criminal conduct by the defendant, the basis for which the court shall set forth in the record; except that no such finding or opinion is required when multiple sentences of imprisonment are imposed on a defendant for offenses that were not committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective,

and one of the offenses for which the defendant was convicted was a Class X or Class 1 felony and the defendant inflicted severe bodily injury, or when the defendant was convicted of a violation of Section 12-13, 12-14, or 12-14.1 of the Criminal Code of 1961, or where the defendant was convicted of armed violence based upon the predicate offense of solicitation of murder, solicitation of murder for hire, heinous battery, aggravated battery of a senior citizen, criminal sexual assault, a violation of subsection (g) of Section 5 of the Cannabis Control Act, cannabis trafficking, a violation of subsection (a) of Section 401 of the Illinois Controlled Substances Act, controlled substance trafficking involving a Class X felony amount of controlled substance under Section 401 of the Illinois Controlled Substances Act, calculated criminal drug conspiracy, or streetgang criminal drug conspiracy, in which event the Court shall enter sentences to run consecutively.

(c) (1) For sentences imposed under law in effect prior to February 1, 1978 the aggregate maximum of consecutive sentences shall not exceed the maximum term authorized under Section 5-8-1 for the 2 most serious felonies involved. The aggregate minimum period of consecutive sentences shall not exceed the highest minimum term authorized under Section 5-8-1 for the 2 most serious felonies involved. When sentenced only for misdemeanors, a defendant shall not be consecutively sentenced to more than the maximum for one Class A misdemeanor.

(2) For sentences imposed under the law in effect on or after February 1, 1978, the aggregate of consecutive sentences for offenses that were committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective shall not exceed the sum of the maximum terms authorized under Section 5-8-2 for the 2 most serious felonies involved, but no such limitation shall apply for offenses that were not committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective. When sentenced only for misdemeanors, a defendant shall not be consecutively sentenced to more than the maximum for one Class A misdemeanor.

(d) An offender serving a sentence for a misdemeanor who is convicted of a felony and sentenced to imprisonment shall be transferred to the Department of Corrections, and the misdemeanor sentence shall be merged in and run concurrently with the felony sentence.

(e) In determining the manner in which consecutive sentences of imprisonment, one or more of which is for a felony, will be served, the Department of Corrections shall treat the offender as though he had been committed for a single term with the following incidents:

(1) the maximum period of a term of imprisonment shall consist of the aggregate of the maximums of the imposed indeterminate terms, if any, plus the aggregate of the imposed determinate sentences for felonies plus the aggregate of the imposed determinate sentences for misdemeanors subject to paragraph (c) of this Section;

(2) the parole or mandatory supervised release term shall

be as provided in paragraph (e) of Section 5-8-1 of this Code for the most serious of the offenses involved;

(3) the minimum period of imprisonment shall be the aggregate of the minimum and determinate periods of imprisonment imposed by the court, subject to paragraph (c) of this Section; and

(4) the offender shall be awarded credit against the aggregate maximum term and the aggregate minimum term of imprisonment for all time served in an institution since the commission of the offense or offenses and as a consequence thereof at the rate specified in Section 3-6-3 of this Code.

(f) A sentence of an offender committed to the Department of Corrections at the time of the commission of the offense shall be served consecutive to the sentence under which he is held by the Department of Corrections. However, in case such offender shall be sentenced to punishment by death, the sentence shall be executed at such time as the court may fix without regard to the sentence under which such offender may be held by the Department.

(g) A sentence under Section 3-6-4 for escape or attempted escape shall be served consecutive to the terms under which the offender is held by the Department of Corrections.

(h) If a person charged with a felony commits a separate felony while on pre-trial release or in pretrial detention in a county jail facility or county detention facility, the sentences imposed upon conviction of these felonies shall be served consecutively regardless of the order in which the judgments of conviction are entered.

(i) If a person admitted to bail following conviction of a felony commits a separate felony while free on bond or if a person detained in a county jail facility or county detention facility following conviction of a felony commits a separate felony while in detention, any sentence following conviction of the separate felony shall be consecutive to that of the original sentence for which the defendant was on bond or detained.

(Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 90-128, eff. 7-22-97.)".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 31**, as amended, was returned to the order of third reading.

At the hour of 8:32 o'clock p.m., Senator Donahue presiding.

On motion of Senator Watson, **House Bill No. 63** was recalled from the order of third reading to the order of second reading.

Senator Watson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 63 as follows:
on page 1, line 10, by replacing "authorities" with "owners"; and
on page 1, line 17, by replacing "Revolving Fund" with "Program"; and

on page 1, by deleting line 19; and
on page 1, line 20, by replacing "and DuPage," with "owners"; and
on page 1, line 22, after "needs", by inserting the following:
", subject to the following conditions:

(1) loans may be made only to public airport owners that are operating an airport as of January 1, 1999; and

(2) loans may not be made for airports that provide scheduled commercial air service in counties of greater than 5,000,000 population"; and

on page 2, line 6, after "Reserve", by inserting "Board"; and
on page 3, immediately below line 17, by inserting the following:
"(c) The Department may promulgate any rules that it finds appropriate to implement this Airport Land Loan Program."; and
on page 3, line 18, by replacing "(c)" with "(d)".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 63**, as amended, was returned to the order of third reading.

On motion of Senator Parker, **House Bill No. 520** was recalled from the order of third reading to the order of second reading.

Senator Parker offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 520 by replacing the title with the following:

"AN ACT to amend the Motor Vehicle Franchise Act by changing Sections 4, 5, 6, 13, and 29."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Motor Vehicle Franchise Act is amended by changing Sections 4, 5, 6, 13, and 29 as follows:

(815 ILCS 710/4) (from Ch. 121 1/2, par. 754)

Sec. 4. Unfair competition and practices.

(a) The unfair methods of competition and unfair and deceptive acts or practices listed in this Section are hereby declared to be unlawful. In construing the provisions of this Section, the courts may be guided by the interpretations of the Federal Trade Commission Act (15 U.S.C. 45 et seq.), as from time to time amended.

(b) It shall be deemed a violation for any manufacturer, factory branch, factory representative, distributor or wholesaler,

distributor branch, distributor representative or motor vehicle dealer to engage in any action with respect to a franchise which is arbitrary, in bad faith or unconscionable and which causes damage to any of the parties or to the public.

(c) It shall be deemed a violation for a manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a wholesale branch or division, or officer, agent or other representative thereof, to coerce, or attempt to coerce, any motor vehicle dealer:

(1) to accept, buy or order any motor vehicle or vehicles,

appliances, equipment, parts or accessories therefor, or any other commodity or commodities or service or services which such motor vehicle dealer has not voluntarily ordered or requested except items required by applicable local, state or federal law; or to require a motor vehicle dealer to accept, buy, order or purchase such items in order to obtain any motor vehicle or vehicles or any other commodity or commodities which have been ordered or requested by such motor vehicle dealer;

(2) to order or accept delivery of any motor vehicle with special features, appliances, accessories or equipment not included in the list price of the motor vehicles as publicly advertised by the manufacturer thereof, except items required by applicable law; or

(3) to order for anyone any parts, accessories, equipment, machinery, tools, appliances or any commodity whatsoever, except items required by applicable law.

(d) It shall be deemed a violation for a manufacturer, a distributor, a wholesaler, a distributor branch or division, or officer, agent or other representative thereof:

(1) to adopt, change, establish or implement a plan or system for the allocation and distribution of new motor vehicles to motor vehicle dealers which is arbitrary or capricious or to modify an existing plan so as to cause the same to be arbitrary or capricious;

(2) to fail or refuse to advise or disclose to any motor vehicle dealer having a franchise or selling agreement, upon written request therefor, the basis upon which new motor vehicles of the same line make are allocated or distributed to motor vehicle dealers in the State and the basis upon which the current allocation or distribution is being made or will be made to such motor vehicle dealer;

(3) to refuse to deliver in reasonable quantities and within a reasonable time after receipt of dealer's order, to any motor vehicle dealer having a franchise or selling agreement for the retail sale of new motor vehicles sold or distributed by such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division or wholesale branch or division, any such motor vehicles as are covered by such franchise or selling agreement specifically publicly advertised in the State by such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division to be available for immediate delivery. However, the failure to deliver any motor vehicle shall not be considered a violation of this Act if such failure is due to an act of God, a work stoppage or delay due to a strike or labor difficulty, a shortage of materials, a lack of manufacturing capacity, a freight embargo or other cause over which the manufacturer, distributor, or wholesaler, or any agent thereof has no control;

(4) to coerce, or attempt to coerce, any motor vehicle dealer to enter into any agreement with such manufacturer,

distributor, wholesaler, distributor branch or division, factory

branch or division, or wholesale branch or division, or officer, agent or other representative thereof, or to do any other act prejudicial to the dealer by threatening to reduce his allocation of motor vehicles or cancel any franchise or any selling agreement existing between such manufacturer, distributor, wholesaler, distributor branch or division, or factory branch or division, or wholesale branch or division, and the dealer. However, notice in good faith to any motor vehicle dealer of the dealer's violation of any terms or provisions of such franchise or selling agreement or of any law or regulation applicable to the conduct of a motor vehicle dealer shall not constitute a violation of this Act;

(5) to require a franchisee to participate in an advertising campaign or contest or any promotional campaign, or to purchase or lease any promotional materials, training materials, show room or other display decorations or materials at the expense of the franchisee;

(6) to cancel or terminate the franchise or selling agreement of a motor vehicle dealer without good cause and without giving notice as hereinafter provided; to fail or refuse to extend the franchise or selling agreement of a motor vehicle dealer upon its expiration without good cause and without giving notice as hereinafter provided; or, to offer a renewal, replacement or succeeding franchise or selling agreement containing terms and provisions the effect of which is to substantially change or modify the sales and service obligations or capital requirements of the motor vehicle dealer arbitrarily and without good cause and without giving notice as hereinafter provided notwithstanding any term or provision of a franchise or selling agreement.

(A) If a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division or wholesale branch or division intends to cancel or terminate a franchise or selling agreement or intends not to extend or renew a franchise or selling agreement on its expiration, it shall send a letter by certified mail, return receipt requested, to the affected franchisee at least 60 days before the effective date of the proposed action, or not later than 10 days before the proposed action when the reason for the action is based upon either of the following:

(i) the business operations of the franchisee have been abandoned or the franchisee has failed to conduct customary sales and service operations during customary business hours for at least 7 consecutive business days unless such closing is due to an act of God, strike or labor difficulty or other cause over which the franchisee has no control; or

(ii) the conviction of or plea of nolo contendere by the motor vehicle dealer or any operator thereof in a court of competent jurisdiction to an offense punishable by imprisonment for more than two years.

Each notice of proposed action shall include a detailed statement setting forth the specific grounds for the proposed cancellation, termination, or refusal to extend or renew and shall state that the dealer has only 30 days from receipt of the notice to file with the Motor Vehicle Review Board a written protest against the proposed action.

(B) If a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division or wholesale branch or division intends to change

substantially or modify the sales and service obligations or capital requirements of a motor vehicle dealer as a condition to extending or renewing the existing franchise or selling agreement of such motor vehicle dealer, it shall send a letter by certified mail, return receipt requested, to the affected franchisee at least 60 days before the date of expiration of the franchise or selling agreement. Each notice of proposed action shall include a detailed statement setting forth the specific grounds for the proposed action and shall state that the dealer has only 30 days from receipt of the notice to file with the Motor Vehicle Review Board a written protest against the proposed action.

(C) Within 30 ~~15~~ days from receipt of the notice under subparagraphs (A) and (B), the franchisee may file with the Board a written protest against the proposed action.

When the protest has been timely filed, the Board shall enter an order, fixing a date (within 60 days of the date of the order), time, and place of a hearing on the protest required under Sections 12 and 29 of this Act, and send by certified mail, return receipt requested, a copy of the order to the manufacturer that filed the notice of intention of the proposed action and to the protesting dealer or franchisee.

The manufacturer shall have the burden of proof to establish that good cause exists to cancel or terminate, or fail to extend or renew the franchise or selling agreement of a motor vehicle dealer or franchisee, and to change substantially or modify the sales and service obligations or capital requirements of a motor vehicle dealer as a condition to extending or renewing the existing franchise or selling agreement. The determination whether good cause exists to cancel, terminate, or refuse to renew or extend the franchise or selling agreement, or to change or modify the obligations of the dealer as a condition to offer renewal, replacement, or succession shall be made by the Board under subsection (d) of Section 12 of this Act.

(D) Notwithstanding the terms, conditions, or provisions of a franchise or selling agreement, the following shall not constitute good cause for cancelling or terminating or failing to extend or renew the franchise or selling agreement: (i) the change of ownership or executive management of the franchisee's dealership; or (ii) the fact that the franchisee or owner of an interest in the franchise owns, has an investment in, participates in the management of, or holds a license for the sale of the same or any other line make of new motor vehicles.

Good cause shall exist to cancel, terminate or fail to offer a renewal or replacement franchise or selling agreement to all franchisees of a line make if the

manufacturer permanently discontinues the manufacture or assembly of motor vehicles of such line make.

(E) The manufacturer may not cancel or terminate, or fail to extend or renew a franchise or selling agreement or change or modify the obligations of the franchisee as a condition to offering a renewal, replacement, or succeeding franchise or selling agreement before the hearing process is concluded as prescribed by this Act, and thereafter, if the Board determines that the manufacturer has failed to meet its burden of proof and that good cause does not exist to allow the proposed action; or

(7) notwithstanding the terms of any franchise agreement,

to fail to indemnify and hold harmless its franchised dealers against any judgment or settlement for damages, including, but not limited to, court costs, expert witness fees, ~~and~~ reasonable attorneys' fees of the new motor vehicle dealer, and other expenses incurred in the litigation, so long as such fees and costs are reasonable, arising out of complaints, claims or lawsuits including, but not limited to, strict liability, negligence, misrepresentation, warranty (express or implied), or recision of the sale as defined in Section 2-608 of the Uniform Commercial Code, to the extent that the judgment or settlement relates to the alleged defective or negligent manufacture, assembly or design of new motor vehicles, parts or accessories or other functions by the manufacturer, beyond the control of the dealer; provided that, in order to provide an adequate defense, the manufacturer receives notice of the filing of a complaint, claim, or lawsuit within 60 days after the filing.

(e) It shall be deemed a violation for a manufacturer, a distributor, a wholesaler, a distributor branch or division or officer, agent or other representative thereof:

(1) to resort to or use any false or misleading advertisement in connection with his business as such manufacturer, distributor, wholesaler, distributor branch or division or officer, agent or other representative thereof;

(2) to offer to sell or lease, or to sell or lease, any new motor vehicle to any motor vehicle dealer at a lower actual price therefor than the actual price offered to any other motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device including, but not limited to, sales promotion plans or programs which result in such lesser actual price or fail to make available to any motor vehicle dealer any preferential pricing, incentive, rebate, finance rate, or low interest loan program offered to competing motor vehicle dealers in other contiguous states. However, the provisions of this paragraph shall not apply to sales to a motor vehicle dealer for resale to any unit of the United States Government, the State or any of its political subdivisions;

(3) to offer to sell or lease, or to sell or lease, any new motor vehicle to any person, except a wholesaler, distributor or manufacturer's employees at a lower actual price therefor than the actual price offered and charged to a motor vehicle dealer

for the same model vehicle similarly equipped or to utilize any device which results in such lesser actual price. However, the provisions of this paragraph shall not apply to sales to a motor vehicle dealer for resale to any unit of the United States Government, the State or any of its political subdivisions;

(4) to prevent or attempt to prevent by contract or otherwise any motor vehicle dealer or franchisee from changing the executive management control of the motor vehicle dealer or franchisee unless the franchiser, having the burden of proof, proves that such change of executive management will result in executive management control by a person or persons who are not of good moral character or who do not meet the franchiser's existing and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area. However where the manufacturer rejects a proposed change in executive management control, the manufacturer shall give written notice of his reasons to the dealer within 60 days of notice to the manufacturer by the dealer of the proposed change. If the manufacturer does not send a letter to the franchisee by certified mail, return receipt requested, within 60 days from

receipt by the manufacturer of the proposed change, then the change of the executive management control of the franchisee shall be deemed accepted as proposed by the franchisee, and the manufacturer shall give immediate effect to such change;

(5) to prevent or attempt to prevent by contract or otherwise any motor vehicle dealer from establishing or changing the capital structure of his dealership or the means by or through which he finances the operation thereof; provided the dealer meets any reasonable capital standards agreed to between the dealer and the manufacturer, distributor or wholesaler, who may require that the sources, method and manner by which the dealer finances or intends to finance its operation, equipment or facilities be fully disclosed;

(6) to refuse to give effect to or prevent or attempt to prevent by contract or otherwise any motor vehicle dealer or any officer, partner or stockholder of any motor vehicle dealer from selling or transferring any part of the interest of any of them to any other person or persons or party or parties unless such sale or transfer is to a transferee who would not otherwise qualify for a new motor vehicle dealers license under "The Illinois Vehicle Code" or unless the franchiser, having the burden of proof, proves that such sale or transfer is to a person or party who is not of good moral character or does not meet the franchiser's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area. However, nothing herein shall be construed to prevent a franchiser from implementing affirmative action programs providing business opportunities for minorities or from complying with applicable federal, State or local law:

(A) If the manufacturer intends to refuse to approve

the sale or transfer of all or a part of the interest, then it shall, within 60 days from receipt of the completed application forms generally utilized by a manufacturer to conduct its review and a copy of all agreements regarding the proposed transfer, send a letter by certified mail, return receipt requested, advising the franchisee of any refusal to approve the sale or transfer of all or part of the interest and shall state that the dealer only has 30 days from the receipt of the notice to file with the Motor Vehicle Review Board a written protest against the proposed action. The notice shall set forth specific criteria used to evaluate the prospective transferee and the grounds for refusing to approve the sale or transfer to that transferee. Within 30 ~~15~~ days from the franchisee's receipt of the manufacturer's notice, the franchisee may file with the Board a written protest against the proposed action.

When a protest has been timely filed, the Board shall enter an order, fixing the date (within 60 days of the date of such order), time, and place of a hearing on the protest, required under Sections 12 and 29 of this Act, and send by certified mail, return receipt requested, a copy of the order to the manufacturer that filed notice of intention of the proposed action and to the protesting franchisee.

The manufacturer shall have the burden of proof to establish that good cause exists to refuse to approve the sale or transfer to the transferee. The determination whether good cause exists to refuse to approve the sale or transfer shall be made by the Board under subdivisions (6)(B). The manufacturer shall not refuse to approve the sale or transfer by a dealer or an officer, partner, or

stockholder of a franchise or any part of the interest to any person or persons before the hearing process is concluded as prescribed by this Act, and thereafter if the Board determines that the manufacturer has failed to meet its burden of proof and that good cause does not exist to refuse to approve the sale or transfer to the transferee.

(B) Good cause to refuse to approve such sale or transfer under this Section is established when such sale or transfer is to a transferee who would not otherwise qualify for a new motor vehicle dealers license under "The Illinois Vehicle Code" or such sale or transfer is to a person or party who is not of good moral character or does not meet the franchiser's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area.

(7) to obtain money, goods, services, anything of value, or any other benefit from any other person with whom the motor vehicle dealer does business, on account of or in relation to the transactions between the dealer and the other person as compensation, except for services actually rendered, unless such benefit is promptly accounted for and transmitted to the motor

vehicle dealer;

(8) to grant an additional franchise in the relevant market area of an existing franchise of the same line make or to relocate an existing motor vehicle dealership within or into a relevant market area of an existing franchise of the same line make. However, if the manufacturer wishes to grant such an additional franchise to an independent person in a bona fide relationship in which such person is prepared to make a significant investment subject to loss in such a dealership, or if the manufacturer wishes to relocate an existing motor vehicle dealership, then the manufacturer shall send a letter by certified mail, return receipt requested, to each existing dealer or dealers of the same line make whose relevant market area includes the proposed location of the additional or relocated franchise at least 60 days before the manufacturer grants an additional franchise or relocates an existing franchise of the same line make within or into the relevant market area of an existing franchisee of the same line make. Each notice shall set forth the specific grounds for the proposed grant of an additional or relocation of an existing franchise. Unless the parties agree upon the grant or establishment of the additional or relocated franchise within 30 ~~15~~ days from the date the notice was received by the existing franchisee of the same line make or any person entitled to receive such notice, the franchisee or other person may file with the Board a written protest against the grant or establishment of the proposed additional or relocated franchise and shall state that the dealer only has 30 days from the receipt of the notice to file with the Motor Vehicle Review Board a written protest against the proposed action.

When a protest has been timely filed, the Board shall enter an order fixing a date (within 60 days of the date of the order), time, and place of a hearing on the protest, required under Sections 12 and 29 of this Act, and send by certified or registered mail, return receipt requested, a copy of the order to the manufacturer that filed the notice of intention to grant or establish the proposed additional or relocated franchise and to the protesting dealer or dealers of the same line make whose relevant market area includes the proposed location of the

additional or relocated franchise.

When more than one protest is filed against the grant or establishment of the additional or relocated franchise of the same line make, the Board may consolidate the hearings to expedite disposition of the matter. The manufacturer shall have the burden of proof to establish that good cause exists to allow the grant or establishment of the additional or relocated franchise. The manufacturer may not grant or establish the additional franchise or relocate the existing franchise before the hearing process is concluded as prescribed by this Act, and thereafter if the Board determines that the manufacturer has failed to meet its burden of proof and that good cause does not exist to allow the grant or establishment of the additional

franchise or relocation of the existing franchise.

The determination whether good cause exists for allowing the grant or establishment of an additional franchise or relocated existing franchise, shall be made by the Board under subsection (c) of Section 12 of this Act. If the manufacturer seeks to enter into a contract, agreement or other arrangement with any person, establishing any additional motor vehicle dealership or other facility, limited to the sale of factory repurchase vehicles or late model vehicles, then the manufacturer shall follow the notice procedures set forth in this Section and the determination whether good cause exists for allowing the proposed agreement shall be made by the Board under subsection (c) of Section 12, with the manufacturer having the burden of proof.

A. (Blank).

B. For the purposes of this Section, appointment of a successor motor vehicle dealer at the same location as its predecessor, or within 2 miles of such location, or the relocation of an existing dealer or franchise within 2 miles of the relocating dealer's or franchisee's existing location, shall not be construed as a grant, establishment or the entering into of an additional franchise or selling agreement, or a relocation of an existing franchise. The reopening of a motor vehicle dealership that has not been in operation for 18 months or more shall be deemed the grant of an additional franchise or selling agreement.

C. This Section does not apply to the relocation of an existing dealership or franchise in a county having a population of more than 300,000 persons when the new location is within the dealer's current relevant market area, provided the new location is more than 7 miles from the nearest dealer of the same line make or is further away from the nearest dealer of the same line make. This Section does not apply to the relocation of an existing dealership or franchise in a county having a population of less than 300,000 persons when the new location is within the dealer's current relevant market area, provided the new location is more than 12 miles from the nearest dealer of the same line make or is further away from the nearest dealer of the same line make.

D. Nothing in this Section shall be construed to prevent a franchiser from implementing affirmative action programs providing business opportunities for minorities or from complying with applicable federal, State or local law;

(9) to require a motor vehicle dealer to assent to a release, assignment, novation, waiver or estoppel which would relieve any person from liability imposed by this Act;

(10) to prevent or refuse to give effect to the succession to the ownership or management control of a dealership by any

legatee under the will of a dealer or to an heir under the laws of descent and distribution of this State unless the franchisee has designated a successor to the ownership or management control under the succession provisions of the franchise. Unless the

franchiser, having the burden of proof, proves that the successor is a person who is not of good moral character or does not meet the franchiser's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area, any designated successor of a dealer or franchisee may succeed to the ownership or management control of a dealership under the existing franchise if:

(i) The designated successor gives the franchiser written notice by certified mail, return receipt requested, of his or her intention to succeed to the ownership of the dealer within 60 days of the dealer's death or incapacity; and

(ii) The designated successor agrees to be bound by all the terms and conditions of the existing franchise.

Notwithstanding the foregoing, in the event the motor vehicle dealer or franchisee and manufacturer have duly executed an agreement concerning succession rights prior to the dealer's death or incapacitation, the agreement shall be observed.

(A) If the franchiser intends to refuse to honor the successor to the ownership of a deceased or incapacitated dealer or franchisee under an existing franchise agreement, the franchiser shall send a letter by certified mail, return receipt requested, to the designated successor within 60 days from receipt of a proposal advising of its intent to refuse to honor the succession and to discontinue the existing franchise agreement and shall state that the designated successor only has 30 days from the receipt of the notice to file with the Motor Vehicle Review Board a written protest against the proposed action. The notice shall set forth the specific grounds for the refusal to honor the succession and discontinue the existing franchise agreement.

If notice of refusal is not timely served upon the designated successor, the franchise agreement shall continue in effect subject to termination only as otherwise permitted by paragraph (6) of subsection (d) of Section 4 of this Act.

Within 30 ~~15~~ days from the date the notice was received by the designated successor or any other person entitled to notice, the designee or other person may file with the Board a written protest against the proposed action.

When a protest has been timely filed, the Board shall enter an order, fixing a date (within 60 days of the date of the order), time, and place of a hearing on the protest, required under Sections 12 and 29 of this Act, and send by certified mail, return receipt requested, a copy of the order to the franchiser that filed the notice of intention of the proposed action and to the protesting designee or such other person.

The manufacturer shall have the burden of proof to establish that good cause exists to refuse to honor the succession and discontinue the existing franchise agreement. The determination whether good cause exists to refuse to honor the succession shall be made by the Board under subdivision (B) of this paragraph (10). The manufacturer shall not refuse to honor the succession or discontinue the

existing franchise agreement before the hearing process is concluded as prescribed by this Act, and thereafter if the Board determines that it has failed to meet its burden of proof and that good cause does not exist to refuse to honor the succession and discontinue the existing franchise agreement.

(B) No manufacturer shall impose any conditions upon honoring the succession and continuing the existing franchise agreement with the designated successor other than that the franchisee has designated a successor to the ownership or management control under the succession provisions of the franchise, or that the designated successor is of good moral character or meets the reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area;

(11) to prevent or refuse to approve a proposal to establish a successor franchise at a location previously approved by the franchiser when submitted with the voluntary termination by the existing franchisee unless the successor franchisee would not otherwise qualify for a new motor vehicle dealer's license under the Illinois Vehicle Code or unless the franchiser, having the burden of proof, proves that such proposed successor is not of good moral character or does not meet the franchiser's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area. However, when such a rejection of a proposal is made, the manufacturer shall give written notice of its reasons to the franchisee within 60 days of receipt by the manufacturer of the proposal. However, nothing herein shall be construed to prevent a franchiser from implementing affirmative action programs providing business opportunities for minorities, or from complying with applicable federal, State or local law;

(12) to prevent or refuse to grant a franchise to a person because such person owns, has investment in or participates in the management of or holds a franchise for the sale of another make or line of motor vehicles within 7 miles of the proposed franchise location in a county having a population of more than 300,000 persons, or within 12 miles of the proposed franchise location in a county having a population of less than 300,000 persons; or

(13) to prevent or attempt to prevent any new motor vehicle dealer from establishing any additional motor vehicle dealership or other facility limited to the sale of factory repurchase vehicles or late model vehicles or otherwise offering for sale factory repurchase vehicles of the same line make at an existing franchise by failing to make available any contract, agreement or other arrangement which is made available or otherwise offered to any person.

(Source: P.A. 89-145, eff. 7-14-95; 90-655, eff. 7-30-98.)

(815 ILCS 710/5) (from Ch. 121 1/2, par. 755)

Sec. 5. Delivery and preparation obligations; damage disclosures. Every manufacturer shall specify in writing to the dealer the delivery and preparation obligations of its motor vehicle dealers prior to delivery of new motor vehicles to retail buyers. A copy of the delivery and preparation obligations of its motor vehicle dealers and a schedule of the compensation to be paid to its motor vehicle dealers for the work and services they shall be required to perform in connection with such delivery and preparation obligations

shall be presented to the dealer and the obligations specified therein shall constitute any such dealer's only predelivery obligations as between such dealer and such manufacturer. The compensation as set forth on said schedule shall be reasonable.

A manufacturer, factory branch, distributor, distributor branch, or wholesaler of new motor vehicles sold or transferred to a motor vehicle dealer in this State shall disclose to the motor vehicle dealer, in writing, before delivery of a vehicle to the motor vehicle dealer all in-transit, post-manufacture, or other damage to the vehicle that was sustained or incurred by the motor vehicle at any time after the manufacturing process was complete but before delivery of the vehicle to the dealer. This disclosure is not required when the cost to repair does not exceed 6% of the manufacturer's suggested retail price of the vehicle based upon the dealer's actual retail repair cost, including labor, parts, and materials if the damage is repaired or retail estimate to repair if the vehicle is not repaired. New motor vehicles that are repaired may be sold as new and shall be fully warranted by the manufacturer.

For purposes of this Section, "manufacturer's suggested retail price" means the retail price of the new motor vehicle suggested by the manufacturer including the retail delivered price suggested by the manufacturer for each separately priced accessory or item of optional equipment physically attached to the new motor vehicle at the time of delivery.

Whenever a new motor vehicle sustains or incurs any in-transit, post-manufacture, or other damage at any time after the manufacturing process is complete, but before delivery of the vehicle to the motor vehicle dealer, the dealer may within a reasonable period of time after delivery of the motor vehicle notify the manufacturer or distributor of that damage and either:

(1) revoke acceptance of the delivery of the new motor vehicle whereby ownership of the motor vehicle shall revert to the manufacturer, and the dealer shall incur no obligations, financial, or otherwise for that new motor vehicle; or

(2) request authorization from the manufacturer to repair the damage sustained or incurred by the new motor vehicle. If the manufacturer refuses or fails to authorize repair of the damage within 3 days of the request by the dealer, the dealer may then revoke acceptance of the delivery of the new motor vehicle; ownership shall revert to the manufacturer; and the dealer shall incur no obligations, financial, or otherwise for that new motor vehicle.

A motor vehicle dealer shall disclose to the purchaser before

delivery of the new motor vehicle, in writing, any damage that the dealer has actual knowledge was sustained or incurred by the motor vehicle at any time after the manufacturing process was complete but before delivery of the vehicle to the purchaser. This disclosure is not required when the cost to repair does not exceed 6% of the manufacturer's suggested retail price of the vehicle based upon the dealer's actual retail repair cost, including labor, parts, and materials if the damage is repaired or the retail estimate to repair the vehicle if it is not repaired.

Damage to glass, tires, bumpers, and in-dash audio equipment is not to be considered in determining the cost of repair if replaced with the manufacturer's original equipment.

If disclosure is not required under this Section, a purchaser may not revoke or rescind a sales contract due to the fact the new vehicle was damaged and repaired before completion of the sale. In that circumstance, nondisclosure does not constitute a misrepresentation or omission of fact.

A manufacturer, factory branch, distributor, distributor branch,

or wholesaler of new motor vehicles shall, notwithstanding the terms of any franchise agreement, indemnify and hold harmless the motor vehicle dealer obtaining a new motor vehicle from the manufacturer, factory branch, distributor, distributor branch, or wholesaler from and against any liability, including reasonable attorney's fees, expert witness fees, court costs, and other expenses incurred in the litigation, so long as such fees and costs are reasonable, that the motor vehicle dealer may be subjected to by the purchaser of the vehicle because of damage to the motor vehicle that occurred before delivery of the vehicle to the dealer and that was not disclosed in writing to the dealer prior to delivery of the vehicle. This indemnity obligation of the manufacturer, factory branch, distributor, distributor branch, or wholesaler applies regardless of whether the damage falls below the 6% threshold under this Section. The failure of the manufacturer, factory branch, distributor, distributor branch, or wholesaler to indemnify and hold harmless the motor vehicle dealer is a violation of this Section.

(Source: P.A. 88-581, eff. 1-1-95.)

(815 ILCS 710/6) (from Ch. 121 1/2, par. 756)

Sec. 6. Warranty agreements; claims; approval; payment; written disapproval.

(a) Every manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division shall properly fulfill any warranty agreement and adequately and fairly compensate each of its motor vehicle dealers for labor and parts.

(b) In no event shall such compensation fail to include reasonable compensation for diagnostic work, as well as repair service, ~~and~~ labor, and parts. Time allowances for the diagnosis and performance of warranty work and service shall be reasonable and adequate for the work to be performed. In the determination of what constitutes reasonable compensation under this Section, the principal factor to be given consideration shall be the prevailing wage rates being paid by the dealer in the relevant market area in which the

motor vehicle dealer is doing business, and in no event shall such compensation of a motor vehicle dealer for warranty service be less than the rates charged by such dealer for like service to retail customers for nonwarranty service and repairs. The franchiser shall reimburse the franchisee for any parts provided in satisfaction of a warranty at the prevailing retail price charged by that dealer for the same parts when not provided in satisfaction of a warranty; provided that such motor vehicle franchisee's prevailing retail price is not unreasonable when compared with that of the holders of motor vehicle franchises from the same motor vehicle franchiser for identical merchandise in the geographic area in which the motor vehicle franchisee is engaged in business. All claims, either original or resubmitted, made by motor vehicle dealers hereunder and under Section 5 for such labor and parts shall be either approved or disapproved within 30 days following their submission. All approved claims shall be paid within 30 days following their approval. The motor vehicle dealer who submits a claim which is disapproved shall be notified in writing of the disapproval within the same period, and each such notice shall state the specific grounds upon which the disapproval is based. The motor vehicle dealer shall be permitted to correct and resubmit such disapproved claims within 30 days of receipt of disapproval. Any claims not specifically disapproved in writing within 30 days from their submission shall be deemed approved and payment shall follow within 30 days. The manufacturer or franchiser shall have the right to require reasonable documentation for claims and to audit such claims within a one year period from the date the claim was paid or credit issued by the manufacturer or

franchiser, and to charge back any false or unsubstantiated claims. The audit and charge back provisions of this Section also apply to all other incentive and reimbursement programs for a period of 18 months after the date of the transactions that are subject to audit by the franchiser. However, the manufacturer retains the right to charge back any fraudulent claim if the manufacturer establishes in a court of competent jurisdiction in this State that the claim is fraudulent.

(c) The motor vehicle franchiser shall not, by agreement, by restrictions upon reimbursement, or otherwise, restrict the nature and extent of services to be rendered or parts to be provided so that such restriction prevents the motor vehicle franchisee from satisfying the warranty by rendering services in a good and workmanlike manner and providing parts which are required in accordance with generally accepted standards. Any such restriction shall constitute a prohibited practice.

(d) For the purposes of this Section, the "prevailing retail price charged by that dealer for the same parts" means the price paid by the motor vehicle franchisee for parts, including all shipping and other charges, multiplied by the sum of 1.0 and the franchisee's average percentage markup over the price paid by the motor vehicle franchisee for parts purchased by the motor vehicle franchisee from the motor vehicle franchiser and sold at retail. The motor vehicle franchisee may establish average percentage markup under this Section by submitting to the motor vehicle franchiser 100 sequential customer

paid service repair orders or 90 days of customer paid service repair orders, whichever is less, covering repairs made no more than 180 days before the submission, and declaring what the average percentage markup is. The average percentage markup so declared shall go into effect 30 days following the declaration, subject to audit of the submitted repair orders by the motor vehicle franchiser and adjustment of the average percentage markup based on that audit. Any audit must be conducted within 30 days following the declaration. Only retail sales not involving warranty repairs, parts covered by subsection (e) of this Section, or parts supplied for routine vehicle maintenance, shall be considered in calculating average percentage markup. No motor vehicle franchiser shall require a motor vehicle franchisee to establish average percentage markup by a methodology, or by requiring information, that is unduly burdensome or time consuming to provide, including, but not limited to, part by part or transaction by transaction calculations. A motor vehicle franchisee shall not request a change in the average percentage markup more than twice in one calendar year.

(e) If a motor vehicle franchiser supplies a part or parts for use in a repair rendered under a warranty other than by sale of that part or parts to the motor vehicle franchisee, the motor vehicle franchisee shall be entitled to compensation equivalent to the motor vehicle franchisee's average percentage markup on the part or parts, as if the part or parts had been sold to the motor vehicle franchisee by the motor vehicle franchiser. The requirements of this subsection (e) shall not apply to entire engine assemblies and entire transmission assemblies. In the case of those assemblies, the motor vehicle franchiser shall reimburse the motor vehicle franchisee in the amount of 30% of what the motor vehicle franchisee would have paid the motor vehicle franchiser for the assembly if the assembly had not been supplied by the franchiser other than by the sale of that assembly to the motor vehicle franchisee.

(f) The obligations imposed on motor vehicle franchisers by this Section shall apply to any parent, subsidiary, affiliate, or agent of the motor vehicle franchiser, any person under common ownership or control, any employee of the motor vehicle franchiser, and any person

holding 1% or more of the shares of any class of securities or other ownership interest in the motor vehicle franchiser, if a warranty or service or repair plan is issued by that person instead of or in addition to one issued by the motor vehicle franchiser.

(Source: P.A. 87-1163.)

(815 ILCS 710/13) (from Ch. 121 1/2, par. 763)

Sec. 13. Damages; equitable relief. Any franchisee or motor vehicle dealer who suffers any loss of money or property, real or personal, as a result of the use or employment by a manufacturer, wholesaler, distributor, distributor branch or division, factory branch or division, wholesale branch or division, or any agent, servant or employee thereof, of an unfair method of competition or an unfair or deceptive act or practice declared unlawful by this Act may bring an action for damages and equitable relief, including injunctive relief. Where the misconduct is willful or wanton, the court may award treble damages. A motor vehicle dealer, if it has not

suffered any loss of money or property, may obtain permanent equitable relief if it can be shown that the unfair act or practice may have the effect of causing such loss of money or property. Where the franchisee or dealer substantially prevails the court or arbitration panel or Motor Vehicle Review Board shall award attorney's fees and assess costs, including expert witness fees and other expenses incurred by the dealer in the litigation, so long as such fees and costs are reasonable, against the opposing party. Moreover, for the purposes of the award of attorney's fees, expert witness fees, and costs whenever the franchisee or dealer is seeking injunctive or other relief, the franchisee or dealer may be considered to have prevailed when a judgment is entered in its favor, when a final administrative decision is entered in its favor and affirmed, if subject to judicial review, when a consent order is entered into, or when the manufacturer, distributor, wholesaler, distributor branch or division, factory ~~factor~~ branch or division, wholesale branch or division, or any officer, agent or other representative thereof ceases the conduct, act or practice which is alleged to be in violation of any Section of this Act.
(Source: P.A. 89-145, eff. 7-14-95.)

(815 ILCS 710/29)

Sec. 29. Procedures for hearing on protest. Upon receipt of a timely notice of protest under paragraph (6) of subsection (d) or paragraph (6), (8), or (10) of subsection (e) of Section 4 and Section 12 of this Act, the Motor Vehicle Review Board shall enter an order fixing a date (within 60 days of the date of the order), time, the place of a hearing and send by certified mail, return receipt requested, a copy of the order to the manufacturer and the objecting dealer or dealers. Subject to Section 10-20 of the Illinois Administrative Procedure Act, the Board shall designate a hearing officer who shall conduct the hearing. All administrative hearing officers shall be attorneys licensed to practice law in this State.

At the time and place fixed in the Board's order, the Board or its duly authorized agent, the hearing officer, shall proceed to hear the protest, and all parties to the protest shall be afforded an opportunity to present in person or by counsel, statements, testimony, evidence, and argument as may be pertinent to the issues. The hearing officer may continue the hearing date by agreement of the parties, or upon a finding of good cause, but in no event shall the hearing be rescheduled more than 90 days after the Board's initial order.

Upon any hearing, the Board or its duly authorized agent, the hearing officer, may administer oaths to witnesses and issue subpoenas for the attendance of witnesses or other persons and the production of relevant documents, records, and other evidence and may

require examination thereon. For purposes of discovery, the Board or its designated hearing officer may, if deemed appropriate and proper under the circumstances, authorize the parties to engage in such discovery procedures as are provided for in civil actions in Section 2-1003 of the Code of Civil Procedure. Discovery shall be completed no later than 15 days prior to commencement of the proceeding or hearing. Enforcement of discovery procedures shall be as provided in

the regulations. Subpoenas issued shall be served in the same manner as subpoenas issued out of the circuit courts. The fees of subpoenaed witnesses under this Act for attendance and travel shall be the same as fees of witnesses before the circuit courts of this State, such fees to be paid when the witness is excused from further attendance, provided the witness is subpoenaed at the instance of the Board or an agent authorized by the Board; and payment of fees shall be made and audited in the same manner as other expenses of the Board. Whenever a subpoena is issued at the request of a party to a proceeding, complainant, or respondent, as the case may be, the Board may require that the cost of service of the subpoena and the fee of same shall be borne by the party at whose instance the witness is summoned, and the Board shall have power, in its discretion, to require a deposit to cover the cost of service and witness fees and the payment of the legal witness fee and mileage to the witness served with the subpoena. In any protest before the Board, the Board or its designated hearing officer may order a mandatory settlement conference. The failure of a party to appear, to be prepared, or to have authority to settle the matter may result in any or all of the following:

(a) The Board or its designated hearing officer may suspend all proceedings before the Board in the matter until compliance.

(b) The Board or its designated hearing officer may dismiss the proceedings or any part thereof before the Board with or without prejudice.

(c) The Board or its designated hearing officer may require all of the Board's costs to be paid by the party at fault.

Any circuit court of this State, upon application of the Board, or an officer or agent designated by the Board for the purpose of conducting any hearing, may, in its discretion, compel the attendance of witnesses, the production of books, papers, accounts, or documents, and giving of testimony before the Board or before any officer or agent designated for the purpose of conducting the hearing. Failure to obey the order may be punished by the circuit court as contempt.

A party may conduct cross-examination required for a full and fair disclosure of the facts. Within 20 days of the date of the hearing, the hearing officer shall issue his or her proposed decision to the Board and shall, by certified mail, return receipt requested, serve the proposed decision upon the parties, with an opportunity afforded to each party to file exceptions and present a brief to the Board within 10 days of their receipt of the proposed decision. The proposed decision shall contain a statement of the reasons for the decision and each issue of fact or law necessary to the proposed decision. The Board shall then issue its final order <u>which, if applicable, shall include the award of attorney's fees, expert witness fees, and an assessment of costs, including other expenses incurred in the litigation, if permitted under this Act, so long as such fees and costs are reasonable</u>.

In a hearing on a protest filed under paragraph (6) of subsection (d) or paragraph (6), (8), or (10) of Section 4 or Section 12 of this Act, the manufacturer shall have the burden of proof to establish that there is good cause for the franchiser to: grant or establish an additional franchise or relocate an existing franchise; cancel,

terminate, refuse to extend or renew a franchise or selling agreement; or change or modify the obligations of the motor vehicle dealer as a condition to offering a renewal, replacement, or succeeding franchise or selling agreement or refuse to honor succession to ownership or refuse to approve a proposed transfer or sale. The determination whether good cause exists shall be made under Section 12 of this Act.

The Board shall record the testimony and preserve a record of all proceedings at the hearing by proper means of recordation. The notice required to be given by the manufacturer and notice of protest by the dealer or other party, the notice of hearing, and all other documents in the nature of pleadings, motions, and rulings, all evidence, offers of proof, objections, and rulings thereon, the transcript of testimony, the report of findings or proposed decision of the hearing officer, and the orders of the Board shall constitute the record of the proceedings. The Board shall furnish a transcript of the record to any person interested in the hearing upon payment of the actual cost thereof.
(Source: P.A. 89-145, eff. 7-14-95; 89-433, eff. 12-15-95.)".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 520**, as amended, was returned to the order of third reading.

On motion of Senator Karpiel, **House Bill No. 658** was recalled from the order of third reading to the order of second reading.

Senator Karpiel offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 658, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, on page 2, by replacing lines 16 through 18 with the following:
"equipment, with or without an operator, to the owner of a parcel of land or a structure for use in the process of construction about the land or structure where the improvement is for other than a single or multi-family residence of less than 10 residences under a common roof, is known under this Act as a"; and
on page 2, line 28, after "leased", by inserting the following:
"and used in the process of construction about the land or structure where the improvement is for other than a single or multi-family residence of less than 10 residences under a common roof"; and
on page 3, line 11, after "operator,", by inserting the following:
"for use in the process of construction about the land or structure where the improvement is for other than a single or multi-family residence of less than 10 residences under a common roof,".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 658**, as amended, was returned to the order of third reading.

On motion of Senator O'Malley, **House Bill No. 819** 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 819 on page 1, lines 2 and 6, by replacing "Section 7a" each time it appears with "Sections 4.13

and 7a"; and

on page 1, by inserting below line 6 the following:

"(70 ILCS 2605/4.13) (from Ch. 42, par. 323.13)

Sec. 4.13. Exemptions from civil service. The following offices and places of employment, insofar as there are or may be such in the sanitary district, shall not be included within the classified civil service: All elective officers, the director of personnel, the clerk, treasurer, chief engineer, attorney, general superintendent, chief of maintenance and operation, purchasing agent, director of research and development, director of information technology, and secretary and administrative aide to the president of the board of trustees, members of the civil service board and special examiners appointed by the civil service board and the secretaries to the officers and individual trustees, and those employed for periods not exceeding 7 ~~5~~ years under any apprentice program, training program, or intern program ~~programs~~ funded wholly or in part by grants from the State of Illinois or the United States of America. Further, apprentices in a sanitary district apprenticeship program for the trades shall not be included within the classified civil service. Entry into a sanitary district apprenticeship program for the trades shall be by lottery. Graduates of a sanitary district apprenticeship program for the trades shall be given additional points, in an amount to be determined by the Director of Personnel, on examinations for civil service journeymen positions in the trades at the sanitary district. (Source: P.A. 87-370; 87-1146.)".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 819**, as amended, was returned to the order of third reading.

On motion of Senator Syverson, **House Bill No. 1177** was recalled from the order of third reading to the order of second reading.

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

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 1177 by replacing the title with the following:

"AN ACT concerned with home repair and remodeling fraud."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Home Repair and Remodeling Act.

Section 5. Policy. It is the public policy of this State that in order to safeguard the life, health, property, and public welfare

of its citizens, the business of home repair and remodeling is a matter affecting the public interest. The General Assembly recognizes that improved communications and accurate representations between persons engaged in the business of making home repairs or remodeling and their consumers will increase consumer confidence, reduce the likelihood of disputes, and promote fair and honest practices in that business in this State.

Section 10. Definitions. As used in this Act:

"Home repair and remodeling" means the fixing, replacing, altering, converting, modernizing, improving, or making of an addition to any real property primarily designed or used as a residence other than maintenance, service, or repairs under $500. "Home repair and remodeling" includes the construction, installation, replacement, or improvement of driveways, swimming pools, porches, kitchens, bathrooms, basements, chimneys, chimney liners, garages,

fences, fallout shelters, central air conditioning, central heating, boilers, furnaces, electrical wiring, sewers, plumbing fixtures, storm doors, windows, roofs, awnings, and other improvements to structures within the residence or upon the land adjacent to the residence. "Home repair and remodeling" does not include the sale, installation, cleaning, or repair of carpets; the repair, installation, replacement, or connection of any home appliance including, but not limited to, disposals, refrigerators, ranges, garage door openers, televisions or television antennas, washing machines, telephones, hot water heaters, satellite dishes, or other appliances when the persons replacing, installing, repairing, or connecting the home appliance are employees or agents of the merchant that sold the home appliance or sold new products of the same type; or landscaping.

"Person" means any individual, partnership, corporation, business, trust, or other legal entity.

"Residence" means a single-family home or dwelling or a multiple-family home or dwelling containing 6 or fewer apartments, condominiums, town houses, or dwelling units, used or intended to be used by occupants as dwelling places. This Act does not apply to original construction of single-family or multi-family residences or repairs to dwellings containing more than 6 apartments or family units.

Section 15. Written contract; costs enumerated. Prior to initiating home repair or remodeling work for over $1,000, a person engaged in the business of home repair or remodeling shall furnish to the customer for signature a written contract or work order that states the total cost, including parts and materials listed with reasonable particularity and any charge for an estimate. In addition, the contract shall state the business name and address of the person engaged in the business of home repair or remodeling. If the person engaged in the business of home repair or remodeling uses a post office box or mail receiving service or agent to receive home repair or remodeling business correspondence, the contract also shall state the residence address of the person engaged in the business of home repair or remodeling.

Section 20. Consumer rights brochure. (a) For any contract over

$1,000, any person engaging in the business of home repair and remodeling shall provide to its customers a copy of the "Home Repair: Know Your Consumer Rights" pamphlet prior to the execution of any home repair and remodeling contract. The consumer shall sign and date an acknowledgment form entitled "Consumer Rights Acknowledgment Form" that states: "I, the homeowner, have received from the contractor a copy of the pamphlet entitled 'Home Repair: Know Your Consumer Rights.'" The contractor or his or her representative shall also sign and date the acknowledgment form, which includes the name and address of the home repair and remodeling business. The acknowledgment form shall be in duplicate and incorporated into the pamphlet. The original acknowledgment form shall be retained by the contractor and the duplicate copy shall be retained within the pamphlet by the consumer.

(b) For any contract for $1,000 or under, any person engaging in the business of home repair and remodeling shall provide to its customers a copy of the "Home Repair: Know Your Consumer Rights" pamphlet. No written acknowledgment of receipt of the pamphlet is required for a contract of $1,000 or under.

(c) The pamphlet must be a separate document, in at least 12 point type, and in legible ink. The pamphlet shall read as follows:

"HOME REPAIR: KNOW YOUR CONSUMER RIGHTS

As you plan for your home repair/improvement project, it is important to ask the right questions in order to protect your

investment. The tips in this fact sheet should allow you to protect yourself and minimize the possibility that a misunderstanding may occur.

AVOIDING HOME REPAIR FRAUD

Please use extreme caution when confronted with the following warning signs of a potential scam:

(1) Door-to-door salespersons with no local connections who offer to do home repair work for substantially less than the market price.

(2) Solicitations for repair work from a company that lists only a telephone number or a post-office box number to contact, particularly if it is an out-of-state company.

(3) Contractors who fail to provide customers references when requested.

(4) Persons offering to inspect your home for free. Do not admit anyone into your home unless he or she can present authentic identification establishing his or her business status. When in doubt, do not hesitate to call the worker's employer to verify his or her identity.

(5) Contractors demanding cash payment for a job or who ask you to make a check payable to a person other than the owner or company name.

(6) Offers from a contractor to drive you to the bank to withdraw funds to pay for the work.

CONTRACTS

(1) Get all estimates in writing.

(2) Do not be induced into signing a contract by high-pressure sales tactics.

(3) Never sign a contract with blank spaces or one you do not fully understand. If you are taking out a loan to finance the work, do not sign the contract before your lender approves the loan.

(4) Remember, you have 3 business days from the time you sign your contract to cancel any contract if the sale is made at your home. The contractor cannot deprive you of this right by initiating work, selling your contract to a lender, or any other tactic.

(5) If the contractor does business under a name other than the contractor's real name, the business must either be incorporated or registered under the Assumed Business Name Act. Check with the Secretary of State to see if the business is incorporated or with the county clerk to see if the business has registered under the Assumed Business Name Act.

(6) Homeowners should check with local and county units of government to determine if permits or inspections are required.

(7) Determine whether the contractor will guarantee his or her work and products.

(8) Determine whether the contractor has the proper insurance.

(9) Do not sign a certificate of completion or make final payment until the work is done to your satisfaction.

(10) Remember, homeowners should know who provides supplies and labor for any work performed on your home. Suppliers and subcontractors have a right to file a lien against your property if the general contractor fails to pay them. To protect your property, request lien waivers from the general contractor.

BASIC TERMS TO BE INCLUDED IN A CONTRACT

(1) Contractor's full name, address, and telephone number. Illinois law requires that persons selling home repair and improvement services provide their customers with notice of any change to their business name or address that comes about prior to the agreed dates for beginning or completing the work.

(2) A description of the work to be performed.

(3) Starting and estimated completion dates.

(4) Total cost of work to be performed.

(5) Schedule and method of payment, including down payment, subsequent payments, and final payment.

(6) A provision stating the grounds for termination of the contract by either party. However, the homeowner must pay the contractor for work completed. If the contractor fails to commence or complete work within the contracted time period, the homeowner may cancel and may be entitled to a refund of any down payment or other payments made towards the work, upon written demand by certified mail.

Homeowners should obtain a copy of the signed contract and keep it in a safe place for reference as needed.

IF YOU THINK YOU HAVE BEEN DEFRAUDED OR YOU HAVE QUESTIONS

If you think you have been defrauded by a contractor or have any questions, please bring it to the attention of your State's Attorney or the Illinois Attorney General's Office.

Attorney General Toll-Free Numbers

Carbondale	(800) 243-0607
Springfield	(800) 243-0618

Chicago (800) 386-5438".

Section 25. Insurance required. Any person engaged in the business of home repair and remodeling shall obtain and maintain in full force and effect during the operation of the business public liability and property damage insurance in the amount of $100,000 per person and $300,000 per occurrence of bodily injury, $50,000 per occurrence for property damage, and in the amount of $10,000 per occurrence for improper home repair or remodeling not in conformance with applicable State, county, or municipal building codes, unless the person has a net worth of not less than $1,000,000 as determined on the basis of the person's most recent financial statement, prepared within 13 months.

Section 30. Unlawful acts. It is unlawful for any person engaged in the business of home repairs and remodeling to remodel or make repairs or charge for remodeling or repair work before obtaining a signed contract or work order over $1,000. This conduct is unlawful but is not exclusive nor meant to limit other kinds of methods, acts, or practices that may be unfair or deceptive.

Section 35. Enforcement.

(a) The Attorney General or the State's Attorney of any county in this State may bring an action in the name of the people of this State against any person to restrain and prevent any pattern or practice violation of this Act. In the enforcement of this Act, the Attorney General or the State's Attorney may accept an assurance of voluntary compliance from anyone engaged in any conduct, act, or practice deemed in violation of this Act. Failure to perform the terms of any such assurance constitutes prima facie evidence of a violation of this Act.

(b) All remedies, penalties, and authority granted to the Attorney General or the State's Attorney of any county in this State by the Consumer Fraud and Deceptive Business Practices Act shall be available to him or her for enforcement of this Act, and any violation of this Act shall constitute a violation of the Consumer Fraud and Deceptive Business Practices Act.

Section 900. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2Z as follows:

(815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

Sec. 2Z. Violations of other Acts. Any person who knowingly violates the Automotive Repair Act, the Home Repair and Remodeling Act, the Dance Studio Act, the Physical Fitness Services Act, the Hearing Instrument Consumer Protection Act, the Illinois Union Label Act, the Job Referral and Job Listing Services Consumer Protection

Act, the Travel Promotion Consumer Protection Act, the Credit Services Organizations Act, the Automatic Telephone Dialers Act, the Pay-Per-Call Services Consumer Protection Act, the Telephone Solicitations Act, the Illinois Funeral or Burial Funds Act, the Cemetery Care Act, or the Pre-Need Cemetery Sales Act commits an unlawful practice within the meaning of this Act.

(Source: P.A. 89-72, eff. 12-31-95; 89-615, eff. 8-9-96; 90-426, eff. 1-1-98.)

Section 999. Effective date. This Act takes effect January 1, 2000.".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 1177**, as amended, was returned to the order of third reading.

On motion of Senator Bowles, **House Bill No. 1278** was recalled from the order of third reading to the order of second reading.

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

Senator Bowles offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1278 by replacing the title with the following:

"AN ACT in relation to controlled substances."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Controlled Substances Act is amended by changing Sections 102, 401, and 401.5 as follows:

(720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

Sec. 102. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Addict" means any person who habitually uses any drug, chemical, substance or dangerous drug other than alcohol so as to endanger the public morals, health, safety or welfare or who is so far addicted to the use of a dangerous drug or controlled substance other than alcohol as to have lost the power of self control with reference to his addiction.

(b) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(1) a practitioner (or, in his presence, by his authorized agent), or

(2) the patient or research subject at the lawful direction of the practitioner.

(c) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(c-1) "Anabolic Steroids" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

(i) boldenone,
(ii) chlorotestosterone,
(iii) chostebol,
(iv) dehydrochlormethyltestosterone,
(v) dihydrotestosterone,
(vi) drostanolone,
(vii) ethylestrenol,
(viii) fluoxymesterone,

(ix) formebulone,

(x) mesterolone,
(xi) methandienone,
(xii) methandranone,
(xiii) methandriol,
(xiv) methandrostenolone,
(xv) methenolone,
(xvi) methyltestosterone,
(xvii) mibolerone,
(xviii) nandrolone,
(xix) norethandrolone,
(xx) oxandrolone,
(xxi) oxymesterone,
(xxii) oxymetholone,
(xxiii) stanolone,
(xxiv) stanozolol,
(xxv) testolactone,
(xxvi) testosterone,
(xxvii) trenbolone, and
(xxviii) any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth.

Any person who is otherwise lawfully in possession of an anabolic steroid, or who otherwise lawfully manufactures, distributes, dispenses, delivers, or possesses with intent to deliver an anabolic steroid, which anabolic steroid is expressly intended for and lawfully allowed to be administered through implants to livestock or other nonhuman species, and which is approved by the Secretary of Health and Human Services for such administration, and which the person intends to administer or have administered through such implants, shall not be considered to be in unauthorized possession or to unlawfully manufacture, distribute, dispense, deliver, or possess with intent to deliver such anabolic steroid for purposes of this Act.

(d) "Administration" means the Drug Enforcement Administration, United States Department of Justice, or its successor agency.

(e) "Control" means to add a drug or other substance, or immediate precursor, to a Schedule under Article II of this Act whether by transfer from another Schedule or otherwise.

(f) "Controlled Substance" means a drug, substance, or immediate precursor in the Schedules of Article II of this Act.

(g) "Counterfeit substance" means a controlled substance, which, or the container or labeling of which, without authorization bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(h) "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession of a controlled substance, with or without consideration, whether or not there is an agency relationship.

(i) "Department" means the Illinois Department of Human Services (as successor to the Department of Alcoholism and Substance Abuse) or its successor agency.

(j) "Department of State Police" means the Department of State Police of the State of Illinois or its successor agency.

(k) "Department of Corrections" means the Department of Corrections of the State of Illinois or its successor agency.

(l) "Department of Professional Regulation" means the Department of Professional Regulation of the State of Illinois or its successor agency.

(m) "Depressant" or "stimulant substance" means:

(1) a drug which contains any quantity of (i) barbituric acid or any of the salts of barbituric acid which has been designated as habit forming under section 502 (d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352 (d)); or

(2) a drug which contains any quantity of (i) amphetamine or methamphetamine and any of their optical isomers; (ii) any salt of amphetamine or methamphetamine or any salt of an optical isomer of amphetamine; or (iii) any substance which the Department, after investigation, has found to be, and by rule designated as, habit forming because of its depressant or stimulant effect on the central nervous system; or

(3) lysergic acid diethylamide; or

(4) any drug which contains any quantity of a substance which the Department, after investigation, has found to have, and by rule designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

(n) "Designated product" means any narcotic drug, amphetamine, phenmetrazine, methamphetamine, gluthethimide, pentazocine or cannabis product listed in Schedule II and also means a controlled substance listed in Schedule II which is determined and designated by the Department or its successor agency to be such a product. A designated product shall only be dispensed upon an official prescription blank.

(o) "Director" means the Director of the Department of State Police or the Department of Professional Regulation or his designated agents.

(p) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a prescriber, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(q) "Dispenser" means a practitioner who dispenses.

(r) "Distribute" means to deliver, other than by administering or dispensing, a controlled substance.

(s) "Distributor" means a person who distributes.

(t) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) substances intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure of any function of the body of man or animals and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(t-1) "Drug manufacturing equipment" means, but is not limited to, one, two, or three-neck round-bottom flasks, reflux condensers,

tableting machines, encapsulating machines, heating mantles, tanks suitable for holding anhydrous ammonia or instruments or devices suitable for blending or crushing substances into liquid or powder. "Drug manufacturing equipment" also means any punch, die, plate, stone or other thing designed to print, imprint, or reproduce the trademark, trade name or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling of the drug or container so as to render the drug a counterfeit substance.

(t-2) "Drug manufacturing facilitator" means any of the following:

(1) Acetic acid.

(2) Acetic anhydride.
(3) Acetone.
(4) Acetyl chloride.
(5) Ammonium chloride.
(6) Ammonium formate.
(7) Ammonium hydroxide.
(8) Anhydrous ammonia.
(9) Benzene.
(10) Benzyl chloride.
(11) n-Butyl acetate.
(12) n-Butyl alcohol.
(13) sec-Butyl alcohol.
(14) Calcium carbonate.
(15) Calcium hydroxide.
(16) Calcium oxide.
(17) Carbon disulfide.
(18) Chloroform.
(19) Cyclohexane.
(20) Diacetone alcohol.
(21) Ethyl acetate.
(22) Ethyl alcohol (or denatured alcohol).
(23) Ethyl ether.
(24) Ethylidene diacetate.
(25) Formamide.
(26) Formic acid.
(27) Hexane.
(28) Hydrochloric acid.
(29) Hydrochloric gas.
(30) Hydrogen peroxide.
(31) Iodine.
(32) Isobutyl alcohol.
(33) Isopropyl alcohol.
(34) Kerosene.
(35) Lithium metal.
(36) Methyl alcohol.
(37) Methylene chloride.
(38) Methyl ethyl ketone (or 2-Butanone).
(39) Methyl isobutyl alcohol.
(40) N-methylformamide.
(41) Petroleum ether.

(42) Potassium carbonate.
(43) Potassium cyanide.
(44) Potassium hydroxide.
(45) Potassium permanganate.
(46) Red phosphorus.
(47) Sodium bicarbonate.
(48) Sodium carbonate.
(49) Sodium cyanide.
(50) Sodium hydroxide.
(51) Sodium sulfate.
(52) Sulfuric acid.
(53) Tartaric acid.
(54) Toluene.
(55) Trichloroethylene.
(56) Urea.
(57) Xylenes.

(u) "Good faith" means the prescribing or dispensing of a controlled substance by a practitioner in the regular course of professional treatment to or for any person who is under his treatment for a pathology or condition other than that individual's physical or psychological dependence upon or addiction to a

controlled substance, except as provided herein: and application of the term to a pharmacist shall mean the dispensing of a controlled substance pursuant to the prescriber's order which in the professional judgment of the pharmacist is lawful. The pharmacist shall be guided by accepted professional standards including, but not limited to the following, in making the judgment:

(1) lack of consistency of doctor-patient relationship,

(2) frequency of prescriptions for same drug by one prescriber for large numbers of patients,

(3) quantities beyond those normally prescribed,

(4) unusual dosages,

(5) unusual geographic distances between patient, pharmacist and prescriber,

(6) consistent prescribing of habit-forming drugs.

(u-1) "Home infusion services" means services provided by a pharmacy in compounding solutions for direct administration to a patient in a private residence, long-term care facility, or hospice setting by means of parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion.

(v) "Immediate precursor" means a substance:

(1) which the Department has found to be and by rule designated as being a principal compound used, or produced primarily for use, in the manufacture of a controlled substance;

(2) which is an immediate chemical intermediary used or likely to be used in the manufacture of such controlled substance; and

(3) the control of which is necessary to prevent, curtail or limit the manufacture of such controlled substance.

(w) "Instructional activities" means the acts of teaching, educating or instructing by practitioners using controlled substances within educational facilities approved by the State Board of

Education or its successor agency.

(x) "Local authorities" means a duly organized State, County or Municipal peace unit or police force.

(y) "Look-alike substance" means a substance, other than a controlled substance which (1) by overall dosage unit appearance, including shape, color, size, markings or lack thereof, taste, consistency, or any other identifying physical characteristic of the substance, would lead a reasonable person to believe that the substance is a controlled substance, or (2) is expressly or impliedly represented to be a controlled substance or is distributed under circumstances which would lead a reasonable person to believe that the substance is a controlled substance. For the purpose of determining whether the representations made or the circumstances of the distribution would lead a reasonable person to believe the substance to be a controlled substance under this clause (2) of subsection (y), the court or other authority may consider the following factors in addition to any other factor that may be relevant:

(a) statements made by the owner or person in control of the substance concerning its nature, use or effect;

(b) statements made to the buyer or recipient that the substance may be resold for profit;

(c) whether the substance is packaged in a manner normally used for the illegal distribution of controlled substances;

(d) whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration, and whether the amount of the consideration was substantially greater than the reasonable retail market value of the substance.

Clause (1) of this subsection (y) shall not apply to a

noncontrolled substance in its finished dosage form that was initially introduced into commerce prior to the initial introduction into commerce of a controlled substance in its finished dosage form which it may substantially resemble.

Nothing in this subsection (y) prohibits the dispensing or distributing of noncontrolled substances by persons authorized to dispense and distribute controlled substances under this Act, provided that such action would be deemed to be carried out in good faith under subsection (u) if the substances involved were controlled substances.

Nothing in this subsection (y) or in this Act prohibits the manufacture, preparation, propagation, compounding, processing, packaging, advertising or distribution of a drug or drugs by any person registered pursuant to Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

(y-1) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States, other than Illinois, that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled

substance, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling of its container, except that this term does not include:

(1) by an ultimate user, the preparation or compounding of a controlled substance for his own use; or

(2) by a practitioner, or his authorized agent under his supervision, the preparation, compounding, packaging, or labeling of a controlled substance:

(a) as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or

(b) as an incident to lawful research, teaching or chemical analysis and not for sale.

(z-1) "Methamphetamine manufacturing chemical" means any of the following chemicals or substances containing any of the following chemicals: benzyl methyl ketone, ephedrine, methyl benzyl ketone, phenylacetic acid, phenylacetone, phenyl-2-propanone, 1-phenyl-1, 2-propanedione, phenylpropanol, propiophenone, or pseudoephedrine or any of the salts, optical isomers, or salts of optical isomers of the above-listed chemicals.

(aa) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1), but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salts, compound, isomer, salt of an isomer, derivative, or preparation of coca leaves including cocaine or ecgonine, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do

not contain cocaine or ecgonine (for the purpose of this paragraph, the term "isomer" includes optical, positional and geometric isomers).

(bb) "Nurse" means a registered nurse licensed under the Nursing and Advanced Practice Nursing Act.

(cc) "Official prescription blanks" means the triplicate prescription forms supplied to prescribers by the Department for prescribing Schedule II Designated Product controlled substances.

(dd) "Opiate" means any substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having addiction forming or addiction sustaining liability.

(ee) "Opium poppy" means the plant of the species Papaver

somniferum L., except its seeds.

(ff) "Parole and Pardon Board" means the Parole and Pardon Board of the State of Illinois or its successor agency.

(gg) "Person" means any individual, corporation, mail-order pharmacy, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

(hh) "Pharmacist" means any person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987.

(ii) "Pharmacy" means any store, ship or other place in which pharmacy is authorized to be practiced under the Pharmacy Practice Act of 1987.

(jj) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(kk) "Practitioner" means a physician licensed to practice medicine in all its branches, dentist, podiatrist, veterinarian, scientific investigator, pharmacist, physician assistant, advanced practice nurse, licensed practical nurse, registered nurse, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise lawfully permitted by the United States or this State to distribute, dispense, conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

(ll) "Pre-printed prescription" means a written prescription upon which the designated drug has been indicated prior to the time of issuance.

(mm) "Prescriber" means a physician licensed to practice medicine in all its branches, dentist, podiatrist or veterinarian who issues a prescription, a physician assistant who issues a prescription for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and the written guidelines required under Section 7.5 of the Physician Assistant Practice Act of 1987, or an advanced practice nurse with prescriptive authority in accordance with Section 303.05 and a written collaborative agreement under Sections 15-15 and 15-20 of the Nursing and Advanced Practice Nursing Act.

(nn) "Prescription" means a lawful written, facsimile, or verbal order of a physician licensed to practice medicine in all its branches, dentist, podiatrist or veterinarian for any controlled substance, of a physician assistant for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and the written guidelines required under Section 7.5 of the Physician Assistant Practice Act of 1987, or of an advanced practice nurse who issues a prescription for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and a written collaborative agreement under Sections 15-15 and 15-20 of the Nursing

and Advanced Practice Nursing Act.

(oo) "Production" or "produce" means manufacture, planting, cultivating, growing, or harvesting of a controlled substance.

(pp) "Registrant" means every person who is required to register

under Section 302 of this Act.

(qq) "Registry number" means the number assigned to each person authorized to handle controlled substances under the laws of the United States and of this State.

(rr) "State" includes the State of Illinois and any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(ss) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

(Source: P.A. 89-202, eff. 10-1-95; 89-507, eff. 7-1-97; 90-116, eff. 7-14-97; 90-742, eff. 8-13-98; 90-818, eff. 3-23-99.)

(720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

Sec. 401. Except as authorized by this Act, it is unlawful for any person knowingly to: (i) manufacture or deliver, or possess with intent to manufacture or deliver, a controlled or counterfeit substance or controlled substance analog or (ii) possess any methamphetamine manufacturing chemical listed in paragraph (z-1) of Section 102 with the intent to manufacture methamphetamine or the salt of an optical isomer of methamphetamine or an analog thereof. A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. For purposes of this Section, "controlled substance analog" or "analog" means a substance which is intended for human consumption, other than a controlled substance, that has a chemical structure substantially similar to that of a controlled substance in Schedule I or II, or that was specifically designed to produce an effect substantially similar to that of a controlled substance in Schedule I or II. Examples of chemical classes in which controlled substance analogs are found include, but are not limited to, the following: phenethylamines, N-substituted piperidines, morphinans, ecgonines, quinazolinones, substituted indoles, and arylcycloalkylamines. For purposes of this Act, a controlled substance analog shall be treated in the same manner as the controlled substance to which it is substantially similar.

(a) Any person who violates this Section with respect to the following amounts of controlled or counterfeit substances or controlled substance analogs, notwithstanding any of the provisions of subsections (c), (d), (e), (f), (g) or (h) to the contrary, is guilty of a Class X felony and shall be sentenced to a term of imprisonment as provided in this subsection (a) and fined as provided in subsection (b):

(1) (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing heroin, or an analog thereof;

(B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing heroin, or an analog thereof;

(C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing heroin, or an analog thereof;

(D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing heroin, or an analog thereof;

(2) (A) not less than 6 years and not more than 30 years

with respect to 15 grams or more but less than 100 grams of a substance containing cocaine, or an analog thereof;

(B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing cocaine, or an analog thereof;

(C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing cocaine, or an analog thereof;

(D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing cocaine, or an analog thereof;

(3) (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing morphine, or an analog thereof;

(B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing morphine, or an analog thereof;

(C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing morphine, or an analog thereof;

(D) not less than 15 years and not more than 60 years with respect to 900 grams or more of a substance containing morphine, or an analog thereof;

(4) 200 grams or more of any substance containing peyote, or an analog thereof;

(5) 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid, or an analog thereof;

(6) 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine, or an analog thereof;

(6.5) (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine, or an analog thereof;

(B) not less than 6 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine, or an analog thereof;

(C) not less than 6 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine, or an analog thereof;

(D) not less than 6 years and not more than 60 years with respect to 900 grams or more of any substance containing methamphetamine or any salt of an optical isomer of methamphetamine, or an analog thereof.

(6.6) (A) not less than 6 years and not more than 30 years for the possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102, with intent to manufacture 30 grams or more but less than 150 grams of any substance containing methamphetamine, or salt

of any optical isomer of methamphetamine, or an analog thereof;

(B) not less than 6 years and not more than 40 years for the possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 150 grams or more but less than 500 grams of any substance containing methamphetamine, or salt of an optical isomer of methamphetamine, or an analog thereof;

(C) not less than 6 years and not more than 50 years for the possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 500 grams or more but less than 1200 grams of any substance containing methamphetamine, or salt of an optical isomer of methamphetamine, or an analog thereof;

(D) not less than 6 years and not more than 60 years for the possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 1200 grams or more of any substance containing methamphetamine, or salt of an optical isomer of methamphetamine, or an analog thereof;

(7) (A) not less than 6 years and not more than 30 years with respect to: (i) 15 grams or more but less than 100 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 15 or more objects or 15 or more segregated parts of an object or objects but less than 200 objects or 200 segregated parts of an object or objects containing in them or having upon them any amounts of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(B) not less than 9 years and not more than 40 years with respect to: (i) 100 grams or more but less than 400 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 200 or more objects or 200 or more segregated parts of an object or objects but less than 600 objects or less than 600 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(C) not less than 12 years and not more than 50 years with respect to: (i) 400 grams or more but less than 900 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 600 or more objects or 600 or more segregated parts of an object or objects but less than 1500 objects or 1500 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(D) not less than 15 years and not more than 60 years with respect to: (i) 900 grams or more of any substance containing lysergic acid diethylamide (LSD), or an analog

thereof, or (ii) 1500 or more objects or 1500 or more segregated parts of an object or objects containing in them or having upon them any amount of a substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(8) 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;

(9) 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone, or an analog thereof;

(10) 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP), or an analog thereof;

(10.5) 30 grams or more of any substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine, or an analog thereof;

(11) 200 grams or more of any substance containing any other controlled substance classified in Schedules I or II, or an

analog thereof, which is not otherwise included in this subsection.

(b) Any person sentenced with respect to violations of paragraph (1), (2), (3), (6.5), (6.6), or (7) of subsection (a) involving 100 grams or more of the controlled substance named therein, may in addition to the penalties provided therein, be fined an amount not more than $500,000 or the full street value of the controlled or counterfeit substance or controlled substance analog, whichever is greater. The term "street value" shall have the meaning ascribed in Section 110-5 of the Code of Criminal Procedure of 1963. Any person sentenced with respect to any other provision of subsection (a), may in addition to the penalties provided therein, be fined an amount not to exceed $500,000.

(c) Any person who violates this Section with regard to the following amounts of controlled or counterfeit substances or controlled substance analogs, notwithstanding any of the provisions of subsections (a), (b), (d), (e), (f), (g) or (h) to the contrary, is guilty of a Class 1 felony. The fine for violation of this subsection (c) shall not be more than $250,000:

(1) 10 or more grams but less than 15 grams of any substance containing heroin, or an analog thereof;

(2) 1 gram or more but less than 15 grams of any substance containing cocaine, or an analog thereof;

(3) 10 grams or more but less than 15 grams of any substance containing morphine, or an analog thereof;

(4) 50 grams or more but less than 200 grams of any substance containing peyote, or an analog thereof;

(5) 50 grams or more but less than 200 grams of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid, or an analog thereof;

(6) 50 grams or more but less than 200 grams of any substance containing amphetamine or any salt of an optical isomer of amphetamine, or an analog thereof;

(6.5) 5 grams or more but less than 15 grams of any substance containing methamphetamine or any salt or optical isomer of methamphetamine, or an analog thereof;

(7) (i) 5 grams or more but less than 15 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) more than 10 objects or more than 10 segregated parts of an object or objects but less than 15 objects or less than 15 segregated parts of an object containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(8) 10 grams or more but less than 30 grams of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;

(9) 10 grams or more but less than 30 grams of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone, or an analog thereof;

(10) 10 grams or more but less than 30 grams of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP), or an analog thereof;

(10.5) 10 grams or more but less than 30 grams of any substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine, or an analog thereof;

(11) 50 grams or more but less than 200 grams of any substance containing a substance classified in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection.

(c-5) Any person who violates this Section with regard to possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 15 grams or more but less than 30 grams of methamphetamine, or salt of an optical isomer of methamphetamine or any analog thereof, is guilty of a Class 1 felony. The fine for violation of this subsection (c-5) shall not be more than $250,000.

(d) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedules I or II, or an analog thereof, which is (i) a narcotic drug, (ii) lysergic acid diethylamide (LSD) or an analog thereof, or (iii) any substance containing methamphetamine or any salt or optical isomer of methamphetamine, or an analog thereof, is guilty of a Class 2 felony. The fine for violation of this subsection (d) shall not be more than $200,000.

(d-5) Any person who violates this Section with regard to possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture less than 15 grams of methamphetamine, or salt of an optical isomer of methamphetamine or any analog thereof, is guilty of a Class 2 felony. The fine for violation of this subsection (d-5) shall not be more than $200,000.

(e) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule I or II, or an analog thereof, which substance is not

included under subsection (d) of this Section, is guilty of a Class 3 felony. The fine for violation of this subsection (e) shall not be more than $150,000.

(f) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule III is guilty of a Class 3 felony. The fine for violation of this subsection (f) shall not be more than $125,000.

(g) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule IV is guilty of a Class 3 felony. The fine for violation of this subsection (g) shall not be more than $100,000.

(h) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule V is guilty of a Class 3 felony. The fine for violation of this subsection (h) shall not be more than $75,000.

(i) This Section does not apply to the manufacture, possession or distribution of a substance in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of Section 505 of the Federal Food, Drug and Cosmetic Act.

(j) It may be inferred that a person who possessed any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 intended to use the entire amount of such substance to manufacture methamphetamine or salt of an optical isomer of methamphetamine if such substance was found in close proximity to a drug manufacturing facilitator or equipment as described in Section 102 suitable for assisting in the manufacture of methamphetamine or salt of an optical isomer of methamphetamine.

(Source: P.A. 89-404, eff. 8-20-95; 90-382, eff. 8-15-97; 90-593, eff. 6-19-98; 90-674, eff. 1-1-99; revised 9-16-98.)

(720 ILCS 570/401.5)

Sec. 401.5. Chemical breakdown of illicit controlled substance.

(a) It is unlawful for any person to manufacture a controlled substance prohibited by this Act by chemically deriving the controlled substance from one or more other controlled substances prohibited by this Act.

(a-5) It is unlawful for any person to possess any substance with the intent to use the substance to facilitate the manufacture of any controlled or counterfeit substance or controlled substance analog other than as authorized by this Act.

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

(c) This Section does not apply to the manufacture of methamphetamine or to the possession of any methamphetamine manufacturing chemicals with the intent to manufacture methamphetamine or any salt of an optical isomer of methamphetamine, or an analog of methamphetamine.

(Source: P.A. 90-775, eff. 1-1-99.)".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 1278**, as amended, was returned to the order of third reading.

On motion of Senator Parker, **House Bill No. 1622** was recalled from the order of third reading to the order of second reading.

Senator Parker offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1622, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Civil Administrative Code of Illinois is amended by adding Section 56.3 as follows:

(20 ILCS 1405/56.3 new)

Sec. 56.3. Investigational cancer treatments; study.

(a) The Department of Insurance shall conduct an analysis and study of costs and benefits derived from the implementation of the coverage requirements for investigational cancer treatments established under Section 356y of the Illinois Insurance Code. The study shall cover the years 2000, 2001, and 2002. The study shall include an analysis of the effect of the coverage requirements on the cost of insurance and health care, the results of the treatments to patients, the mortality rate among cancer patients, any improvements in care of patients, and any improvements in the quality of life of patients.

(b) The Department shall report the results of its study to the General Assembly and the Governor on or before March 1, 2003.

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

(215 ILCS 5/356y new)

Sec. 356y. Coverage for investigational cancer treatments.

(a) An individual or group policy of accident and health insurance issued, delivered, amended, or renewed in this State more than 120 days after the effective date of this amendatory Act of the 91st General Assembly must offer coverage for routine patient care of insureds, when medically appropriate and the insured has a terminal condition related to cancer that according to the diagnosis of the treating physician, licensed to practice medicine in all its branches, is considered life threatening, to participate in an approved cancer research trial and shall provide coverage for the patient care provided pursuant to investigational cancer treatments as provided in subsection (b). Coverage under this Section may have an annual benefit limit of $10,000.

(b) Coverage shall include routine patient care costs such as blood tests, x-rays, bone scans, magnetic resonance images, patient visits, hospital stays, or other similar costs generally incurred by the insured party in standard cancer treatment. Routine patient care

costs specifically shall not include the cost of any clinical trial therapies, regimens, or combinations thereof, any drugs or pharmaceuticals in connection with an approved clinical trial, any costs associated with the provision of any goods, services, or benefits that are generally furnished without charge in connection with an approved clinical trial program for treatment of cancer, any additional costs associated with the provision of any goods,

services, or benefits that previously have been provided to, paid for, or reimbursed, or any other similar costs. Routine patient care costs shall specifically not include costs for treatments or services prescribed for the convenience of the insured, enrollee, or physician. It is specifically the intent of this Section not to relieve the sponsor or a clinical trial program of financial responsibility for accepted costs of the program.

(c) For purposes of this Section, coverage is provided only for cancer trials that meet each of the following criteria:

(1) the effectiveness of the treatment has not been determined relative to established therapies;

(2) the trial is under clinical investigation as part of an approved cancer research trial in Phase II, Phase III, or Phase IV of investigation;

(3) the trial is approved by the U.S. Secretary of Health and Human Services, the Director of the National Institutes of Health, the Commissioner of the Food and Drug Administration (through an investigational new drug exemption under Section 505(l) of the federal Food, Drug, and Cosmetic Act or an investigational device exemption under Section 520(g) of that Act), or a qualified nongovernmental cancer research entity as defined in guidelines of the National Institutes of Health or a peer reviewed and approved cancer research program, as defined by the U.S. Secretary of Health and Human Services, conducted for the primary purpose of determining whether or not a cancer treatment is safe or efficacious or has any other characteristic of a cancer treatment that must be demonstrated in order for the cancer treatment to be medically necessary or appropriate;

(4) the trial is being conducted at multiple sites throughout the State;

(5) the patient's primary care physician, if any, is involved in the coordination of care; and

(6) the results of the investigational trial will be submitted for publication in peer-reviewed scientific studies, research, or literature published in or accepted for publication by medical journals that meet nationally recognized requirements for scientific manuscripts and that submit most of their published articles for review by experts who are not part of the editorial staff. These studies may include those conducted by or under the auspices of the federal government's Agency for Health Care Policy and Research, National Institutes of Health, National Cancer Institute, National Academy of Sciences, Health Care Financing Administration, and any national board recognized by the National Institutes of Health for the purpose of evaluating the medical value of health services.

(d) This Section is repealed on January 1, 2003.

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 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 on January 1, 2000.".

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

And **House Bill No. 1622**, as amended, was returned to the order of third reading.

On motion of Senator Silverstein, **House Bill No. 1769** was recalled from the order of third reading to the order of second reading.

Senator DeLeo offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1769 by replacing the title with the following:

"AN ACT to amend certain Acts in relation to real property."; and by inserting below Section 5 the following:

"Section 10. The Illinois Municipal Code is amended by changing Section 11-31-2 as follows:

(65 ILCS 5/11-31-2) (from Ch. 24, par. 11-31-2)

Sec. 11-31-2. (a) If the appropriate official of any municipality determines, upon due investigation, that any building or structure therein fails to conform to the minimum standards of health and safety as set forth in the applicable ordinances of such municipality, and the owner or owners of such building or structure fails, after due notice, to cause such property so to conform, the municipality may make application to the circuit court for an injunction requiring compliance with such ordinances or for such other order as the court may deem necessary or appropriate to secure such compliance.

If the appropriate official of any municipality determines, upon due investigation, that any building or structure located within the area affected by a conservation plan, adopted by the municipality pursuant to the Urban Community Conservation Act, fails to conform to the standards and provisions of such plan, and the owner or owners of such building or structure fails, after due notice, to cause such property so to conform, the municipality has the power to make application to the circuit court for an injunction requiring

compliance with such plan or for such other order as the court may deem necessary or appropriate to secure such compliance.

The hearing upon such suit shall be expedited by the court and shall be given precedence over all other actions.

If, upon application hereunder, the court orders the appointment of a receiver to cause such building or structure to conform, such receiver may use the rents and issues of such property toward maintenance, repair and rehabilitation of the property prior to and despite any assignment of rents; and the court may further authorize the receiver to recover the cost of such maintenance, repair and rehabilitation by the issuance and sale of notes or receiver's certificates bearing such interest as the court may fix, and such notes or certificates, after their initial issuance and transfer by the receiver, shall be freely transferable and when sold or transferred by the receiver in return for a valuable consideration in money, material, labor or services, shall be a first lien upon the real estate and the rents and issues thereof, and shall be superior to all prior assignments of rents and all prior existing liens and encumbrances, except taxes; provided, that within 90 days of such sale or transfer for value by the receiver of such note or certificate, the holder thereof shall file notice of lien 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 such county if the real estate affected is registered under the Registered Titles

(Torrens) Act. The notice of the lien filed shall set forth (1) a description of the real estate affected sufficient for the identification thereof, (2) the face amount of the receiver's note or certificate, together with the interest payable thereon, and (3) the date when the receiver's note or certificate was sold or transferred for value by the receiver. Upon payment to the holder of the receiver's note or certificate of the face amount thereof together with any interest thereon to such date of payment, and upon the filing of record of a sworn statement of such payment, the lien of such certificate shall be released. Unless the lien is enforced pursuant to subsection (b), the lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics' liens, and such action to foreclose such lien may be commenced at any time after the date of default. For the purposes of this subsection (a), the date of default shall be deemed to occur 90 days from the date of issuance of the receiver's certificate if at that time the certificate remains unpaid in whole or in part.

In the event a receiver appointed under this subsection (a) completes a feasibility study which study finds that the property can not be economically brought into compliance with the minimum standards of health and safety as set forth in the applicable ordinances of the municipality, the receiver may petition the court for reimbursement for the cost of the feasibility study from the receivership feasibility study and fee fund. The court shall review the petition and authorize reimbursement from the fund to the receiver if the court finds that the findings in the feasibility report are reasonable, that the fee for the feasibility report is reasonable, and that the receiver is unable to obtain reimbursement

other than by foreclosure of a lien on the property. If the court grants the petition for reimbursement from the fund and, upon receiving certification from the court of the amount to be paid, the county treasurer shall order that amount paid from the fund to the receiver. If the court grants the petition for reimbursement from the fund, the court shall also authorize and direct the receiver to issue a certificate of lien against title. The recorded lien shall be a first lien upon the real estate and shall be superior to all prior liens and encumbrances except real estate taxes. The court shall also order the receiver to reimburse the fund to the extent that the receiver is reimbursed upon foreclosure of the receiver's lien upon sale of the property.

In any proceedings hereunder in which the court orders the appointment of a receiver, the court may further authorize the receiver to enter into such agreements and to do such acts as may be required to obtain first mortgage insurance on the receiver's notes or certificates from an agency of the Federal Government.

(b) In any case where a municipality has obtained a lien pursuant to subsection (a), the municipality may enforce such lien pursuant to this subsection (b) in the same proceeding in which the lien is authorized.

A municipality 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 such 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. If the court denies the petition, the municipality 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 prior to 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 pursuant to this subsection (b), except to the extent that such provisions are inconsistent with this subsection. However, for purposes of foreclosures of liens pursuant to this subsection, 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.

(Source: P.A. 88-658, eff. 1-1-95.)

Section 15. The Registered Titles (Torrens) Act is amended by changing Sections 100 and 102 and adding Section 102.3 as follows:

(765 ILCS 35/100) (from Ch. 30, par. 137)

Sec. 100. All sums of money received pursuant to Sections 40, 99, and 108 of this Act shall be paid by the registrar to the county treasurer of the county in which the land is situated, for the

purpose of maintaining an indemnity fund under the terms of this Act, and for the purposes provided for in Sections 102.1, ~~and~~ 102.2, and 102.3. It shall be the duty of the treasurer to invest all of the fund, including both principal and income, from time to time if not immediately required for payments of indemnities in accordance with Division 3-11 and other applicable provisions of the Counties Code. The county treasurer shall report annually to the county board the condition and income of the fund and forward a copy of the report to the registrar.

(Source: P.A. 90-778, eff. 8-14-98.)

(765 ILCS 35/102) (from Ch. 30, par. 139)

Sec. 102. Except as otherwise provided in Sections 102.1, ~~and~~ 102.2, and 102.3 of this Act, the indemnity fund shall be held to satisfy judgments obtained or claims allowed against the county for losses or damages as aforesaid. Such claims for damages shall be presented to the registrar and county board, and such county board is hereby authorized and empowered to allow or reject the same and to provide for the payment of such claims as may be allowed. No claims for such losses or damages shall be allowed and paid by any such county board unless upon the recommendation of the registrar who shall be in office at the time the claim shall be allowed. The county board shall grant or deny such claims in whole or in part within 60 days from the date of the receipt thereof by the county board. In the event the county board shall fail to grant or deny such claims in whole or in part within 60 days from the date of the receipt thereof, the claims are deemed to be denied. Judicial review may be had in accordance with Administrative Review Law as heretofore or hereafter amended.

(Source: P.A. 90-778, eff. 8-14-98.)

(765 ILCS 35/102.3 new)

Sec. 102.3. Transfer to the receivership feasibility study and fee fund. Within 30 days after the effective date of this amendatory Act of the 91st General Assembly, the county treasurer shall transfer $250,000 from the indemnity fund to the receivership feasibility study and fee fund, a special fund created in the county treasury. Moneys in the fund shall be used for reimbursements to receivers for whom the county treasurer has received a certification of reimbursement due from the circuit court under Section 11-31-2 of the Illinois Municipal Code.

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. 1769**, as amended, was returned to the order of third reading.

On motion of Senator Burzynski, **House Bill No. 1780** 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 1780, AS AMENDED, by replacing the title with the following:

"AN ACT creating the Health Care Professional Credentials Data Collection Act."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Health Care Professional Credentials Data Collection Act.

Section 5. Definitions. As used in this Act:

"Council" means the Health Care Credentials Council.

"Credentials data" means those data, information, or answers to questions required by a health care entity, health care plan, or hospital to complete the credentialing or recredentialing of a health care professional.

"Credentialing" means the process of assessing and validating the qualifications of a health care professional.

"Department" means the Department of Public Health.

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

"Health care entity" means any of the following which require the submission of credentials data: (i) a health care facility or other health care organization licensed or certified to provide medical or health services in Illinois, other than a hospital; (ii) a health care professional partnership, corporation, limited liability company, professional services corporation or group practice; or (iii) an independent practice association or physician hospital organization. Nothing in this definition shall be construed to mean that a hospital is a health care entity.

"Health care plan" means any entity licensed by the Department of Insurance as a prepaid health care plan or health maintenance organization or as an insurer which requires the submission of credentials data.

"Health care professional" means any person licensed under the Medical Practice Act of 1987 or any person licensed under any other Act subsequently made subject to this Act by the Department.

"Hospital" means a hospital licensed under the Hospital Licensing Act or any hospital organized under the University of Illinois Hospital Act.

"Recredentialing" means the process by which a health care entity, health care plan or hospital ensures that a health care professional who is currently credentialed by the health care entity, health care plan or hospital continues to meet the credentialing criteria used by the health care entity, health care plan, or hospital no more than once every 2 years.

"Single credentialing cycle" means a process whereby for purposes of recredentialing each health care professional's credentials data are collected by all health care entities and health care plans that credential the health care professional during the same time period and only once every 2 years.

"Site survey" means a process by which a health care entity or health care plan assesses the office locations and medical record keeping practices of a health care professional.

"Single site survey" means a process by which, for purposes of recredentialing, each health care professional receives a site visit

only once every two years.

"Uniform health care credentials form" means the form developed by the Department under Section 15 to collect the credentials data commonly requested by health care entities and health care plans for purposes of credentialing.

"Uniform health care recredentials form" means the form developed by the Department under Section 15 to collect the credentials data commonly requested by health care entities and health care plans for purposes of recredentialing.

"Uniform hospital credentials form" means the form developed by the Department under Section 15 to collect the credentials data commonly requested by hospitals for purposes of credentialing.

"Uniform hospital recredentials form" means the form developed by the Department under Section 15 to collect the credentials data commonly requested by hospitals for purposes of recredentialing.

"Uniform site survey instrument" means the instrument developed by the Department under Section 25 to complete a single site survey as part of a credentialing or recredentialing process.

"Uniform updating form" means a standardized form for reporting of corrections, updates, and modifications to credentials data to health care entities, health care plans, and hospitals when those data change following credentialing or recredentialing of a health care professional.

Section 10. Health Care Credentials Council.

(a) There is established a Health Care Credentials Council, consisting of 13 members, to assist the Department in accordance with Sections 15, 20, 25, and 30 of this Act. The Director, or his or her designee, shall serve as one member and chair of the council and the Governor shall appoint the remaining 12 members. Three members shall represent hospitals, 3 members shall represent health maintenance organizations, one member shall represent health insurance entities, 3 members shall represent physicians licensed to practice medicine in all its branches, one member shall represent chiropractic physicians, and one member shall represent ambulatory surgical treatment centers. In making these appointments, the Governor shall take into consideration the recommendations of various organizations representing hospitals, health maintenance organizations, insurers, ambulatory surgical treatment centers, and physicians. The initial appointments of 6 of the members shall be for 2 years. All other appointments shall be for 4 years, with no more than one 4-year reappointment. The hospital representatives shall not vote on the development of guidelines to implement Sections 20 and 25 of this Act.

(b) On July 1, 2003, the council is abolished.

Section 15. Development and use of uniform health care and hospital credentials forms.

(a) The Department, in consultation with the council, shall by rule establish:

(1) a uniform health care credentials form that shall include the credentials data commonly requested by health care entities and health care plans for purposes of credentialing and shall minimize the need for the collection of additional credentials data;

(2) a uniform health care recredentials form that shall include the credentials data commonly requested by health care entities and health care plans for purposes of recredentialing and shall minimize the need for the collection of additional

credentials data;

(3) a uniform hospital credentials form that shall include

the credentials data commonly requested by hospitals for purposes of credentialing and shall minimize the need for the collection of additional credentials data;

(4) a uniform hospital recredentials form that shall include the credentials data commonly requested by hospitals for purposes of recredentialing and shall minimize the need for collection of additional credentials data; and

(5) uniform updating forms.

(b) The uniform forms established in subsection (a) shall be coordinated to reduce the need to provide redundant information. Further, the forms shall be made available in both paper and electronic formats.

(c) The Department, in consultation with the council, shall establish by rule a date after which an electronic format may be required by a health care entity, a health care plan, or a hospital, and a health care professional may require acceptance of an electronic format by a health care entity, a health care plan, or a hospital.

(d) Beginning July 1, 2000, each health care entity or health care plan that employs, contracts with, or allows health care professionals to provide medical or health care services and requires health care professionals to be credentialed or recredentialed shall for purposes of collecting credentials data only require:

(1) the uniform health care credentials form;

(2) the uniform health care recredentials form;

(3) the uniform updating forms; and

(4) any additional credentials data requested.

(e) Beginning July 1, 2000, each hospital that employs, contracts with, or allows health care professionals to provide medical or health care services and requires health care professionals to be credentialed or recredentialed shall for purposes of collecting credentials data only require:

(1) the uniform hospital credentials form;

(2) the uniform hospital recredentials form;

(3) the uniform updating forms; and

(4) any additional credentials data requested.

(f) Each health care entity and health care plan shall complete the process of verifying a health care professional's credentials data in a timely fashion and shall complete the process of credentialing or recredentialing of the health care professional within 60 days after submission of all credentials data and completion of verification of the credentials data.

(g) Each health care professional shall provide any corrections, updates, and modifications to his or her credentials data to ensure that all credentials data on the health care professional remains current. Such corrections, updates, and modifications shall be provided within 5 business days for State health care professional license revocation, federal Drug Enforcement Agency license revocation, Medicare or Medicaid sanctions, revocation of hospital privileges, any lapse in professional liability coverage required by

a health care entity, health care plan, or hospital, or conviction of a felony, and within 45 days for any other change in the information from the date the health care professional knew of the change. All updates shall be made on the uniform updating forms developed by the Department.

(h) Any credentials data collected or obtained by the health care entity, health care plan, or hospital shall be confidential, as provided by law, and otherwise may not be redisclosed without written consent of the health care professional, except that in any proceeding to challenge credentialing or recredentialing, or in any judicial review thereof, the claim of confidentiality shall not be

invoked to deny a health care entity, health care plan, or hospital access to or use of credentials data. Nothing in this Section prevents a health care entity, health care plan, or hospital from disclosing any credentials data to its officers, directors, employees, agents, subcontractors, medical staff members, any committee of the health care entity, health care plan, or hospital involved in the credentialing process, or accreditation bodies or licensing agencies. However, any redisclosure of credentials data contrary to this Section is prohibited.

(i) Nothing in this Act shall be construed to restrict the right of any health care entity, health care plan or hospital to request additional information necessary for credentialing or recredentialing.

(j) Nothing in this Act shall be construed to restrict in any way the authority of any health care entity, health care plan or hospital to approve, suspend or deny an application for hospital staff membership, clinical privileges, or managed care network participation.

(k) Nothing in this Act shall be construed to prohibit delegation of credentialing and recredentialing activities as long as the delegated entity follows the requirements set forth in this Act.

(l) Nothing in this Act shall be construed to require any health care entity or health care plan to credential or survey any health care professional.

Section 20. Single credentialing cycle.

(a) The Department, in consultation with the council, shall by rule establish a single credentialing cycle. The single credentialing cycle shall be based on a specific variable or variables. To the extent possible the single credentialing cycle shall be established to ensure that the credentials data of all health care professionals in a group or at a single site are collected during the same time period. However, nothing in this Act shall be construed to require the single credentialing cycle to be established to ensure that the credentials data of all health care professionals in a group or at a single site are collected during the same time period.

(b) Beginning January 1, 2001, all health care entities and health care plans shall obtain credentials data on all health care professionals according to the established single credentialing cycle.

(c) The Department, in consultation with the council, shall by

rule establish a process to exempt a small or unique health care entity or small or unique health care plan from the single credentialing cycle if the health care entity or health care plan demonstrates to the Department that adherence to the single credentialing cycle would be an undue hardship for the health care entity or health care plan.

(d) The requirements of this Section shall not apply when a health care professional submits initial credentials data to a health care entity or health care plan outside of the established single credentialing cycle, when a health care professional's credentials data change substantively, or when a health care entity or health care plan requires recredentialing as a result of patient or quality assurance issues.

Section 25. Single site survey.

(a) The Department, in consultation with the council, shall by rule establish a uniform site survey instrument taking into account national accreditation standards and State requirements. The uniform site survey instrument shall include all the site survey data requested by health care entities and health care plans.

(b) No later than January 1, 2001, the Department, in

consultation with the council, shall publish, in rule, the variable or variables for completing the single site survey. To the extent possible, the single site survey shall be established to ensure that all health care professionals in a group or at a site are reviewed during the same time period.

(c) Beginning July 1, 2001, health care entities and health care plans shall implement the single site survey, if a site survey is required by any of the health care professional's health care entities or health care plans. The site survey shall be completed using the uniform site survey instrument.

(d) The uniform site survey instrument shall be used when a health care professional seeks initial credentialing by a health care entity or health care plan, when a health care professional's credentials data change substantively, or when a health care plan or health care entity requires a site survey as a result of patient or quality assurance issues, if a site survey is required by the health care entity or health care plan.

(e) Nothing in this Section prohibits health care entities and health care plans from choosing the independent party to conduct the single site survey.

Section 30. Study of coordinated credentials verification.

(a) The Department, in consultation with the council, shall study the need for coordinated credentials data verification.

(b) The study shall address the need for, the advantages and disadvantages of, and the costs and cost savings, if any, of coordinated credentials verification.

(c) The study also may address other changes to improve the credentialing and recredentialing processes, to improve the timeliness of the credentials data, and reduce the costs, time, and administrative burden associated with the processes.

(d) The Department shall make a recommendation to the General Assembly and the Governor regarding the need for further legislation

no later than January 1, 2003.

Section 35. Rules. The Department, in consultation with the council, shall adopt rules necessary to develop and implement and enforce the requirements established by this Act.

Section 40. Enforcement. The Department has authority to enforce the provisions of the Act. In addition to any other penalty provided by law, any health care entity, health care plan, hospital, or health care professional that violates any Section of this Act shall forfeit and pay to the Department a fine in an amount determined by the Department of not more than $1,000 for the first offense and not more than $5,000 for each subsequent offense.

Section 45. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all the provisions of the Act were included in the Act. For the purpose of this Act, the notice required under Section 10-25 of the Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.

Section 50. Administrative Review Law. All final administrative decisions of the Department are subject to judicial review pursuant to the provisions of the Administrative Review Law and all rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

And **House Bill No. 1780**, as amended, was returned to the order of

third reading.

On motion of Senator Shadid, **House Bill No. 1869** was recalled from the order of third reading to the order of second reading.

Senator Shadid offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1869 on page 3, line 28, after "9-1.2,", by inserting "9-2, 9-2.1, 9-3, 9-3.2, 9-3.3,"; and
on page 3, line 29, after "11-9,", by inserting "11-9.1,"; and
on page 3, line 30, after "11-22,", by inserting "12-3.1, 12-4.1, 12-4.2,"; and
on page 3, line 31, after "12-6,", by inserting "12-6.2,"; and
on page 3, line 31, after "12-7.1,", by inserting "12-7.3, 12-7.4,"; and
on page 3, line 32, after "12-16,", by inserting "12-16.2,"; and
on page 3, line 32, after "12-21.6,", by inserting "12-33,"; and
on page 3, line 33, after "18-4,", by inserting "18-5,"; and
on page 3, line 33, after "20-1.1,", by inserting "20-2,"; and
on page 3, line 33, after "24-1.2,", by inserting "24-3.3,".

The motion prevailed.

And the amendment was adopted, and ordered printed.

And **House Bill No. 1869**, as amended, was returned to the order of third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Clayborne, **House Bill No. 105** having been printed, was taken up and read by title a second time.

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

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 105 on page 1, by replacing lines 28 and 29 with the following:

"(3) communication;

(4) transportation; or

(5) employment."; and

on page 2, line 13, by inserting after "animal" the following:

"or exposes the assistance animal to any chemical that is hazardous to the assistance animal; however, an action against a person for exposing an assistance animal to a chemical that is hazardous to the assistance animal may be brought under this Act only if the person against whom the action is brought knew or reasonably should have known that the assistance animal was present and that the chemical was hazardous to the assistance animal"; and

on page 2, line 19, by changing "theft or attack" to "theft, attack, or exposure"; and

on page 2, line 22, by inserting after "animal" the following:

"or exposure of the assistance animal to any chemical that is hazardous to the assistance animal"; and

on page 2, line 24, by deleting "in the theft or attack"; and

on page 2, line 27, by inserting "the veterinary medical expenses and" after "limited to,"; and

on page 3, line 3, by inserting after "animal" the following:

"or exposure of the assistance animal to any chemical that is hazardous to the assistance animal"; and

on page 3, line 17, by inserting after "animal" the following:

"or exposure of the assistance animal to any chemical that is hazardous to the assistance animal".

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

Amendment No. 1 lost in the Committee on Revenue.

Senator Lauzen offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 134 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by adding the Division 11 heading of Article 10 and Section 10-240 as follows:

(35 ILCS 200/Art. 10, Div. 11 heading new)

DIVISION 11. VETERANS ORGANIZATION PROPERTY

(35 ILCS 200/10-240 new)

Sec. 10-240. Veterans organization assessment freeze.

(a) For the taxable year 2000 and thereafter, the assessed value of real property owned and used by a veterans organization chartered under federal law, on which is located the principal building for the post, camp, or chapter, must be frozen by the chief county assessment officer at (i) 85% of the 1999 assessed value of the property for property that qualifies for the assessment freeze in taxable year 2000 or (ii) 85% of the assessed value of the property for the taxable year that the property first qualifies for the assessment freeze after taxable year 2000. If, in any year, improvements or additions are made to the property that would increase the assessed value of the property were it not for this Section, then 85% of the assessed value of such improvements shall be added to the assessment of the property for that year and all subsequent years.

(b) The veterans organization must annually submit an application to the chief county assessment officer on or before December 31 of the assessment year. The initial application must contain the information required by the Department of Revenue, including (i) a copy of the organization's congressional charter, (ii) the location or description of the property on which is located the principal building for the post, camp, or chapter, (iii) a written instrument evidencing that the organization is the record owner or has a legal or equitable interest in the property, (iv) an affidavit that the organization is liable for paying the real property taxes on the property, and (v) the signature of the organization's chief presiding officer. Subsequent applications shall include any changes in the initial application and shall be signed by the organization's chief presiding officer. All applications shall be notarized.

(c) This Section shall not apply to parcels assessed under Section 15-145.

Section 90. The State Mandates Act is amended by adding Section 8.23 as follows:

(30 ILCS 805/8.23 new)

Sec. 8.23. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of 1999.

Section 99. Effective date. This Act takes effect July 4, 1999.".

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

Senator Berman offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 134, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 2, line 4, by replacing "years." with "years the property is eligible for the freeze."; and

on page 2, by replacing line 7 with "before (i) January 31 of the assessment year in counties with a population of 3,000,000 or more and (ii) December 31 of the assessment year in all other counties. The initial"; and

on page 2, line 22, by replacing "assessed" with "exempt".

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. 305** 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 305 on page 11, by deleting lines 10 through 31; and

on page 12, by replacing line 4 with the following:

"11-74.4-8a and adding Sections 8-8-3.5 and 11-74.4-4.2 as follows:

(65 ILCS 5/8-8-3.5 new)

Sec. 8-8-3.5. Tax Increment Financing Report. The reports filed under subsection (d) of Section 11-74.4-5 of the Tax Increment Allocation Redevelopment Act in the Illinois Municipal Code must be separate from any other annual report filed with the Comptroller. The Comptroller must, in cooperation with reporting municipalities, create a format for the reporting of information described in paragraphs 1.5 and 5 and in subparagraph (G) of paragraph 7 of subsection (d) of Section 11-74.4-5 of the Tax Increment Allocation Redevelopment Act that facilitates consistent reporting among the reporting municipalities. The Comptroller may allow these reports to be filed electronically and may display the report, or portions of the report, electronically via the Internet. All reports filed under this Section must be made available for examination and copying by the public at all reasonable times."; and

on page 16, line 30, before the colon, by inserting "to which it pertains"; and

on page 18, by replacing lines 13 through 15 with the following:

"within the intent of the Act and (ii) is reasonably distributed throughout the vacant part or parts of the redevelopment project area to which it pertains:"; and

on page 49, by replacing line 23 with the following:

"(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of"; and

on page 54, by replacing line 18 with the following:

"(a) The changes made by this amendatory Act of the 91st General Assembly do not apply to a municipality that, (i) before the effective date of this amendatory Act of the 91st General Assembly, has adopted an ordinance or resolution fixing a time and place for a

public hearing under Section 11-74.4-5 or (ii) before July 1, 1999, has adopted an ordinance or resolution providing for a feasibility study under Section 11-74.4-4.1, but has not yet adopted an ordinance approving redevelopment plans and redevelopment projects or designating redevelopment project areas under this Section, until after that municipality adopts an ordinance approving redevelopment plans and redevelopment projects or designating redevelopment project areas under this Section; thereafter the changes made by this amendatory Act of the 91st General Assembly apply to the same extent that they apply to redevelopment plans and redevelopment projects that were approved and redevelopment projects that were designated before the effective date of this amendatory Act of the 91st General Assembly.

By ordinance introduced in the governing body of the"; and

on page 62, by replacing line 28 with the following:

"Sec. 11-74.4-5. (a) The changes made by this amendatory Act of the 91st General Assembly do not apply to a municipality that, (i) before the effective date of this amendatory Act of the 91st General Assembly, has adopted an ordinance or resolution fixing a time and place for a public hearing under this Section or (ii) before July 1, 1999, has adopted an ordinance or resolution providing for a feasibility study under Section 11-74.4-4.1, but has not yet adopted an ordinance approving redevelopment plans and redevelopment projects or designating redevelopment project areas under Section 11-74.4-4, until after that municipality adopts an ordinance approving redevelopment plans and redevelopment projects or designating redevelopment project areas under Section 11-74.4-4; thereafter the changes made by this amendatory Act of the 91st General Assembly apply to the same extent that they apply to redevelopment plans and redevelopment projects that were approved and redevelopment projects that were designated before the effective date of this amendatory Act of the 91st General Assembly.

Prior to the adoption of an"; and

on page 70, lines 28 and 29, by replacing "in the financial report required under Section 3 of the Governmental Account Audit Act" with "under Section 8-8-3.5 of the Illinois Municipal Code".

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

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 305 on page 58, by replacing lines 17 through 20 with "purposes of this subsection, a property interest acquired in a single parcel of property by a member of the corporate authority, which property is used exclusively as the member's primary residence, shall not be deemed to constitute an interest in any property included in a redevelopment area or proposed redevelopment area that was established before December 31, 1989, but the member must disclose the acquisition to the municipal clerk under the provisions of this subsection.".

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. 306** 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 306 on page 1, line 7, by replacing "11-74.6-35 and 11-74.6-45" with "11-74.6-35, 11-74.6-45, and 11-74.6-50"; and

on page 47, by replacing lines 13 through 15 with the following:

"(65 ILCS 5/11-74.6-50)

Sec. 11-74.6-50. On or before the date which is 60 months following the date on which this amendatory Act of 1994 becomes law, the Department shall submit to the General Assembly a report detailing the number of redevelopment project areas that have been established, the number and type of jobs created or retained therein, the aggregate amount of tax increment incentives provided, the aggregate amount of private investment produced therein, the amount of tax increment revenue produced and available for expenditure within the tax increment financing districts and such additional information as the Department may determine to be relevant. On or after the date which is 16 years ~~72 months~~ following the date on which this amendatory Act of 1994 becomes law the authority granted hereunder to municipalities to establish redevelopment project areas and to adopt tax increment allocation financing in connection therewith shall expire unless the General Assembly shall have authorized municipalities to continue to exercise said powers.

(Source: P.A. 88-537.)".

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 Petka, **House Bill No. 470** was taken up and read by title a second time.

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

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

On motion of Senator Dudycz, **House Bill No. 526** having been printed, was taken up and read by title a second time.

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

Senator Dudycz offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 526 by replacing the title with the following:

"AN ACT concerning criminal law."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Sections 14-1 and 14-2 and by renumbering and changing Section 14.4 as follows:

(720 ILCS 5/14-1) (from Ch. 38, par. 14-1)

Sec. 14-1. Definition.

(a) Eavesdropping device.

An eavesdropping device is any device capable of being used to hear or record oral conversation or intercept, retain, or transcribe electronic communications whether such conversation or electronic communication is conducted in person, by telephone, or by any other means; Provided, however, that this definition shall not include devices used for the restoration of the deaf or hard-of-hearing to

normal or partial hearing.

(b) Eavesdropper.

An eavesdropper is any person, including law enforcement officers, who is a principal, as defined in this Article, or who operates or participates in the operation of any eavesdropping device contrary to the provisions of this Article.

(c) Principal.

A principal is any person who:

(1) Knowingly employs another who illegally uses an eavesdropping device in the course of such employment; or

(2) Knowingly derives any benefit or information from the illegal use of an eavesdropping device by another; or

(3) Directs another to use an eavesdropping device illegally on his behalf.

(d) Conversation.

For the purposes of this Article, the term conversation means any oral communication between 2 or more persons regardless of whether one or more of the parties intended their communication to be of a private nature under circumstances justifying that expectation.

(e) Electronic communication.

For purposes of this Article, the term electronic communication means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or part by a wire, radio, pager, computer, electromagnetic, photo electronic or photo optical system, where the sending and receiving parties intend the electronic communication to be private and the interception, recording, or transcription of the electronic communication is accomplished by a device in a surreptitious manner contrary to the provisions of this Article. Electronic communication does not include any communication from a tracking device.

(Source: P.A. 88-677, eff. 12-15-94.)

(720 ILCS 5/14-2) (from Ch. 38, par. 14-2)

Sec. 14-2. Elements of the offense; affirmative defense.

(a) A person commits eavesdropping when he:

(1) ~~(a)~~ Knowingly and intentionally uses an eavesdropping

device for the purpose of hearing or recording ~~to hear or record~~ all or any part of any conversation or intercepts, retains, or transcribes electronic communication unless he does so (A) ~~(1)~~ with the consent of all of the parties to such conversation or electronic communication or (B) ~~(2)~~ in accordance with Article 108A or Article 108B of the "Code of Criminal Procedure of 1963", approved August 14, 1963, as amended; or

(2) Manufactures, assembles, distributes, or possesses any electronic, mechanical, eavesdropping, or other device knowing that or having reason to know that the design of the device renders it primarily useful for the purpose of the surreptitious hearing or recording of oral conversations or the interception, retention, or transcription of electronic communications and the intended or actual use of the device is contrary to the provisions of this Article; or

(3) ~~(b)~~ Uses or divulges, except as authorized by this Article or by Article 108A or 108B of the "Code of Criminal Procedure of 1963", approved August 14, 1963, as amended, any information which he knows or reasonably should know was obtained through the use of an eavesdropping device.

(b) ~~(c)~~ It is an affirmative defense to a charge brought under this Article relating to the interception of a privileged communication that the person charged:

1. was a law enforcement officer acting pursuant to an order of interception, entered pursuant to Section 108A-1 or 108B-5 of the Code of Criminal Procedure of 1963; and

2. at the time the communication was intercepted, the officer was unaware that the communication was privileged; and

3. stopped the interception within a reasonable time after discovering that the communication was privileged; and

4. did not disclose the contents of the communication.

(c) It is not unlawful for a manufacturer or a supplier of eavesdropping devices, or a provider of wire or electronic communication services, their agents, employees, contractors, or venders to manufacture, assemble, sell, or possess an eavesdropping device within the normal course of their business for purposes not contrary to this Article or for law enforcement officers to manufacture, assemble, purchase, or possess an eavesdropping device in preparation for or within the course of their official duties.

(Source: P.A. 85-1203.)

(720 ILCS 5/14-4) (from Ch. 38, par. 14-4)

Sec. 14-4. ~~14.4.~~ Sentence.~~)~~

(a) Eavesdropping, for a first offense, is a Class 4 felony~~,~~ and, for a second or subsequent offense, is a Class 3 felony.

(b) The eavesdropping of an oral conversation or an electronic communication between any law enforcement officer, State's Attorney, Assistant State's Attorney, the Attorney General, Assistant Attorney General, or a judge, while in the performance of his or her official duties, if not authorized by this Article or proper court order, is a Class 1 felony.

(Source: P.A. 79-781; revised 3-12-98.)".

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

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

On motion of Senator Weaver, **House Bill No. 606** having been printed, was taken up and read by title a second time.

Senator Weaver offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 606 by replacing everything after the enacting clause with the following:

"Section 5. The Riverboat Gambling Act is amended by changing Section 11 and adding Section 7.1 as follows:

(230 ILCS 10/7.1 new)

Sec. 7.1. Dockside gambling petition. An owners licensee may petition the Board for permission to conduct dockside gambling from it home dock location. The Board shall have the discretion to grant or deny petitions under this Section on a case by case basis.

(230 ILCS 10/11) (from Ch. 120, par. 2411)

Sec. 11. Conduct of gambling.

(a) Gambling may be conducted by licensed owners aboard riverboats, subject to the following standards:

(1) No gambling may be conducted while a riverboat is docked, except as provided in Section 7.1.

(2) Riverboat cruises may not exceed 4 hours for a round trip, with the exception of any extended cruises, each of which shall be expressly approved by the Board.

(3) Minimum and maximum wagers on games shall be set by the licensee.

(4) Agents of the Board and the Department of State Police may board and inspect any riverboat at any time for the purpose of determining whether this Act is being complied with. Every riverboat, if under way and being hailed by a law enforcement

officer or agent of the Board, must stop immediately and lay to.

(5) Employees of the Board shall have the right to be present on the riverboat or on adjacent facilities under the control of the licensee.

(6) Gambling equipment and supplies customarily used in conducting riverboat gambling must be purchased or leased only from suppliers licensed for such purpose under this Act.

(7) Persons licensed under this Act shall permit no form of wagering on gambling games except as permitted by this Act.

(8) Wagers may be received only from a person present on a licensed riverboat. No person present on a licensed riverboat shall place or attempt to place a wager on behalf of another person who is not present on the riverboat.

(9) Wagering shall not be conducted with money or other negotiable currency.

(10) A person under age 21 shall not be permitted on an area of a riverboat where gambling is being conducted, except for

a person at least 18 years of age who is an employee of the riverboat gambling operation. No employee under age 21 shall perform any function involved in gambling by the patrons. No person under age 21 shall be permitted to make a wager under this Act.

(11) Gambling excursion cruises are permitted only when the navigable stream for which the riverboat is licensed is navigable, as determined by the Board in consultation with the U.S. Army Corps of Engineers.

(12) All tokens, chips or electronic cards used to make wagers must be purchased from a licensed owner either aboard a riverboat or at an onshore facility which has been approved by the Board and which is located where the riverboat docks. The tokens, chips or electronic cards may be purchased by means of an agreement under which the owner extends credit to the patron. Such tokens, chips or electronic cards may be used while aboard the riverboat only for the purpose of making wagers on gambling games.

(13) Notwithstanding any other Section of this Act, in addition to the other licenses authorized under this Act, the Board may issue special event licenses allowing persons who are not otherwise licensed to conduct riverboat gambling to conduct such gambling on a specified date or series of dates. Riverboat gambling under such a license may take place on a riverboat not normally used for riverboat gambling. The Board shall establish standards, fees and fines for, and limitations upon, such licenses, which may differ from the standards, fees, fines and limitations otherwise applicable under this Act. All such fees shall be deposited into the State Gaming Fund. All such fines shall be deposited into the Education Assistance Fund, created by Public Act 86-0018, of the State of Illinois.

(14) In addition to the above, gambling must be conducted in accordance with all rules adopted by the Board.

(Source: P.A. 86-1029; 86-1389; 87-826.)".

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 Burzynski, **House Bill No. 619** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 619 on page 2, line 21, by replacing "The" with "In addition, in a municipality with a population of 1,000,000 or more inhabitants, if the customer does not have an identification issued by a governmental entity containing a photograph of the person being identified, the pawnbroker shall photograph the customer in color and record the customer's name, residence address, date of birth, social security number, gender,

height, and weight on the reverse side of the photograph. If the customer has no social security number, the pawnbroker shall record this fact. The".

Senator Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 619 on page 2, lines 10 and 11, by replacing "issued by a governmental entity" with "a driver's license or a State identification card issued by the Secretary of State"; and
on page 2, lines 13 and 14, by replacing "does not contain a photograph and is not issued by a governmental entity" with "is not a driver's license or a State identification card issued by the Secretary of State and does not contain a photograph".

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

Senator Luechtefeld offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 619, AS AMENDED, in Section 5, Sec. 5, subsection (b), by deleting "The regulation of identification required by pawnbrokers is an exclusive power and function of the State. A home rule unit may not regulate identification required by pawnbrokers. This subsection is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.".

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

Senator Burzynski offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend House Bill 619 on page 1, lines 2 and 6, by changing "Section 5" each time it appears to "Sections 0.05, 2, 5, 6, and 11"; and
on page 1, below line 6, by inserting the following:

"(205 ILCS 510/0.05)

Sec. 0.05. Administration of Act.

(a) This Act shall be administered by the Commissioner of Banks and Real Estate who shall have all of the following powers and duties in administering this Act:

(1) To promulgate reasonable rules for the purpose of administering the provisions of this Act.

(2) To issue orders for the purpose of administering the provisions of this Act and any rule promulgated in accordance with this Act.

(3) To appoint hearing officers and to hire employees or to contract with appropriate persons to execute any of the powers

granted to the Commissioner under this Section for the purpose of administering this Act and any rule promulgated in accordance with this Act.

(4) To subpoena witnesses, to compel their attendance, to administer an oath, to examine any person under oath, and to require the production of any relevant books, papers, accounts, and documents in the course of and pursuant to any investigation being conducted, or any action being taken, by the Commissioner in respect of any matter relating to the duties imposed upon, or the powers vested in, the Commissioner under the provisions of this Act or any rule promulgated in accordance with this Act.

(5) To conduct hearings.

(6) To impose civil penalties graduated up to $1,000 against any person for each violation of any provision of this Act, any rule promulgated in accordance with this Act, or any order of the Commissioner based upon the seriousness of the violation.

(6.5) To initiate injunction proceedings whenever it appears to the Commissioner that any person, whether licensed under this Act or not, is engaged or about to engage in an act or practice that constitutes or will constitute a violation of this Act or any rule prescribed under the authority of this Act. The Commissioner may, in his or her discretion, apply for an injunction, and upon a proper showing, any circuit court may enter a permanent or preliminary injunction or a temporary restraining order without bond to enforce this Act in addition to the penalties and other remedies provided for in this Act.

(7) To issue a cease and desist order and, for violations of this Act, any rule promulgated in accordance with this Act, or any other applicable law in connection with the operation of a pawnshop, to suspend a license issued under this Act for up to 30 days.

(8) To examine the affairs of any pawnshop if the Commissioner has reasonable cause to believe that unlawful or fraudulent activity is occurring, or has occurred, therein.

(9) In response to a complaint, to address any inquiries to any pawnshop in relation to its affairs, and it shall be the duty of the pawnshop to promptly reply in writing to such inquiries. The Commissioner may also require reports or information from any pawnshop at any time the Commissioner may deem desirable.

(10) To revoke a license issued under this Act if the Commissioner determines that (a) a licensee has been convicted of a felony in connection with the operations of a pawnshop; (b) a licensee knowingly, recklessly, or continuously violated this Act, a rule promulgated in accordance with this Act, or any order of the Commissioner; (c) a fact or condition exists that, if it had existed or had been known at the time of the original application, would have justified license refusal; or (d) the licensee knowingly submits materially false or misleading documents with the intent to deceive the Commissioner or any other party.

(11) Following license revocation, to take possession and control of a pawnshop for the purpose of examination, reorganization, or liquidation through receivership and to appoint a receiver, which may be the Commissioner, a pawnshop, or another suitable person.

(b) After consultation with local law enforcement officers, the Attorney General, and the industry, the Commissioner may by rule require that pawnbrokers operate video camera surveillance systems to record photographic representations of customers and retain the tapes produced for up to 30 days.

(c) Pursuant to rule, the Commissioner shall issue licenses on an annual or multi-year basis for operating a pawnshop. Any person currently operating or who has operated a pawnshop in this State during the 2 years preceding the effective date of this amendatory Act of 1997 shall be issued a license upon payment of the fee required under this Act. New applicants shall meet standards for a license as established by the Commissioner. Except with the prior written consent of the Commissioner, no individual, either a new applicant or a person currently operating a pawnshop, may be issued a license to operate a pawnshop if the individual has been convicted of a felony or of any criminal offense relating to dishonesty or breach of trust in connection with the operations of a pawnshop. The Commissioner shall establish license fees. The fees shall not exceed the amount reasonably required for administration of this Act. It shall be unlawful to operate a pawnshop without a license issued by the Commissioner.

(d) In addition to license fees, the Commissioner may, by rule, establish fees in connection with a review, approval, or provision of a service, and levy a reasonable charge to recover the cost of the review, approval, or service (such as a change in control, change in location, or renewal of a license). The Commissioner may also levy a reasonable charge to recover the cost of an examination if the Commissioner determines that unlawful or fraudulent activity has occurred. The Commissioner may require payment of the fees and charges provided in this Act by certified check, money order, an electronic transfer of funds, or an automatic debit of an account.

(e) The Pawnbroker Regulation Fund is established as a special fund in the State treasury. Moneys collected under this Act shall be deposited into the Fund and used for the administration of this Act. In the event that General Revenue Funds are appropriated to the Office of the Commissioner of Banks and Real Estate for the initial implementation of this Act, the Governor may direct the repayment from the Pawnbroker Regulation Fund to the General Revenue Fund of such advance in an amount not to exceed $30,000. The Governor may direct this interfund transfer at such time as he deems appropriate by giving appropriate written notice.

(f) The Commissioner may, by rule, require all pawnshops to provide for the expenses that would arise from the administration of the receivership of a pawnshop under this Act through the assessment of fees, the requirement to pledge surety bonds, or such other methods as determined by the Commissioner.

(g) All final administrative decisions of the Commissioner under this Act shall be subject to judicial review pursuant to the provisions of the Administrative Review Law. For matters involving administrative review, venue shall be in either Sangamon County or Cook County.

(Source: P.A. 90-477, eff. 7-1-98; 90-602, eff. 7-1-98.)

(205 ILCS 510/2) (from Ch. 17, par. 4652)

Sec. 2. Interest; fees. It shall be unlawful for any pawnbroker to charge or collect a greater benefit or percentage upon money advanced, and for the use and forbearance thereof, than the rate of 3% per month. Nothing in this Section shall be construed so as to conflict with the law pertaining to usury and the person receiving money so advanced may hold such moneys to pay any fees in addition to interest as herein provided.

Each pawnbroker, when making a loan under this Section, must disclose in printed form on the pawn contract the following information to the persons receiving the loan:

(1) the amount of money advanced, which must be designated as the amount financed;

(2) the maturity date of the pawn, which must be at least

30 days after the date of the pawn;

(3) the total pawn interest and service charge payable on the maturity date, which must be designated as the finance charge;

(4) the total of payments that must be paid to redeem the pledged goods on the maturity date, which must be designated as the total of payments; and

(5) the annual percentage rate, computed according to the regulations adopted by the Board of Governors of the Federal Reserve System under the Federal Truth in Lending Act.

Each pawnbroker may contract for and receive a monthly finance charge including interest and fees not to exceed one-fifth of the loan amount, as set forth herein, for appraising, investigating title, storing and insuring the collateral, closing the loan, making daily reports to local law enforcement officers including enhanced computerized reporting, complying with regulatory requirements, and for other expenses and losses of every nature whatsoever and for all other services. Such fees, when made and collected, shall not be deemed interest for any purpose of law. In addition to any other interest and fees prescribed by this Act, a pawnbroker may also charge and collect the cost of any government mandated taxes including, but not limited to, the cost of firearm background checks required under federal law.

(Source: P.A. 90-477, eff. 7-1-98.)"; and

on page 3, below line 11, by inserting the following:

"(205 ILCS 510/6) (from Ch. 17, par. 4656)

Sec. 6. Inspection of records.

(a) The book or computer records, as well as every article or other thing of value so pawned or pledged, shall at all times be open to the inspection of the Commissioner, the sheriff of the county, his deputies, or any members of the police force of any city in the county in which such pawnbroker does business. In addition, the Commissioner shall be authorized to inspect the books or records of any business he or she has reasonable cause to believe is conducting pawn transactions and should be licensed under this Act.

(b) The book or computer records, pawn tickets, or any other records required by the Commissioner under this Act or any rule promulgated in accordance with this Act shall be maintained for a

period of 3 years after the date on which the record or ticket was prepared. These records and tickets shall be open to inspection of the Commissioner at all times during this 3-year period.
(Source: P.A. 90-477, eff. 7-1-98.)
(205 ILCS 510/11) (from Ch. 17, par. 4661)
Sec. 11. Penalties. Every person who knowingly violates the provisions of this Act shall, for the first offense, be guilty of a Class C misdemeanor, and for each subsequent offense shall be guilty of a Class A misdemeanor, except that a person who knowingly violates this Act by operating a pawnshop without a license shall be guilty of a Class B misdemeanor for the first offense and shall be guilty of a Class A misdemeanor for any subsequent offense. ~~, provided, that~~ This Act shall not be construed as to, in any wise, impair the power of cities or villages in this State to license, tax, regulate except as to fee amounts, suppress, and prohibit pawnbrokers as now provided by law.
(Source: P.A. 90-477, eff. 7-1-98.)".

The motion prevailed and the amendment was adopted and ordered printed.
Senator Dudycz offered the following amendment:

AMENDMENT NO. 5

AMENDMENT NO. 5. Amend House Bill 619, AS AMENDED, in Section 5 of the bill, in Sec. 0.05, in subsection (a), by replacing "(3) To appoint hearing officers and to hire employees or to" with "(3) To appoint an Administrator of Pawnbroker Regulation who through the Commissioner shall appoint hearing officers and ~~to~~ hire employees or ~~to~~".

Senator Dudycz moved that the foregoing amendment be ordered to lie on the table.
The motion to table prevailed.
Senator Burzynski offered the following amendment and moved its adoption:

AMENDMENT NO. 6

AMENDMENT NO. 6. Amend House Bill 619, AS AMENDED, in Section 5 of the bill, in Sec. 5, by inserting immediately below the last line of subsection (b) the following:
"A county or municipality, including a home rule unit, may regulate a pawnbroker's identification requirements for persons pledging or pawning goods, articles, or other things to the pawnbroker in a manner that is not less restrictive than the regulation by the State of a pawnbroker's identification requirements for persons pledging or pawning goods, articles, or other things. A home rule unit may not regulate a pawnbroker's identification requirements for persons pledging or pawning goods, articles, or other things to the pawnbroker in a manner less restrictive than the regulation by the State of a pawnbroker's identification requirements for persons pledging or pawning goods, articles, or other things. 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 the powers and functions exercised by the State.".

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

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

On motion of Senator E. Jones, **House Bill No. 737** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 737 by replacing the title with the following:

"AN ACT concerning small claims cases."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Small Claim Alternative Disposition Act.

Section 5. Creation of positions. The Supreme Court may appoint referees in one or more judicial circuits, and, if so appointed, shall authorize the compensation of the referees with funds from the Mandatory Arbitration Fund. The Supreme Court shall determine the number of referees to be appointed, the judicial circuits in which the referees shall serve, and the compensation of the referees.

Section 10. Qualifications. Referees shall be licensed attorneys. The Supreme Court may establish other minimum qualifications for referees. Retired judges who are licensed attorneys, and meet the other minimum qualifications established by the Supreme Court, are eligible for appointment as referees.

Section 15. Status. Referees are not deemed to be judges for any purpose and service as a referee by a retired judge is not deemed to be judicial services as referred to in Article VI, Section 15, subsection (a) of the Illinois Constitution. Referees may hold other positions or offices and may practice law, subject to any restrictions established by Supreme Court rules or local court rules.

Retired judges who are referees shall be considered temporary employees of the Supreme Court and may be employed for a period not exceeding 75 working days without the suspension of retirement benefits under Article 18 of the Pension Code.

Section 20. Duties. Referees may hear only small claims cases as defined in Supreme Court rules (other than actions for the collection of taxes). A small claims case may be heard by a referee only if:

(i) all of the parties have consented to have the case heard by a referee; and

(ii) none of the parties are represented by an attorney.

For purposes of this Act, a corporation prosecuting as plaintiff or defending as defendant through an officer, director, manager, department manager, or supervisor of the corporation as authorized by Section 2-416 of the Code of Civil Procedure is not deemed to be

represented by an attorney.

A party may consent to have a small claims case heard by a referee by so indicating on a pleading or on a form specified in Supreme Court rules or local court rules or in any other manner specified in Supreme Court rules or local court rules.

After a small claims case has been assigned to a referee, the case may be reassigned to another referee or to a judge only as authorized in Supreme Court rules or local court rules.

Section 25. Powers; duties; conduct. Upon the Supreme Court appointing referees under this Act, the Supreme Court may:

(i) adopt any rules deemed appropriate, setting forth the powers of referees;

(ii) adopt rules of conduct for referees and place restrictions on other activities of referees which the Supreme Court may, in its discretion, determine to be appropriate; and

(iii) authorize circuit courts to adopt rules in relation to the matters set forth in subdivisions (i) and (ii) or any other matters deemed appropriate by the Supreme Court.

Section 30. Procedure. Referees shall adjudicate disputes at informal hearings in accordance with Supreme Court rules and local court rules. Hearings before referees may be scheduled as directed by the circuit court on weekdays during normal business hours, or as set by Supreme Court rule.

Section 35. Review. An action to review a decision of a referee shall be heard and determined by the circuit court. Commencement, pleadings, and practice in an action to review a decision of a referee shall be in accordance with Supreme Court rules. No new or additional evidence in support of or in opposition to any decision of a referee shall be heard by the circuit court. In an action to review a decision of a referee, the findings and conclusions of the referee on questions of fact shall be held to be prima facie true and correct, and the circuit court shall affirm the decision of the referral unless the decision is contrary to the manifest weight of the evidence. The judgment of a circuit court or order in an action to review a decision of a referee may be appealed in the same manner as any other judgment or order of the circuit court.

Section 40. Application. Nothing in this Act applies to alternative dispute resolution or mandatory arbitration established by law or rule.

Section 90. The Illinois Pension Code is amended by changing Section 18-127 as follows:

(40 ILCS 5/18-127) (from Ch. 108 1/2, par. 18-127)

Sec. 18-127. Retirement annuity - suspension on reemployment.

(a) A participant receiving a retirement annuity who is regularly employed for compensation by an employer other than a county, in any capacity, shall have his or her retirement annuity payments suspended during such employment. Upon termination of such employment, retirement annuity payments at the previous rate shall be resumed.

If such a participant resumes service as a judge, he or she shall receive credit for any additional service. Upon subsequent retirement, his or her retirement annuity shall be the amount

previously granted, plus the amount earned by the additional judicial service under the provisions in effect during the period of such additional service. However, if the participant was receiving the maximum rate of annuity at the time of re-employment, he or she may elect, in a written direction filed with the board, not to receive any additional service credit during the period of re-employment. In such case, contributions shall not be required during the period of re-employment. Any such election shall be irrevocable.

(b) Beginning January 1, 1991, any participant receiving a retirement annuity who accepts temporary employment from an employer other than a county or is a temporary employee of the Supreme Court in accordance with the Small Claim Alternative Disposition Act for a period not exceeding 75 working days in any calendar year shall not be deemed to be regularly employed for compensation or to have resumed service as a judge for the purposes of this Article. A day shall be considered a working day if the annuitant performs on it any of his duties under the temporary employment agreement.

(c) Except as provided in subsection (a), beginning January 1, 1993, retirement annuities shall not be subject to suspension upon resumption of employment for an employer, and any retirement annuity that is then so suspended shall be reinstated on that date.

(d) The changes made in this Section by Public Act 87-1265 ~~this amendatory Act of 1993 shall~~ apply to judges no longer in service on its effective date, as well as to judges serving on or after that date.

(Source: P.A. 86-1488; 87-1265.)

Section 95. The Code of Civil Procedure is amended by changing Section 2-1009A as follows:

(735 ILCS 5/2-1009A) (from Ch. 110, par. 2-1009A)

Sec. 2-1009A. Filing Fees. In each county authorized by the Supreme Court to utilize mandatory arbitration, the clerk of the circuit court shall charge and collect, in addition to any other fees, an arbitration fee of $8, except in counties with 3,000,000 or more inhabitants the fee shall be $10, at the time of filing the first pleading, paper or other appearance filed by each party in all civil cases, but no additional fee shall be required if more than one party is represented in a single pleading, paper or other appearance. Arbitration fees received by the clerk of the circuit court pursuant to this Section shall be remitted within one month after receipt to the State Treasurer for deposit into the Mandatory Arbitration Fund, a special fund in the State treasury for the purposes ~~purpose~~ of (i) providing compensation to referees under the Small Claim Alternative Disposition Act and (ii) funding mandatory arbitration programs and such other alternative dispute resolution programs as may be authorized by circuit court rule for operation in counties that have implemented mandatory arbitration, with a separate account being maintained for each county.

(Source: P.A. 88-108; 89-532, eff. 7-19-96.)".

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

ordered to a third reading.

On motion of Senator Maitland, **House Bill No. 1383** 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 Rauschenberger, **House Bill No. 1409** having been printed, was taken up and read by title a second time.

Senator Rauschenberger offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1409 by inserting immediately below the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by adding Section 9-220.2 as follows:

(220 ILCS 5/9-220.2 new)

Sec. 9-220.2. Water and sewer surcharges authorized.

(a) The Commission may authorize a water or sewer utility to file a surcharge which adjusts rates and charges to provide for recovery of (i) the cost of purchased water, (ii) the cost of purchased sewage treatment service, (iii) other costs which fluctuate for reasons beyond the utility's control or are difficult to predict, or (iv) costs associated with an investment in qualifying infrastructure plant, independent of any other matters related to the utility's revenue requirement. A surcharge approved under this Section can operate on an historical or a prospective basis.

(b) For purposes of this Section, "costs associated with an investment in qualifying infrastructure plant" include a return on the investment in and depreciation expense related to plant items or facilities (including, but not limited to, replacement mains, meters, services, and hydrants) which (i) are not reflected in the rate base used to establish the utility's base rates and (ii) are non-revenue producing. For purposes of this Section, a "non-revenue producing facility" is one that is not constructed or installed for the purpose of serving a new customer.

(c) On a periodic basis, the Commission shall initiate hearings to reconcile amounts collected under each surcharge authorized pursuant to this Section with the actual prudently incurred costs recoverable for each annual period during which the surcharge was in effect.".

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 Syverson, **House Bill No. 1720** 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 1720 by replacing the title with the following:

"AN ACT to amend the Criminal Code of 1961 by changing Sections

11-14, 11-15, 11-17, 11-18, and 11-19."; and
by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Sections 11-14, 11-15, 11-17, 11-18, and 11-19 as follows:

(720 ILCS 5/11-14) (from Ch. 38, par. 11-14)

Sec. 11-14. Prostitution.

(a) Any person who performs, offers or agrees to perform any act of sexual penetration as defined in Section 12-12 of this Code for any money, property, token, object, or article or anything of value, or any touching or fondling of the sex organs of one person by another person, for any money, property, token, object, or article or anything of value, for the purpose of sexual arousal or gratification commits an act of prostitution.

(b) Sentence.

Prostitution is a Class A misdemeanor. A person convicted of a second ~~third~~ or subsequent violation of this Section, or of any combination of such number of convictions under this Section and Sections 11-15 , 11-17, 11-18, 11-18.1 and 11-19 of this Code is ~~shall be~~ guilty of a Class 4 felony. When a person has one ~~2~~ or more prior convictions, the information or indictment charging that person shall state such prior conviction ~~convictions~~ so as to give notice of the State's intention to treat the charge as a felony. The fact of such prior conviction ~~convictions~~ is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.

(Source: P.A. 88-680, eff. 1-1-95.)

(720 ILCS 5/11-15) (from Ch. 38, par. 11-15)

Sec. 11-15. Soliciting for a prostitute.

(a) Any person who performs any of the following acts commits soliciting for a prostitute:

(1) Solicits another for the purpose of prostitution; or

(2) Arranges or offers to arrange a meeting of persons for the purpose of prostitution; or

(3) Directs another to a place knowing such direction is for the purpose of prostitution.

(b) Sentence. Soliciting for a prostitute is a Class A misdemeanor. A person convicted of a second ~~third~~ or subsequent violation of this Section, or of any combination of such number of convictions under this Section and Sections 11-14, 11-17, 11-18, 11-18.1 and 11-19 of this Code is ~~shall be~~ guilty of a Class 4 felony. When a person has one ~~2~~ or more prior convictions, the information or indictment charging that person shall state such prior conviction ~~convictions~~ so as to give notice of the State's intention to treat the charge as a felony. The fact of such prior conviction ~~convictions~~ is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.

(c) A peace officer who arrests a person for a violation of this Section may impound any vehicle used by the person in the commission of the offense. The person may recover the vehicle from the impound after a minimum of 2 hours after arrest upon payment of a fee of $200.

(Source: P.A. 85-1447.)

(720 ILCS 5/11-17) (from Ch. 38, par. 11-17)

Sec. 11-17. Keeping a Place of Prostitution. (a) Any person who has or exercises control over the use of any place which could offer seclusion or shelter for the practice of prostitution who performs any of the following acts keeps a place of prostitution:

(1) Knowingly grants or permits the use of such place for the purpose of prostitution; or

(2) Grants or permits the use of such place under circumstances from which he could reasonably know that the place is used or is to be used for purposes of prostitution; or

(3) Permits the continued use of a place after becoming aware of facts or circumstances from which he should reasonably know that the place is being used for purposes of prostitution.

(b) Sentence.

Keeping a place of prostitution is a Class A misdemeanor. A person convicted of a second ~~third~~ or subsequent violation of this Section, or of any combination of such number of convictions under this Section and Sections 11-14, 11-15, 11-18, 11-18.1 and 11-19 of this Code, is ~~shall be~~ guilty of a Class 4 felony. When a person has one ~~2~~ or more prior convictions, the information or indictment charging that person shall state such prior conviction ~~convictions~~ so as to give notice of the State's intention to treat the charge as a felony. The fact of such conviction ~~convictions~~ is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.

(Source: P.A. 85-1447.)

(720 ILCS 5/11-18) (from Ch. 38, par. 11-18)

Sec. 11-18. Patronizing a prostitute.

(a) Any person who performs any of the following acts with a person not his or her spouse commits the offense of patronizing a prostitute:

(1) Engages in an act of sexual penetration as defined in Section 12-12 of this Code with a prostitute; or

(2) Enters or remains in a place of prostitution with intent to engage in an act of sexual penetration as defined in Section 12-12 of this Code.

(b) Sentence.

Patronizing a prostitute is a Class A misdemeanor. A person convicted of a second ~~third~~ or subsequent violation of this Section, or of any combination of such number of convictions under this Section and Sections 11-14, 11-15, 11-17, 11-18.1 and 11-19 of this Code, is ~~shall be~~ guilty of a Class 4 felony. When a person has one ~~2~~ or more prior convictions, the information or indictment charging that person shall state such prior convictions so as to give notice of the State's intention to treat the charge as a felony. The fact of such conviction ~~convictions~~ is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.

(Source: P.A. 88-325.)

(720 ILCS 5/11-19) (from Ch. 38, par. 11-19)

Sec. 11-19. Pimping.

(a) Any person who receives any money, property, token, object, or article or anything of value from a prostitute, not for a lawful consideration, knowing it was earned in whole or in part from the practice of prostitution, commits pimping.

(b) Sentence.

Pimping is a Class A misdemeanor. A person convicted of a second ~~third~~ or subsequent violation of this Section, or of any combination of such number of convictions under this Section and Sections 11-14, 11-15, 11-17, 11-18 and 11-18.1 of this Code is ~~shall be~~ guilty of a Class 4 felony. When a person has one ~~2~~ or more prior convictions, the information or indictment charging that person shall state such prior conviction ~~convictions~~ so as to give notice of the State's intention to treat the charge as a felony. The fact of such conviction ~~convictions~~ is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.

(Source: P.A. 88-680, eff. 1-1-95.)".

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1720, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, on page 3, line 10, by inserting after "$200." the following:

"The fee shall be distributed to the unit of government whose peace officers made the arrest for a violation of this Section. This $200 fee includes the costs incurred by the unit of government to tow the vehicle to the impound.".

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

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 1720, AS AMENDED, in subsection (c) of Sec. 11-15 of Section 5, by inserting after "impound." the following:

"Upon the presentation of a signed court order by the defendant whose vehicle was impounded showing that the defendant has been acquitted of the offense of soliciting for a prostitute or that the charges have been dismissed against the defendant for that offense, the municipality shall refund the $200 fee to the defendant.".

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 Syverson, **House Bill No. 1773** having been printed, was taken up and read by title a second time.

Senator Syverson offered the following amendment and moved its

adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1773 on page 1, by inserting after line 9 the following:

"(a) Any individual or entity providing training in the use of automated external defibrillators, conducted in accordance with the standards with the American Red Cross, American Heart Association, or other courses approved by the Department of Public Health, is not liable for any civil damages as a result of any act or omission, except for willful and wanton misconduct, by that individual or entity in providing that training."; and

on page 1, line 10, by changing "(a)" to "(b)"; and
on page 1, line 24, by changing "(b)" to "(c)"; and
on page 1, line 26, by changing "(a)" to "(b)"; and
on page 1, line 28, by changing "(a)" to "(b)".

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 Sieben, **House Bill No. 1825** 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 1825 as follows:

on page 1, line 25, by replacing "before 1990" with "during 1984".

Senator Watson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1825 by replacing the title with the following:

"AN ACT to amend the Illinois Endangered Species Protection Act."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Endangered Species Protection Act is amended by adding Section 5.5 and changing Section 11 as follows:

(520 ILCS 10/5.5 new)

Sec. 5.5. Incidental taking.

(a) The Department may authorize, under prescribed terms and conditions, any taking otherwise prohibited by Section 3 if that taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. No taking under this Section shall be authorized by the Department unless the applicant submits to the Department a conservation plan.

(b) The conservation plan shall include but not be limited to the following:

(1) a description of the impact that the proposed taking is likely to have on one or more species on the Illinois list;

(2) the steps the applicant or other parties will take to minimize and mitigate that impact and the funding that will be available to implement those steps, including but not limited to bonds, insurance, or escrow;

(3) what alternative actions to the taking the applicant considered and the reasons why those alternatives will not be used;

(4) data and information to assure that the proposed taking will not reduce the likelihood of the survival or recovery of the endangered species or threatened species in the wild within the State of Illinois, the biotic community of which the species is a part, or the habitat essential to the species' existence in Illinois;

(5) an implementing agreement that specifically names, and describes the obligations and responsibilities of, all the parties that will be involved in the taking as authorized by the permit; and

(6) any other measures that the Department may require as being necessary or appropriate for purposes of the plan.

(c) After reviewing the application for incidental taking and the conservation plan, the Department may authorize the incidental taking if the Department finds, in a written decision explaining its conclusions, that the taking will meet all of the following requirements:

(1) the taking will not be the purpose of, but will be only incidental to, the carrying out of an otherwise lawful activity;

(2) the parties to the conservation plan will, to the maximum extent practicable, minimize and mitigate the impact caused by the taking;

(3) the parties to the conservation plan will ensure that adequate funding for the conservation plan will be provided;

(4) based on the best available scientific data, the Department has determined that the taking will not reduce the likelihood of the survival or recovery of the endangered species or threatened species in the wild within the State of Illinois, the biotic community of which the species is a part, or the

habitat essential to the species' existence in Illinois;

(5) any measures required under paragraph (6) of subsection (b) of this Section will be performed; and

(6) the public has received notice of the application and has had the opportunity to comment before the Department made any decision regarding the application.

(d) The Department may require that a party to the conservation plan make additional assurances that the requirements under items (b)(1) through (b)(6) of this Section will be met before authorizing incidental taking.

(e) The Department shall impose on the authorization for incidental taking any terms or conditions that the Department finds necessary to ensure that the requirements under items (b)(1) through (b)(6) of this Section will be met. These terms or conditions may

include but are not limited to reporting or monitoring requirements.

(f) If an applicant is party to a Habitat Conservation Plan approved by the U.S. Fish and Wildlife Service pursuant to Section 10 of the Endangered Species Act of 1973, P.L. 93-205, and amendments thereto, the Department may authorize taking that is incidental to the carrying out of an otherwise lawful activity. Authorization shall be issued only if the provisions of the Habitat Conservation Plan are found to meet the requirements set forth in subsection (c) of this Section.

(g) If an applicant has been authorized to take an endangered or threatened species under the terms of a biological opinion issued by the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act of 1973, P.L. 93-205, and amendments thereto or regulations implementing Section 7 (50 CFR Part 402), the Department may authorize taking that is incidental to the carrying out of an otherwise lawful activity. Authorization shall be issued only if the Department finds that the taking will not reduce the likelihood of the survival or recovery of the endangered species or threatened species in the wild within the State of Illinois, the biotic community of which the species is a part, or the habitat essential to the species' existence in Illinois.

(520 ILCS 10/11) (from Ch. 8, par. 341)

Sec. 11. Conservation program; public policy; rules.

(a) The Department, with the advice of the Board, shall actively plan and implement a program for the conservation of endangered and threatened species, by means which should include published data search, research, management, cooperative agreements with other agencies, identification, protection and acquisition of essential habitat, support of beneficial legislation, issuance of grants from appropriated funds, and education of the public.

(b) It is the public policy of all agencies of State and local governments to utilize their authorities in furtherance of the purposes of this Act by evaluating through a consultation process with the Department whether actions authorized, funded, or carried out by them are likely to jeopardize the continued existence of Illinois listed endangered and threatened species or are likely to result in the destruction or adverse modification of the designated essential habitat of such species, which policy shall be enforceable only by writ of mandamus; and where a State or local agency does so consult in furtherance of this public policy, such State or local agency shall be deemed to have complied with its obligations under the "Illinois Endangered Species Act", provided the agency action shall not result in the killing or injuring of any Illinois listed animal species, or provided that authorization for taking a listed species has been issued under Section 4, 5, or 5.5 of this Act. This paragraph (b) shall not apply to any project of a State agency on which a biological opinion has been issued (in accordance with

Section 7 of the Federal Endangered Species Act) prior to the effective date of this amendatory Act of 1985 stating that the action proposed by said project will not jeopardize the continued existence of any federal listed endangered or threatened species.

(c) The Department shall have the authority to adopt such rules

as are reasonable and necessary to implement the provisions of this Act.
(Source: P.A. 84-1065.)".

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 Halvorson, **House Bill No. 1959** having been read a second time on May 12, 1999, and Amendments numbered 1 and 3 thereto having been adopted, and the bill held on the order of second reading, was again taken up.

Floor Amendment No. 4 was held in the Committee on Commerce and Industry.

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

On motion of Senator Dudycz, **House Bill No. 2103** having been printed, was taken up and read by title a second time.

Senator Dudycz offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2103 on page 1, by inserting between lines 4 and 5 the following:

"Section 2. The Housing Authorities Act is amended by adding Section 8.23 as follows:

(310 ILCS 10/8.23 new)

Sec. 8.23. Notification to leaseholders of the prospective presence of felons and adjudicated delinquents in housing authority facilities; eviction.

(a) Immediately upon the receipt of the written notification, from the Department of Corrections under subsection (c) of Section 3-14-1 of the Unified Code of Corrections, that a felon or a person adjudicated delinquent for an offense that if committed by an adult would be a felony intends to reside, upon release from custody, at an address that is a housing facility owned, managed, operated, or leased by the Authority, the Authority must provide written notification to the leaseholder residing at that address.

(b) The Authority may not evict the leaseholder described in subsection (a) of this Section unless the Authority proves by a preponderance of the evidence that the leaseholder had knowledge of and consents to the felon's or adjudicated delinquent's intent to reside at the leaseholder's address.".

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

Senator Dudycz offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2103 on page 1, by inserting between lines 4 and 5 the following:

"Section 2. The Housing Authorities Act is amended by adding Section 8.23 as follows:

(310 ILCS 10/8.23 new)

Sec. 8.23. Notification to leaseholders of the prospective presence of felons in housing authority facilities; eviction.

(a) Immediately upon the receipt of the written notification, from the Department of Corrections under subsection (c) of Section 3-14-1 of the Unified Code of Corrections, that a felon intends to reside, upon release from custody, at an address that is a housing facility owned, managed, operated, or leased by the Authority, the Authority must provide written notification to the leaseholder residing at that address.

(b) The Authority may not evict the leaseholder described in subsection (a) of this Section unless the Authority proves by a preponderance of the evidence that the leaseholder had knowledge of and consents to the felon's intent to reside at the leaseholder's address."; and

on page 2, by replacing lines 10 through 12 with the following:

"offense. If a 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 Dudycz, **House Bill No. 2163** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2163 by replacing everything after the enacting clause with the following:

"Section 5. The Civil Administrative Code of Illinois is amended by adding Section 46.6d as follows:

(20 ILCS 605/46.6d new)

Sec. 46.6d. Joint International Tourism Program.".

Senator Dudycz offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2163, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, by replacing line 7 with the following:

"Sec. 46.6d. International Tourism Program.

(a) The Department of Commerce and Community Affairs must establish a grant program for international tourism. The Department shall develop and implement the program on January 1, 2000 by rule. As part of the program, the Department shall assist the City of Chicago's Office of Tourism and other convention and tourism bureaus in Chicago in the formation of the Illinois Partnership for International Meetings and Tourism under the General Not For Profit Corporation Act of 1986. The Partnership's Board of Directors shall consist of the Director of Commerce and Community Affairs or his or

her designee, the chief executive of the City of Chicago's Office of Tourism, and 3 members appointed by the Director of Commerce and Community Affairs. One of the Director's appointees shall be a person with leadership experience at a convention and tourism bureau in Chicago certified by the Department, and 2 of the Director's appointees shall be persons with leadership experience at convention and tourism bureaus in the State outside the City of Chicago certified by the Department with active international tourism

marketing programs. The powers and duties of the Partnership shall be to (i) work with the Department for efficient use of their international tourism marketing resources, (ii) promote Illinois in international meetings and tourism markets, (iii) work with convention and tourism bureaus throughout the State to increase the number of international tourists to Illinois, and (iv) provide training, technical support, and grants to convention and tourism bureaus in cities other than Chicago.

(b) The Department shall make the grants from money in the International Tourism Fund, a special fund created in the State Treasury. Of the amounts deposited into the Fund in fiscal year 2000 after January 1, 2000, 55% shall be used for grants to convention and tourism bureaus in Chicago (other than the City of Chicago's Office of Tourism) and 45% shall be used for grants to the Illinois Partnership for International Meetings and Tourism. Of the amounts deposited into the Fund in fiscal year 2001 and thereafter, 27.5% shall be used for grants to the City of Chicago's Office of Tourism, 27.5% shall be used for grants to other convention and tourism bureaus in Chicago, and 45% shall be used for grants to the Illinois Partnership for International Meetings and Tourism. Of the amounts granted to the Partnership, not less than $1,000,000 shall be used annually to make grants to convention and tourism bureaus in cities other than Chicago that demonstrate their international tourism appeal and request to develop or expand their international tourism marketing program.

(c) A convention and tourism bureau is eligible to receive grant moneys under this Section if the bureau (i) is a unit of local government or is an entity established under the General Not For Profit Corporation Act of 1986, (ii) is affiliated with at least one municipality or county, (iii) employs at least one full-time staff person, and (iv) is certified by the Department as the designated recipient to serve an area of the State. The City of Chicago's Office of Tourism and all convention and tourism bureaus must provide matching funds equal to the grant to be eligible to receive the grant. Grants received by the City of Chicago's Office of Tourism and by convention and tourism bureaus in Chicago may be expended for the general purposes of promoting conventions and tourism.

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 International Tourism Fund.

Section 15. The Hotel Operators' Occupation Tax Act is amended by changing Section 6 as follows:

(35 ILCS 145/6) (from Ch. 120, par. 481b.36)

Sec. 6. Except as provided hereinafter in this Section, on or before the last day of each calendar month, every person engaged in the business of renting, leasing or letting rooms in a hotel in this State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the operator;

2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of renting, leasing or letting rooms in a hotel in this State;

3. Total amount of rental receipts received by him during the preceding calendar month from renting, leasing or letting rooms during such preceding calendar month;

4. Total amount of rental receipts received by him during the preceding calendar month from renting, leasing or letting rooms to permanent residents during such preceding calendar

month;

5. Total amount of other exclusions from gross rental receipts allowed by this Act;

6. Gross rental receipts which were received by him during the preceding calendar month and upon the basis of which the tax is imposed;

7. The amount of tax due;

8. Such other reasonable information as the Department may require.

If the operator's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 30 of such year; with the return for April, May and June of a given year being due by July 31 of such year; with the return for July, August and September of a given year being due by October 31 of such year, and with the return for October, November and December of a given year being due by January 31 of the following year.

If the operator's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 31 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which an operator may file his return, in the case of any operator who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such operator shall file a final return under this Act with the Department not more than 1 month after discontinuing such business.

Where the same person has more than 1 business registered with the Department under separate registrations under this Act, such person shall not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In his return, the operator shall determine the value of any consideration other than money received by him in connection with the renting, leasing or letting of rooms in the course of his business and he shall include such value in his return. Such determination shall be subject to review and revision by the Department in the manner hereinafter provided for the correction of returns.

Where the operator is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

The person filing the return herein provided for shall, at the time of filing such return, pay to the Department the amount of tax herein imposed. The operator filing the return under this Section shall, at the time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% or $25 per calendar year, whichever is greater, which is allowed to reimburse the operator for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request.

There shall be deposited in the Build Illinois Fund in the State Treasury for each State fiscal year 40% of the amount of total net proceeds from the tax imposed by subsection (a) of Section 3. Of the remaining 60%, $5,000,000 shall be deposited in the Illinois Sports Facilities Fund and credited to the Subsidy Account each fiscal year by making monthly deposits in the amount of 1/8 of $5,000,000 plus cumulative deficiencies in such deposits for prior months, and an

additional $8,000,000 shall be deposited in the Illinois Sports Facilities Fund and credited to the Advance Account each fiscal year by making monthly deposits in the amount of 1/8 of $8,000,000 plus any cumulative deficiencies in such deposits for prior months. (The deposits of the additional $8,000,000 during each fiscal year shall be treated as advances of funds to the Illinois Sports Facilities Authority for its corporate purposes to the extent paid to the Authority or its trustee and shall be repaid into the General Revenue Fund in the State Treasury by the State Treasurer on behalf of the Authority solely from collections of the tax imposed by the Authority pursuant to Section 19 of the Illinois Sports Facilities Act, as amended.)

Of the remaining 60% of the amount of total net proceeds from the tax imposed by subsection (a) of Section 3 after all required deposits in the Illinois Sports Facilities Fund, the amount equal to 8% of the net revenue realized from the Hotel Operators' Occupation Tax Act plus an amount equal to 8% of the net revenue realized from any tax imposed under Section 4.05 of the Chicago World's Fair-1992 Authority during the preceding month shall be deposited in the Local Tourism Fund each month for purposes authorized by Section 46.6a of the Civil Administrative Code of Illinois in the Local Tourism Fund, and beginning August 1, 1999 the amount equal to 6% of the net revenue realized from the Hotel Operators' Occupation Tax Act during the preceding month shall be deposited into the International Tourism Fund for the purposes authorized in Section 46.6d of the Civil Administrative Code of Illinois. "Net revenue realized for a month"

means the revenue collected by the State under that Act during the previous month less the amount paid out during that same month as refunds to taxpayers for overpayment of liability under that Act.

After making all these deposits, all other proceeds of the tax imposed under subsection (a) of Section 3 shall be deposited in the General Revenue Fund in the State Treasury. All moneys received by the Department from the additional tax imposed under subsection (b) of Section 3 shall be deposited into the Build Illinois Fund in the State Treasury.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the operator's last State income tax return. If the total receipts of the business as reported in the State income tax return do not agree with the gross receipts reported to the Department for the same period, the operator shall attach to his annual information return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The operator's annual information return to the Department shall also disclose pay roll information of the operator's business during the year covered by such return and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual tax returns by such operator as hereinbefore provided for in this Section.

If the annual information return required by this Section is not filed when and as required the taxpayer shall be liable for a penalty in an amount determined in accordance with Section 3-4 of the Uniform Penalty and Interest Act until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the

annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The foregoing portion of this Section concerning the filing of an annual information return shall not apply to an operator who is not required to file an income tax return with the United States Government.

(Source: P.A. 90-26, eff. 7-1-97.)

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

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

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

On motion of Senator E. Jones, **House Bill No. 2770** was taken up and read by title a second.

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

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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 131

Offered by Senator Link and all Senators:

Mourns the death of Joseph M. Kerpan of North Chicago.

The foregoing resolution was referred to the Resolutions Consent Calendar.

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

SENATE RESOLUTION NO. 132

WHEREAS, 49 states have reported over 124,000 cases of Lyme disease since 1980, with the actual number of cases closer to millions of people across the country; and

WHEREAS, Lyme disease is the most common tick-borne and vector-borne disease - representing more than 90% of such cases; and

WHEREAS, people infected with the disease live in every state in the Union; and

WHEREAS, the largest economic study of Lyme disease by the Lyme Disease Foundation, Society of Actuaries, and New York University Stem School of Business shows direct and indirect costs of Lyme disease to American society are over a billion dollars per year; and

WHEREAS, this study showed that medical bills for Lyme disease treatment was only 50% of the total costs incurred; and

WHEREAS, this study showed patients with serious disease cost an average of $70,000 per case and took an average of 5 physicians to get diagnosed - the same number of visits as those patients whose symptoms include the telltale Lyme rash; and

WHEREAS, patients' symptoms can include mental anguish, lost work time, lost school time, disruption in marital relationship, and death; and

WHEREAS, the manifestations of early disease may be mild flu-like symptoms and/or an enlarging rash and may first show up as serious late disseminated disease; and

WHEREAS, untreated Lyme disease can affect every body system,

causing serious, and sometimes permanent, damage to the brain, joints, heart, eyes, liver, spleen, blood vessels, and kidneys; and

WHEREAS, Lyme disease bacteria can cross the placenta and possibly affect fetal development; and

WHEREAS, Lyme disease is spread primarily by the bite of a tick infected with the bacterium Borrella burgdorferi; and

WHEREAS, infected ticks can be carried into out-of-habitat areas by a wide variety of animals and birds, and infect people in those

areas; and

WHEREAS, Lyme disease and other tick-borne diseases are bound by no seasonal limitations - ticks transmit the diseases year-round, and patients suffer year-round; and

WHEREAS, Lyme disease-carrying ticks can be found across the country - in woods, parks, beaches, and yards; and

WHEREAS, Lyme disease is most easily treated as soon as the tick bite or symptoms occur, and is more difficult to treat if not discovered before dissemination occurs, and for some may not be curable; and

WHEREAS, pets (cats, dogs) and livestock (cows, horses, goats) can also be infected with Lyme disease as well as other tick-borne disorders; and

WHEREAS, Lyme disease imitates other conditions and is therefore often misdiagnosed; and

WHEREAS, Lyme disease is difficult to diagnose because there is no reliable test that can prove who is infected or prove a patient has become bacteria-free; and

WHEREAS, Lyme disease was first described in Germany in 1883, the first US-acquired case was described by a Wisconsin physician in 1970; and

WHEREAS, the best solution to the disease is prevention through awareness; and

WHEREAS, awareness through education is essential to making the general public, healthcare professionals, employers, and insurers more knowledgeable about the seriousness of tick-borne diseases and more compassionate toward patients and their families; and

WHEREAS, people need to conduct prevention techniques to prevent other tick transmitted diseases, such as ehrlichiosis, babesiosia, tularemia, Rocky Mountain spotted fever, tick paralysis, Colorado tick fever, and relapsing fever; and

WHEREAS, the best prevention against these diseases is tick-reduction property management, tick-bite prevention, and proper tick removal; and

WHEREAS, prevention measures can significantly help reduce the number of people who have the disease, no one control method offers a perfect solution to all tick spread diseases; and

WHEREAS, Illinois has had 220 reported cases, which is only a fraction of the people affected by the disease in this state; and

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, That June is declared Lyme Disease Awareness Month. And, be it resolved that organizations and support groups that help educate the public regarding prevention, early detection, and management of the aforementioned diseases are honored for their efforts; and

RESOLVED, that Willy Burgdorfer, PhD, MD (hon), a Montana researcher who is Scientist Emeritus of the National Institutes of Health and founding board member of the first organization dedicated to Lyme disease - the Lyme Disease Foundation - is honored for his discovery of the causative agent of Lyme disease and his dedication to improving Public Health.

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 452
Senate Amendment No. 3 to House Bill 1134
Senate Amendment No. 1 to House Bill 1383
Senate Amendment No. 2 to House Bill 1383
Senate Amendment No. 3 to House Bill 1622
Senate Amendment No. 3 to House Bill 1780
Senate Amendment No. 1 to House Bill 2648

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 171
Motion to Concur in House Amendment 1 to Senate Bill 496
Motion to Concur in H.A.'s 1 & 2 to Senate Bill 648
Motion to Concur in House Amendment 1 to Senate Bill 653

At the hour of 9:09 o'clock p.m., the Chair announced that the Senate stand adjourned until Friday, May 14, 1999 at 8:30 o'clock a.m.