

State of Illinois
91st General Assembly
Final Senate Journal

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JOURNAL OF THE

[Nov. 17, 1999]

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

57TH LEGISLATIVE DAY

WEDNESDAY, NOVEMBER 17, 1999

12:00 O'CLOCK NOON

The Senate met pursuant to adjournment.
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
Prayer by Pastor Rick Wenneborg, Chatham Christian Church,
Chatham, Illinois.
Senator Sieben led the Senate in the Pledge of Allegiance.

Senator Myers moved that reading and approval of the Journal of
Tuesday, November 16, 1999 be postponed pending arrival of the
printed Journal.

The motion prevailed.

LEGISLATIVE MEASURES FILED

The following floor amendment to the Senate Resolution listed
below has been filed with the Secretary, and referred to the
Committee on Rules:

Senate Amendment No. 1 to Senate Resolution No. 202

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 809
Senate Amendment No. 4 to House Bill 809
Senate Amendment No. 4 to House Bill 2773
Senate Amendment No. 5 to House Bill 2773

REPORTS FROM STANDING COMMITTEES

Senator Cronin, Chairperson of the Committee on Education, to which was referred **Senate Joint Resolution No. 41** reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution 41** was placed on the

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Secretary's Desk.

Senator Burzynski, Chairperson of the Committee on Licensed Activities to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 239**, reported the same back with the recommendation that it be adopted.

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

Senator T. Walsh, Chairperson of the Committee on State Government Operations to which was referred **House Bill No. 1852** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

COMMUNICATION

ARTHUR L. BERMAN
SENATOR
9th LEGISLATIVE DISTRICT

November 17, 1999

The Honorable James "Pate" Philip
President of the Illinois Senate
327 State House
Springfield, IL 62706

Dear President Philip:

Please be advised that I am submitting this letter of resignation as Illinois State Senator of the 9th Legislative District effective January 2, 2000.

I have greatly enjoyed the privilege of serving in the Illinois General Assembly and I thank you for your courtesies.

Very truly yours,

s/Arthur L. Berman
Illinois State Senator

cc: Jim Harry
Secretary of the Senate

At the hour of 12:35 o'clock p.m., Senator Dudycz 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 passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 2883

A bill for AN ACT to amend the Illinois Vehicle Code by changing Sections 2-123, 6-204, and 16-104a.

Passed the House, November 17, 1999.

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ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bill No. 2883** was taken up, ordered printed and placed on first reading.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendments numbered 1, 2 and 3 to a bill of the following title, to-wit:

SENATE BILL NO. 618

A bill for AN ACT regarding appropriations.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference, to consist of five Members from each House, to consider the differences of the two Houses in regard to the amendments to the bill.

The Speaker of the House has appointed as such committee on the part of the House: Representatives Hannig, Schoenberg, Monique Davis; Tenhouse and Ryder.

Action taken by the House, November 17, 1999.

ANTHONY D. ROSSI, Clerk of the House

On motion of Senator Dudycz, the foregoing message from the House of Representatives, reporting refusal to recede from its Amendments numbered 1, 2 and 3 to **Senate Bill No. 618**, was taken up for immediate consideration.

Senator Dudycz moved that the Senate accede to the request of the

House of Representatives for a First Committee of Conference to adjust the differences arising between the two Houses on House Amendments numbered 1, 2 and 3 to Senate Bill No. 618.

The motion prevailed.

The President appointed as such Committee on the part of the Senate, the following: Senators Donahue, Maitland, Rauschenberger, Trotter and Welch.

Ordered that the Secretary inform the House of Representatives thereof.

INTRODUCTION OF A BILL

SENATE BILL NO. 1278. Introduced by Senator Klemm, a bill for AN ACT to amend the Illinois Health Facilities Planning Act by changing Sections 3 and 5.

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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 221

Offered by Senator Dillard and all Senators:
Mourns the death of Robert Counsell of Darien.

SENATE RESOLUTION NO. 222

Offered by Senator Link and all Senators:
Mourns the death of Michael Francis Balmes of Gurnee.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

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

SENATE RESOLUTION NO. 223

WHEREAS, The Solid Waste Tipping Fee Surcharge Task Force was created by Senate Resolution 152 of the 91st General Assembly to file a report concerning the loss of solid waste tipping fee surcharges on local governments in Illinois and ways to rectify that loss; and

WHEREAS, Senate Resolution 152 of the 91st General Assembly required that the Solid Waste Tipping Fee Surcharge Task Force file copies of its report with the Clerk of the House and the Secretary of the Senate on or before December 31, 1999; and that upon filing its report the committee is dissolved; and

WHEREAS, It has become necessary to extend the deadline by which the Solid Waste Tipping Fee Surcharge Task Force must report its findings; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the date by which the Solid Waste Tipping Fee Surcharge Task Force must file copies of its report with the

Clerk of the House and the Secretary of the Senate be changed from December 31, 1999 to December 31, 2000.

**READING A BILL FROM THE HOUSE OF REPRESENTATIVES
A FIRST TIME**

House Bill No. 2883, sponsored by Senators Dudycz - Shaw was taken up, read by title a first time and referred to the Committee on Rules.

REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its November 17, 1999 meeting, reported the following Senate Bill has been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Bill No. 1277.**

Senator Weaver, Chairperson of the Committee on Rules, during its November 17, 1999 meeting, reported the following House Bill has been assigned to the indicated Standing Committee of the Senate:

Licensed Activities: **House Bill No. 539.**

Senator Weaver, Chairperson of the Committee on Rules, during its November 17, 1999 meeting, reported the following Senate Resolution has been assigned to the indicated Standing Committee of the Senate:

Revenue: **Senate Joint Resolution No. 43.**

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

Senate Amendment No. 4 to House Bill 809
Senate Amendment No. 5 to House Bill 2773

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

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SENATE BILL RECALLED

On motion of Senator Burzynski, **Senate Bill No. 239** was recalled from the order of third reading to the order of second reading.

Senator Burzynski offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 239 by replacing the title with the following:

"AN ACT to amend the Real Estate License Act of 2000 by changing

Sections 1-10 and 5-60."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Real Estate License Act of 2000 is amended by changing Sections 1-10 and 5-60 as follows:

(225 ILCS 454/1-10)

Sec. 1-10. Definitions. In this Act, unless the context otherwise requires:

"Act" means the Real Estate License Act of 2000 ~~1999~~.

"Advisory Council" means the Real Estate Education Advisory Council created under Section 30-10 of this Act.

"Agency" means a relationship in which a real estate broker or licensee, whether directly or through an affiliated licensee, represents a consumer by the consumer's consent, whether express or implied, in a real property transaction.

"Applicant" means any person, as defined in this Section, who applies to OBRE for a valid license as a real estate broker, real estate salesperson, or leasing agent.

"Blind advertisement" means any real estate advertisement that does not include the sponsoring broker's business name and that is used by any licensee regarding the sale or lease of real estate, including his or her own, licensed activities, or the hiring of any licensee under this Act. The broker's business name in the case of a franchise shall include the franchise affiliation as well as the name of the individual firm.

"Board" means the Real Estate Administration and Disciplinary Board of OBRE.

"Branch office" means a sponsoring broker's office other than the sponsoring broker's principal office.

"Broker" means an individual, partnership, limited liability company, corporation, or registered limited liability partnership other than a real estate salesperson or leasing agent who for another and for compensation either directly or indirectly:

(1) Sells, exchanges, purchases, rents, or leases real estate.

(2) Offers to sell, exchange, purchase, rent, or lease real estate.

(3) Negotiates, offers, attempts, or agrees to negotiate the sale, exchange, purchase, rental, or leasing of real estate.

(4) Lists, offers, attempts, or agrees to list real estate for sale, lease, or exchange.

(5) Buys, sells, offers to buy or sell, or otherwise deals in options on real estate or improvements thereon.

(6) Supervises the collection, offer, attempt, or agreement to collect rent for the use of real estate.

(7) Advertises or represents himself or herself as being engaged in the business of buying, selling, exchanging, renting, or leasing real estate.

(8) Assists or directs in procuring or referring of prospects, intended to result in the sale, exchange, lease, or rental of real estate.

(9) Assists or directs in the negotiation of any transaction intended to result in the sale, exchange, lease, or

rental of real estate.

(10) Opens real estate to the public for marketing purposes.

(11) Sells, leases, or offers for sale or lease real estate at auction.

"Brokerage agreement" means a written or oral agreement between a sponsoring broker and a consumer for licensed activities to be provided to a consumer in return for compensation or the right to receive compensation from another. Brokerage agreements may constitute either a bilateral or a unilateral agreement between the broker and the broker's client depending upon the content of the brokerage agreement. All exclusive brokerage agreements shall be in writing.

"Client" means a person who is being represented by a licensee.

"Commissioner" means the Commissioner of Banks and Real Estate or a person authorized by the Commissioner, the Office of Banks and Real Estate Act, or this Act to act in the Commissioner's stead.

"Compensation" means the valuable consideration given by one person or entity to another person or entity in exchange for the performance of some activity or service. Compensation shall include the transfer of valuable consideration, including without limitation the following:

- (1) commissions;
- (2) referral fees;
- (3) bonuses;
- (4) prizes;
- (5) merchandise;
- (6) finder fees;
- (7) performance of services;
- (8) coupons or gift certificates;
- (9) discounts;
- (10) rebates;
- (11) a chance to win a raffle, drawing, lottery, or similar game of chance not prohibited by any other law or statute;
- (12) retainer fee; or
- (13) salary.

"Confidential information" means information obtained by a licensee from a client during the term of a brokerage agreement that (i) was made confidential by the written request or written instruction of the client, (ii) deals with the negotiating position of the client, or (iii) is information the disclosure of which could materially harm the negotiating position of the client, unless at any time:

- (1) the client permits the disclosure of information given by that client by word or conduct;
- (2) the disclosure is required by law; or
- (3) the information becomes public from a source other than the licensee.

"Confidential information" shall not be considered to include material information about the physical condition of the property.

"Consumer" means a person or entity seeking or receiving licensed activities.

"Continuing education school" means any person licensed by OBRE as a school for continuing education in accordance with Section 30-15 of this Act.

"Credit hour" means 50 minutes of classroom instruction in course work that meets the requirements set forth in rules adopted by OBRE.

"Customer" means a consumer who is not being represented by the licensee but for whom the licensee is performing ministerial acts.

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"Designated agency" means a contractual relationship between a sponsoring broker and a client under Section 15-50 of this Act in which one or more licensees associated with or employed by the broker are designated as agent of the client.

"Designated agent" means a sponsored licensee named by a sponsoring broker as the legal agent of a client, as provided for in Section 15-50 of this Act.

"Director" means the Director of the Real Estate Division, OBRE.

"Dual agency" means an agency relationship in which a licensee is representing both buyer and seller or both landlord and tenant in the same transaction. When the agency relationship is a designated agency, the question of whether there is a dual agency shall be determined by the agency relationships of the designated agent of the parties and not of the sponsoring broker.

"Employee" or other derivative of the word "employee", when used to refer to, describe, or delineate the relationship between a real estate broker and a real estate salesperson, another real estate broker, or a leasing agent, shall be construed to include an independent contractor relationship, provided that a written agreement exists that clearly establishes and states the relationship. All responsibilities of a broker shall remain.

"Escrow moneys" means all moneys, promissory notes or any other type or manner of legal tender or financial consideration deposited with any person for the benefit of the parties to the transaction. A transaction exists once an agreement has been reached and an accepted real estate contract signed or lease agreed to by the parties. Escrow moneys includes without limitation earnest moneys and security deposits, except those security deposits in which the person holding the security deposit is also the sole owner of the property being leased and for which the security deposit is being held.

"Inoperative" means a status of licensure where the licensee holds a current license under this Act, but the licensee is prohibited from engaging in licensed activities because the licensee is unsponsored or the license of the sponsoring broker with whom the licensee is associated or by whom he or she is employed is currently expired, revoked, suspended, or otherwise rendered invalid under this Act.

"Leasing Agent" means a person who is employed by a real estate broker to engage in licensed activities limited to leasing residential real estate who has obtained a license as provided for in Section 5-5 of this Act.

"License" means the document issued by OBRE certifying that the person named thereon has fulfilled all requirements prerequisite to licensure under this Act.

"Licensed activities" means those activities listed in the definition of "broker" under this Section.

"Licensee" means any person, as defined in this Section, who holds a valid unexpired license as a real estate broker, real estate salesperson, or leasing agent.

"Listing presentation" means a communication between a real

estate broker or salesperson and a consumer in which the licensee is attempting to secure a brokerage agreement with the consumer to market the consumer's real estate for sale or lease.

"Managing broker" means a broker who has supervisory responsibilities for licensees in one or, in the case of a multi-office company, more than one office and who has been appointed as such by the sponsoring broker ~~of the real estate firm~~.

"Medium of advertising" means any method of communication intended to influence the general public to use or purchase a particular good or service or real estate.

"Ministerial acts" means those acts that a licensee may perform

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for a consumer that are informative or clerical in nature and do not rise to the level of active representation on behalf of a consumer. Examples of these acts include without limitation (i) responding to phone inquiries by consumers as to the availability and pricing of brokerage services, (ii) responding to phone inquiries from a consumer concerning the price or location of property, (iii) attending an open house and responding to questions about the property from a consumer, (iv) setting an appointment to view property, (v) responding to questions of consumers walking into a licensee's office concerning brokerage services offered or particular properties, (vi) accompanying an appraiser, inspector, contractor, or similar third party on a visit to a property, (vii) describing a property or the property's condition in response to a consumer's inquiry, (viii) completing business or factual information for a consumer on an offer or contract to purchase on behalf of a client, (ix) showing a client through a property being sold by an owner on his or her own behalf, or (x) referral to another broker or service provider.

"OBRE" means the Office of Banks and Real Estate.

"Office" means a real estate broker's place of business where the general public is invited to transact business and where records may be maintained and licenses displayed, whether or not it is the broker's principal place of business.

"Person" means and includes individuals, entities, corporations, limited liability companies, registered limited liability partnerships, and partnerships, foreign or domestic, except that when the context otherwise requires, the term may refer to a single individual or other described entity.

"Personal assistant" means a licensed or unlicensed person who has been hired for the purpose of aiding or assisting a sponsored licensee in the performance of the sponsored licensee's job.

"Pocket card" means the card issued by OBRE to signify that the person named on the card is currently licensed under this Act.

"Pre-license school" means a school licensed by OBRE offering courses in subjects related to real estate transactions, including the subjects upon which an applicant is examined in determining fitness to receive a license.

"Pre-renewal period" means the period between the date of issue of a currently valid license and the license's expiration date.

"Real estate" means and includes leaseholds as well as any other interest or estate in land, whether corporeal, incorporeal, freehold,

or non-freehold, including timeshare interests, and whether the real estate is situated in this State or elsewhere.

"Real Estate Administration and Disciplinary Board" or "Board" means the Real Estate Administration and Disciplinary Board created by Section 25-10 of this Act.

"Salesperson" means any individual, other than a real estate broker or leasing agent, who is employed by a real estate broker or is associated by written agreement with a real estate broker as an independent contractor and participates in any activity described in the definition of "broker" under this Section.

"Sponsoring broker" means the broker who has issued a sponsor card to a licensed salesperson, another licensed broker, or a leasing agent.

"Sponsor card" means the temporary permit issued by the sponsoring real estate broker certifying that the real estate broker, real estate salesperson, or leasing agent named thereon is employed by or associated by written agreement with the sponsoring real estate broker, as provided for in Section 5-40 of this Act.

(Source: P.A. 91-245, eff. 12-31-99; 91-585, eff. 1-1-00; 91-603, eff. 1-1-00; revised 10-27-99.)

(225 ILCS 454/5-60)

Sec. 5-60. Broker licensed in another state; nonresident salesperson; reciprocal agreements; agent for service of process.

(a) A broker's license may be issued by OBRE to a broker licensed under the laws of another state of the United States, under the following conditions:

(1) the broker holds a broker's license in his or her state of domicile;

(2) the standards for that state for licensing as a broker are substantially equivalent to or greater than the minimum standards in the State of Illinois;

(3) the broker has been actively practicing as a broker in the broker's state of domicile for a period of not less than 2 years, immediately prior to the date of application;

(4) the broker furnishes OBRE with a statement under seal of the proper licensing authority of the state in which the broker is licensed showing that the broker has an active broker's license, that the broker is in good standing, and that no complaints are pending against the broker in that state; ~~and~~

(5) the broker completes a course of education and passes a test on Illinois specific real estate brokerage laws; ~~and~~.

(6) OBRE has a reciprocal agreement with that state that includes the provisions of this Section.

(b) A nonresident salesperson employed by or associated with a nonresident broker holding a broker's license in this State pursuant to this Section may, in the discretion of OBRE, be issued a nonresident salesperson's license under the nonresident broker provided all of the following conditions are met:

(1) the salesperson maintains an active license in the state in which he or she is domiciled;

(2) the salesperson is domiciled in the same state as the broker with whom he or she is associated; ~~and~~

(3) the salesperson completes a course of education and passes a test on Illinois specific real estate brokerage laws; and-

(4) OBRE has a reciprocal agreement with that State that includes the provisions of this Section.

The nonresident broker with whom the salesperson is associated shall comply with the provisions of this Act and issue the salesperson a sponsor card upon the form provided by OBRE.

(c) As a condition precedent to the issuance of a license to a nonresident broker or salesperson, the broker or salesperson shall agree in writing to abide by all the provisions of this Act with respect to his or her real estate activities within the State of Illinois and submit to the jurisdiction of OBRE as provided in this Act. The agreement shall be filed with OBRE and shall remain in force for so long as the nonresident broker or salesperson is licensed by this State and thereafter with respect to acts or omissions committed while licensed as a broker or salesperson in this State.

(d) Prior to the issuance of any license to any nonresident, verification of active licensure issued for the conduct of such business in any other state must be filed with OBRE by the nonresident, and the same fees must be paid as provided in this Act for the obtaining of a broker's or salesperson's license in this State.

(e) Licenses previously granted under reciprocal agreements with other states shall remain in force so long as OBRE has a reciprocal agreement with the state that includes the requirements of this Section, unless that license is suspended, revoked, or terminated by OBRE for any reason provided for suspension, revocation, or

termination of a resident licensee's license. Licenses granted under reciprocal agreements may be renewed in the same manner as a resident's license.

(f) Prior to the issuance of a license to a nonresident broker or salesperson, the broker or salesperson shall file with OBRE a designation in writing that appoints the Commissioner to act as his or her agent upon whom all judicial and other process or legal notices directed to the broker or salesperson may be served. Service upon the agent so designated shall be equivalent to personal service upon the licensee. Copies of the appointment, certified by the Commissioner, shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. In the written designation, the broker or salesperson shall agree that any lawful process against the licensee that is served upon the agent shall be of the same legal force and validity as if served upon the licensee and that the authority shall continue in force so long as any liability remains outstanding in this State. Upon the receipt of any process or notice, the Commissioner shall forthwith mail a copy of the same by certified mail to the last known business address of the licensee.

(g) Any person holding a valid license under this Section shall be eligible to obtain a resident broker's or salesperson's license without examination should that person change their state of domicile

to Illinois and that person otherwise meets the qualifications or licensure under this Act.

(Source: P.A. 91-245, eff. 12-31-99.)

Section 99. Effective date. This Act takes effect December 31, 1999."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

HOUSE BILL RECALLED

On motion of Senator Fawell, **House Bill No. 809** was recalled from the order of third reading to the order of second reading.

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

Senators Shadid - Philip offered the following amendment:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend House Bill 809, AS AMENDED, by replacing the title with the following:

"AN ACT concerning vehicles."; and

by inserting after the enacting clause the following:

"Section 2. The State Finance Act is amended by changing Section 6z-23 as follows:

(30 ILCS 105/6z-23) (from Ch. 127, par. 142z-23)

Sec. 6z-23. All monies received by the Secretary of State pursuant to paragraph (f) of Section 2-119 of the Illinois Vehicle Code shall be deposited in the CDLIS/AAMVANet Trust Fund. The money in this Fund shall only be used by the Secretary of State to pay for (1) the enrollment of commercial drivers into the Commercial Driver License Information System (CDLIS), (2) network charges assessed Illinois by AAMVANet, Inc., for motor vehicle and driver records data and information, and (3) expenses (limited to equipment, maintenance, and software) related to the testing of applicants for commercial driver's licenses ~~equipment to be used for the testing of applicants~~

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~~for commercial driver's licenses and the maintenance of that equipment.~~

(Source: P.A. 91-537, eff. 8-13-99.)"; and

in the introductory clause of Section 5, by replacing "Section 12-815" with "Sections 3-626 and 12-815"; and

after the introductory clause of Section 5, by inserting the following:

"(625 ILCS 5/3-626)

Sec. 3-626. Korean War Veteran license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue special registration plates designated as Korean War Veteran license plates to residents of Illinois who participated in the United States Armed

Forces during the Korean War. The special plate issued under this Section shall be affixed only to passenger vehicles of the first division, motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined by Section 1-169 of this Code. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a \$15 fee for original issuance in addition to the applicable registration fee. Of this additional fee, \$13 shall be deposited into the Secretary of State Special License Plate Fund and \$2 shall be deposited into the Korean War Memorial Construction Fund. For each registration renewal period, a \$2 fee, in addition to the appropriate registration fee, shall be charged and shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Korean War Memorial Construction Fund is created as a special fund in the State treasury. All moneys in the Korean War Memorial Construction Fund shall, subject to appropriation, be used by the Department of Veteran Affairs to provide grants for construction of the Korean War Memorial to be located at Oak Ridge Cemetery in Springfield, Illinois. Upon the completion of the Memorial, the Department of Veteran Affairs shall certify to the State Treasurer that the construction of the Memorial has been completed. Upon the certification by the Department of Veteran Affairs, the State Treasurer shall transfer all moneys in the Fund and any future deposits into the Fund into the Secretary of State Special License Plate Fund.

(e) An individual who has been issued Korean War Veteran license plates for a vehicle and who has claimed and received a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act shall pay 50% of the original issuance and the regular annual fee for the registration of the vehicle as provided in Section 3-806.3 of this Code in addition to the fees specified in subsection (c) of this Section. ~~The 50% reduction shall not apply to the additional fee for the original issuance or the additional fee for each renewal under subsection (c).~~

(Source: P.A. 88-485; 88-560, eff. 8-4-94; 88-670, eff. 12-2-94; 89-98, eff. 1-1-96; 89-282, eff. 8-10-95; 89-626, eff. 8-9-96.)".

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Senator Shadid moved the adoption of the foregoing amendment.

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

And **House Bill No. 809**, 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. 1628** 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	Mitchell	Sieben
Burzynski	Hendon	Molaro	Silverstein
Clayborne	Jacobs	Munoz	Smith
Cronin	Jones, E.	Noland	Sullivan
Cullerton	Jones, W.	Obama	Syverson
DeLeo	Karpiel	O'Daniel	Trotter
del Valle	Klemm	O'Malley	Viverito
Demuzio	Lauzen	Parker	Walsh, L.
Dillard	Lightford	Peterson	Walsh, T.
Donahue	Link	Petka	Watson
Dudycz	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 Amendment adopted thereto.

Senator Myers asked and obtained unanimous consent for the Journal to reflect her affirmative vote on **House Bill No. 1628**.

Senator Luechtefeld asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **House Bill No. 1628**.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Burzynski, **House Bill No. 1276** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1276 by replacing the title with the following:

"AN ACT to amend the Illinois Municipal Code by changing Section 11-65-2."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 11-65-2 as follows:

(65 ILCS 5/11-65-2) (from Ch. 24, par. 11-65-2)

Sec. 11-65-2. Every city which has a population exceeding 75,000; and every city with a population of 12,500 or more but less than 25,000 that (i) is located in a county with a population of 250,000 or more but less than 260,000 and (ii) does not levy a property tax; has the power to acquire, construct, manage, control, maintain, and operate within its corporate limits a municipal convention hall or halls, with all necessary adjuncts thereto.

(Source: Laws 1961, p. 576.)

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

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

On motion of Senator Syverson, **House Bill No. 2773** having been printed, was taken up and read by title a second time.

Committee Amendment No. 1 was tabled in the Committee on Public Health and Welfare.

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2773 as follows:
by replacing the title with the following:

"AN ACT concerning child support, amending named Acts."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Sections 10-10.4, 10-26, and 12-10.2 as follows:

(305 ILCS 5/10-10.4)

Sec. 10-10.4. Payment of Support to State Disbursement Unit.

(a) As used in this Section:

"Order for support", "obligor", "obligee", and "payor" mean those terms as defined in the Income Withholding for Support Act, except that "order for support" shall not mean orders providing for spousal maintenance under which there is no child support obligation.

(b) Notwithstanding any other provision of this Code to the contrary, each court or administrative order for support entered or modified on or after October 1, 1999 shall require that support payments be made to the State Disbursement Unit established under Section 10-26 if:

(1) a party to the order is receiving child and spouse support services under this Article X; or

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

(c) ~~The Illinois Department shall provide notice to the obligor and, where applicable, to the obligor's payor to make Support payments~~ shall be made to the State Disbursement Unit if:

(1) the order for support was entered before October 1, 1999, and a party to the order is receiving child and spouse

support services under this Article X; or

(2) ~~the order for support was entered after January 1, 1994,~~ no party to the order is receiving child and spouse support services, and the support payments are being made through income withholding.

(c-5) If no party to the order is receiving child and spouse support services under this Article X, and the support payments are not being made through income withholding, then support payments

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shall be made as directed in the order for support.

(c-10) Within 15 days after the effective date of this amendatory Act of the 91st General Assembly, the Illinois Department shall provide written notice to the clerk of the circuit court, the obligor, and, where applicable, the obligor's payor to make payments to the State Disbursement Unit if:

(1) the order for support was entered before October 1, 1999, and a party to the order is receiving child and spouse support services under this Article X; or

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

(c-15) Within 15 days after the effective date of this amendatory Act of the 91st General Assembly, the clerk of the circuit court shall provide written notice to the obligor to make payments directly to the clerk of the circuit court if no party to the order is receiving child and spouse support services under this Article X, the support payments are not made through income withholding, and the order for support requires support payments to be made directly to the clerk of the circuit court.

(c-20) If the State Disbursement Unit receives a support payment that was not appropriately made to the Unit under this Section, the Unit shall immediately return the payment to the sender, including, if possible, instructions detailing where to send the support payments.

(d) The notices ~~notice~~ required under subsections (c-10) and (c-15) ~~subsection (c)~~ may be sent by ordinary mail, certified mail, return receipt requested, facsimile transmission, or other electronic process, or may be served upon the obligor or payor using any method provided by law for service of a summons. A copy of the notice shall be provided to the obligee and, when the order for support was entered by the court, to the clerk of the court.

(Source: P.A. 91-212, eff. 7-20-99.)

(305 ILCS 5/10-26)

Sec. 10-26. State Disbursement Unit.

(a) Effective October 1, 1999 the Illinois Department shall establish a State Disbursement Unit in accordance with the requirements of Title IV-D of the Social Security Act. The Illinois Department shall enter into an agreement with a State or local governmental unit or private entity to perform the functions of the State Disbursement Unit as set forth in this Section. ~~The purpose of the State Disbursement Unit shall be to~~ collect and disburse support payments made under court and administrative support orders:

(1) being enforced in cases in which child and spouse

support services are being provided under this Article X; and

(2) in all cases in which ~~the order for support was entered after January 1, 1994~~, child and spouse support services are not being provided under this Article X, and in which support payments are made under the provisions of the Income Withholding for Support Act.

(a-5) If the State Disbursement Unit receives a support payment that was not appropriately made to the Unit under this Section, the Unit shall immediately return the payment to the sender, including, if possible, instructions detailing where to send the support payments.

(b) All payments received by the State Disbursement Unit:

(1) shall be deposited into an account obtained by the State or local governmental unit or private entity, as the case may be, and

(2) distributed and disbursed by the State Disbursement Unit, in accordance with the directions of the Illinois

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Department, pursuant to Title IV-D of the Social Security Act and rules promulgated by the Department.

(c) All support payments assigned to the Illinois Department under Article X of this Code and rules promulgated by the Illinois Department that are disbursed to the Illinois Department by the State Disbursement Unit shall be paid into the Child Support Enforcement Trust Fund.

(d) If the agreement with the State or local governmental unit or private entity provided for in this Section is not in effect for any reason, the Department shall perform the functions of the State Disbursement Unit as set forth in this Section for a maximum of 12 months.

(e) The Illinois Department shall immediately conduct at least 4 regional training and educational seminars to educate the clerks of the circuit court on the general operation of the State Disbursement Unit, the role of the State Disbursement Unit, and the role of the clerks of the circuit court in the collection and distribution of child support payments.

(f) The Illinois Department shall conduct at least 4 regional educational and training seminars to educate payors, as defined in the Income Withholding for Support Act, on the general operation of the State Disbursement Unit, the role of the State Disbursement Unit, and the distribution of income withholding payments pursuant to this Section and the Income Withholding for Support Act.

(Source: P.A. 91-212, eff. 7-20-99.)

(305 ILCS 5/12-10.2) (from Ch. 23, par. 12-10.2)

Sec. 12-10.2. The Child Support Enforcement Trust Fund, to be held by the State Treasurer as ex-officio custodian outside the State Treasury, pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act, shall consist of (1) all support payments assigned to the Illinois Department under Article X of this Code and rules promulgated by the Illinois Department that are disbursed to the Illinois Department by the State Disbursement Unit established under Section 10-26, and (2) all federal grants received by the Illinois Department funded by Title

IV-D of the Social Security Act, except those federal funds received under the Title IV-D program as reimbursement for expenditures from the General Revenue Fund, and (3) incentive payments received by the Illinois Department from other states or political subdivisions of other states for the enforcement and collection by the Department of an assigned child support obligation in behalf of such other states or their political subdivisions pursuant to the provisions of Title IV-D of the Social Security Act, and (4) incentive payments retained by the Illinois Department from the amounts which otherwise would be paid to the Federal government to reimburse the Federal government's share of the support collection for the Department's enforcement and collection of an assigned support obligation on behalf of the State of Illinois pursuant to the provisions of Title IV-D of the Social Security Act, and (5) all fees charged by the Department for child support enforcement services, as authorized under Title IV-D of the Social Security Act and Section 10-1 of this Code, and any other fees, costs, fines, recoveries, or penalties provided for by State or federal law and received by the Department under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, and (5.5) all moneys transmitted to the Department by clerks of the circuit court pursuant to subdivision (u)(3) of Section 27.1 of the Clerks of Courts Act, subdivision (bb)(4) of Section 27.1a of that Act, subdivision (bb)(4) of Section 27.2 of that Act, and subdivision (bb)(4) of Section 27.2a of that Act, and (6) all amounts appropriated by the General Assembly for deposit into the Fund, and (7) any gifts, grants, donations, or awards from individuals, private

businesses, nonprofit associations, and governmental entities.

Disbursements from this Fund shall be only for the following purposes: (1) for the reimbursement of funds received by the Illinois Department through error or mistake, and (2) (blank), and (3) for payment of any administrative expenses, including payment to the Health Insurance Reserve Fund for group insurance costs at the rate certified by the Department of Central Management Services, except those required to be paid from the General Revenue Fund, including personal and contractual services, incurred in performing the Title IV-D activities authorized by Article X of this Code, and (3.5) for offsetting the cost of establishing the State Disbursement Unit under Section 10-26, and (4) for the reimbursement of the Public Assistance Emergency Revolving Fund for expenditures made from that Fund for payments to former recipients of public aid for child support made to the Illinois Department when the former public aid recipient is legally entitled to all or part of the child support payments, pursuant to the provisions of Title IV-D of the Social Security Act, and (5) for the payment of incentive amounts owed to other states or political subdivisions of other states that enforce and collect an assigned support obligation on behalf of the State of Illinois pursuant to the provisions of Title IV-D of the Social Security Act, and (6) for the payment of incentive amounts owed to political subdivisions of the State of Illinois that enforce and collect an assigned support obligation on behalf of the State pursuant to the provisions of Title IV-D of the Social Security Act, and (7) for payments of any amounts which are reimbursable to the Federal

government which are required to be paid by State warrant by either the State or Federal government. Disbursements from this Fund shall be by warrants drawn by the State Comptroller on receipt of vouchers duly executed and certified by the Illinois Department or any other State agency that receives an appropriation from the Fund.

(Source: P.A. 90-18, eff. 7-1-97; 90-587, eff. 6-4-98; 91-212, eff. 7-20-99; 91-400, eff. 7-30-99; revised 10-7-99.)

Section 10. The Clerks of Courts Act is amended by changing Sections 27.1, 27.1a, 27.2, and 27.2a as follows:

(705 ILCS 105/27.1) (from Ch. 25, par. 27.1)

Sec. 27.1. The fees of the Clerk of the Circuit Court in all counties having a population of 180,000 inhabitants or less shall be paid in advance, except as otherwise provided, and shall be as follows:

(a) Civil Cases	
(1) All civil cases except as otherwise provided.....	\$40
(2) Judicial Sales (except Probate).....	\$40
(b) Family	
(1) Commitment petitions under the Mental Health and Developmental Disabilities Code, filing transcript of commitment proceedings held in another county, and cases under the Juvenile Court Act of 1987.....	\$25
(2) Petition for Marriage Licenses.....	\$10
(3) Marriages in Court.....	\$10
(4) Paternity.....	\$40
(c) Criminal and Quasi-Criminal	
(1) Each person convicted of a felony.....	\$40
(2) Each person convicted of a misdemeanor, leaving scene of an accident, driving while intoxicated, reckless driving or drag racing, driving when license revoked or suspended, overweight, or no interstate commerce certificate, or when the disposition is court supervision.....	\$25

(3) Each person convicted of a business offense.....	\$25
(4) Each person convicted of a petty offense.	\$25
(5) Minor traffic, conservation, or ordinance violation, including without limitation when the disposition is court supervision:	
(i) For each offense.....	\$10
(ii) For each notice sent to the defendant's last known address pursuant to subsection (c) of Section 6-306.4 of the Illinois Vehicle Code.....	\$2
(iii) For each notice sent to the Secretary of State pursuant to subsection (c) of Section 6-306.4 of the Illinois Vehicle Code.....	\$2
(6) When Court Appearance required.....	\$15
(7) Motions to vacate or amend final orders..	\$10

(8) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of \$62.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(d) Other Civil Cases	
(1) Money or personal property claimed does not exceed \$500.....	\$10
(2) Exceeds \$500 but not more than \$10,000...	\$25
(3) Exceeds \$10,000, when relief in addition to or supplemental to recovery of money alone is sought in an action to recover personal property taxes or retailers occupational tax regardless of amount claimed.....	\$45
(4) The Clerk of the Circuit Court shall be entitled to receive, in addition to other fees allowed by law, the sum of \$62.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain, and in every equitable action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing his jury demand. If such a fee is not paid by either party, no jury shall be called in the action, suit, or proceeding, and the same shall be tried by the court without a jury.	
(e) Confession of judgment and answer	
(1) When the amount does not exceed \$1,000...	\$20
(2) Exceeds \$1,000.....	\$40
(f) Auxiliary Proceedings	
Any auxiliary proceeding relating to the collection of a money judgment, including garnishment, citation, or wage deduction action....	\$5
(g) Forcible entry and detainer	
(1) For possession only or possession and rent not in excess of \$10,000.....	\$10

(2) For possession and rent in excess of \$10,000.....	\$40
(h) Eminent Domain	
(1) Exercise of Eminent Domain.....	\$45
(2) For each and every lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessments by a jury.....	\$45
(i) Reinstatement	

	Each case including petition for modification of a judgment or order of Court if filed later than 30 days after the entry of a judgment or order, except in forcible entry and detainer cases and small claims and except a petition to modify, terminate, or enforce a judgement or order for child or spousal support or to modify, suspend, or terminate an order for withholding, petition to vacate judgment of dismissal for want of prosecution whenever filed, petition to reopen an estate, or redocketing of any cause.....	\$20
(j)	Probate	
	(1) Administration of decedent's estates, whether testate or intestate, guardianships of the person or estate or both of a person under legal disability, guardianships of the person or estate or both of a minor or minors, or petitions to sell real estate in the administration of any estate....	\$50
	(2) Small estates in cases where the real and personal property of an estate does not exceed \$5,000.....	\$25
	(3) At any time during the administration of the estate, however, at the request of the Clerk, the Court shall examine the record of the estate and the personal representative to determine the total value of the real and personal property of the estate, and if such value exceeds \$5,000 shall order the payment of an additional fee in the amount of.....	\$40
	(4) Inheritance tax proceedings.....	\$15
	(5) Issuing letters only for a certain specific reason other than the administration of an estate, including but not limited to the release of mortgage; the issue of letters of guardianship in order that consent to marriage may be granted or for some other specific reason other than for the care of property or person; proof of heirship without administration; or when a will is to be admitted to probate, but the estate is to be settled without administration.....	\$10
	(6) When a separate complaint relating to any matter other than a routine claim is filed in an estate, the required additional fee shall be charged for such filing.....	\$45
(k)	Change of Venue	
	From a court, the charge is the same amount as the original filing fee; however, the fee for preparation and certification of record on change of venue, when original documents or copies are forwarded.....	\$10
(l)	Answer, adverse pleading, or appearance	
	In civil cases.....	\$15

With the following exceptions:

- | | | |
|-----|---|------|
| (1) | When the amount does not exceed \$500..... | \$5 |
| (2) | When amount exceeds \$500 but not \$10,000. | \$10 |
| (3) | When amount exceeds \$10,000..... | \$15 |
| (4) | Court appeals when documents are forwarded, over 200 pages, additional fee per page over 200..... | 10¢ |
| (m) | Tax objection complaints | |
| | For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining the complaint..... | \$10 |
| (n) | Tax deed | |
| (1) | Petition for tax deed, if only one parcel is involved..... | \$45 |
| (2) | For each additional parcel involved, an additional fee of..... | \$10 |
| (o) | Mailing Notices and Processes | |
| (1) | All notices that the clerk is required to mail as first class mail..... | \$2 |
| (2) | For all processes or notices the Clerk is required to mail by certified or registered mail, the fee will be \$2 plus cost of postage. | |
| (p) | Certification or Authentication | |
| (1) | Each certification or authentication for taking the acknowledgement of a deed or other instrument in writing with seal of office..... | \$2 |
| (2) | Court appeals when original documents are forwarded, 100 pages or under, plus delivery costs. | \$25 |
| (3) | Court appeals when original documents are forwarded, over 100 pages, plus delivery costs..... | \$60 |
| (4) | Court appeals when original documents are forwarded, over 200 pages, additional fee per page over 200..... | 10¢ |
| (q) | Reproductions | |
| | Each record of proceedings and judgment, whether on appeal, change of venue, certified copies of orders and judgments, and all other instruments, documents, records, or papers: | |
| (1) | First page..... | \$1 |
| (2) | Next 19 pages, per page..... | 50¢ |
| (3) | All remaining pages, per page..... | 25¢ |
| (r) | Counterclaim | |
| | When any defendant files a counterclaim as part of his or her answer or otherwise, or joins another party as a third party defendant, or both, he or she shall pay a fee for each such counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid. | |
| (s) | Transcript of Judgment | |
| | From a court, the same fee as if case originally filed. | |
| (t) | Publications | |

The cost of publication shall be paid directly to the publisher by the person seeking the publication, whether the clerk is required by law to publish, or the parties to the action.

(u) Collections

(1) For all collections made for others, except the State and County and except in maintenance or child support cases, a sum equal to 2% of the amount collected and turned over.

(2) In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court, the Clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(3) In maintenance and child support matters, the Clerk may deduct from each payment an amount equal to the United States postage to be used in mailing the maintenance or child support check to the recipient. In such cases, the Clerk shall collect an annual fee of up to \$36 from the person making such payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. After June 30, 2000, in each case in which support payments must be made to the State Disbursement Unit as provided in Section 10-10.4 of the Illinois Public Aid Code, Section 507.1 of the Illinois Marriage and Dissolution of Marriage Act, or Section 21.1 of the Illinois Parentage Act of 1984, the Clerk shall retain \$5 of the fee and transmit the remaining \$31 to the State Treasurer for deposit into the Child Support Enforcement Trust Fund.

This \$36 annual fee ~~Such sum~~ shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited in a separate Maintenance and Child Support Collection Fund of which the Clerk shall be the custodian, ex officio, to be used by the Clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. Unless paid in cash or pursuant to an order for withholding, the payment of the fee shall be by a separate

instrument from the support payment and shall be made to the order of the Clerk. The Clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

(4) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

The Clerk shall also be entitled to a fee of \$5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and

Child Support Collection Fund.

(v) Correction of Cases

For correcting the case number or case title on any document filed in his office, to be charged against the party that filed the document..... \$10

(w) Record Search

For searching a record, per year searched..... \$4

(x) Printed Output

For each page of hard copy print output, when case records are maintained on an automated medium. \$2

(y) Alias Summons

For each alias summons issued..... \$2

(z) Expungement of Records

For each expungement petition filed..... \$15

(aa) Other Fees

Any fees not covered by this Section shall be set by rule or administrative order of the Circuit Court, with the approval of the Supreme Court.

(bb) Exemptions

No fee provided for herein shall be charged to any unit of State or local government or school district unless the Court orders another party to pay such fee on its behalf. The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government that is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws and ordinances. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(cc) Adoptions

(1) For an adoption.....\$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(dd) Adoption exemptions

No fee other than that set forth in subsection (cc) shall be charged to any person in connection with an adoption proceeding.

(ee) Additional Services

Beginning July 1, 1993, the clerk of the circuit court may provide such additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the public and by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(Source: P.A. 90-466, eff. 8-17-97; 90-796, eff. 12-15-98; 91-165, eff. 7-16-99; 91-321, eff. 1-1-00; 91-357, eff. 7-29-99; 91-612, eff. 10-1-99; revised 8-30-99.)

(705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

Sec. 27.1a. The fees of the clerks of the circuit court in all counties having a population in excess of 180,000 but not more than 650,000 inhabitants in the instances described in this Section shall be as provided in this Section. The fees shall be paid in advance

and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be \$150.

(A) When the amount of money or damages or the value of personal property claimed does not exceed \$250, \$10.

(B) When that amount exceeds \$250 but does not exceed \$500, \$20.

(C) When that amount exceeds \$500 but does not exceed \$2500, \$30.

(D) When that amount exceeds \$2500 but does not exceed \$15,000, \$75.

(E) For the exercise of eminent domain, \$150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, \$150.

(a-1) Family.

For filing a petition under the Juvenile Court Act of 1987, \$25.

For filing a petition for a marriage license, \$10.

For performing a marriage in court, \$10.

For filing a petition under the Illinois Parentage Act of 1984, \$40.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of \$15,000 or less, \$40. When the plaintiff unites his or her claim for possession with a claim for rent or damages

or both exceeding \$15,000, \$150.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed \$1500, \$50. When the amount exceeds \$1500, but does not exceed \$15,000, \$115. When the amount exceeds \$15,000, \$200.

(e) Appearance.

The fee for filing an appearance in each civil case shall be \$50, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only, \$20.

(B) When the amount in the case does not exceed \$1500, \$20.

(C) When that amount exceeds \$1500 but does not exceed \$15,000, \$40.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed \$1,000, \$10; when the amount exceeds \$1,000 but does not exceed \$5,000, \$20; and when the amount exceeds \$5,000, \$30.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and

small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, \$40.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, \$60.

(3) Petition to vacate order of bond forfeiture, \$20.

(h) Mailing.

When the clerk is required to mail, the fee will be \$6, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, \$10.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, \$80.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the

acknowledgment of a deed or other instrument in writing with the seal of office, \$4.

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, \$50.

(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, \$120.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of 20 cents per page.

(5) For reproduction of any document contained in the clerk's files:

(A) First page, \$2.

(B) Next 19 pages, 50 cents per page.

(C) All remaining pages, 25 cents per page.

(l) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of \$4 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of \$4.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for

access and dissemination of information approved by the Supreme Court.

(p) Commitment Petitions.

For filing commitment petitions under the Mental Health and Developmental Disabilities Code and for filing a transcript of commitment proceedings held in another county, \$25.

(q) Alias Summons.

For each alias summons or citation issued by the clerk, \$4.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of \$192.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, \$10; for recording the same, 25¢ for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of \$30 for each expungement petition filed and an additional fee of \$2 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, \$100, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be \$25.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii)

letters of office are issued for a particular purpose without administration of the estate, the fee shall be \$25.

(2) For administration of the estate of a ward, \$50, plus

the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be \$25.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be \$10.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, \$15.

(B) For filing a claim in an estate when the amount claimed is \$150 or more but less than \$500, \$10; when the amount claimed is \$500 or more but less than \$10,000, \$25; when the amount claimed is \$10,000 or more, \$40; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, \$40.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, \$10.

(F) For each jury demand, \$102.50.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, \$30, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed \$5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be \$10.

(H) For each certified copy of letters of office, of court order or other certification, \$1, plus 50¢ per page in excess of 3 pages for the document certified.

(I) For each exemplification, \$1, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the

- (w) Criminal and Quasi-Criminal Costs and Fees.
- (1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:
- (A) Felony complaints, \$80.
 - (B) Misdemeanor complaints, \$50.
 - (C) Business offense complaints, \$50.
 - (D) Petty offense complaints, \$50.
 - (E) Minor traffic or ordinance violations, \$20.
 - (F) When court appearance required, \$30.
 - (G) Motions to vacate or amend final orders, \$20.
 - (H) Motions to vacate bond forfeiture orders, \$20.
 - (I) Motions to vacate ex parte judgments, whenever filed, \$20.
 - (J) Motions to vacate judgment on forfeitures, whenever filed, \$20.
 - (K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, \$20.
- (2) In counties having a population in excess of 180,000 but not more than 650,000 inhabitants, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:
- (A) Minor traffic or ordinance violations, \$10.
 - (B) When court appearance required, \$15.
- (3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of \$62.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.
- (x) Transcripts of Judgment.
- For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.
- (y) Change of Venue.
- (1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.
- (2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, \$25.
- (z) Tax objection complaints.
- For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining on the complaint, \$25.
- (aa) Tax Deeds.
- (1) Petition for tax deed, if only one parcel is involved,

\$150.

(2) For each additional parcel, add a fee of \$50.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to 2.5% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned

to the clerk for non-sufficient funds, account closed, or payment stopped, \$25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to \$36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. After June 30, 2000, in each case in which support payments must be made to the State Disbursement Unit as provided in Section 10-10.4 of the Illinois Public Aid Code, Section 507.1 of the Illinois Marriage and Dissolution of Marriage Act, or Section 21.1 of the Illinois Parentage Act of 1984, the Clerk shall retain \$5 of the fee and transmit the remaining \$31 to the State Treasurer for deposit into the child Support Enforcement Trust Fund.

This \$36 annual fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of \$5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, \$15.

(dd) Exceptions.

(1) The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal

laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney.

(2) No fee provided herein shall be charged to any unit of local government or school district.

(3) The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(ee) Adoptions.

(1) For an adoption.....\$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding.

(Source: P.A. 90-466, eff. 8-17-97; 90-796, eff. 12-15-98; 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; revised 10-15-99.)

(705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

Sec. 27.2. The fees of the clerks of the circuit court in all counties having a population in excess of 650,000 inhabitants but less than 3,000,000 inhabitants in the instances described in this Section shall be as provided in this Section. In addition, the fees provided in this Section shall apply to all units of local government and school districts in counties with more than 3,000,000 inhabitants. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be \$150.

(A) When the amount of money or damages or the value of personal property claimed does not exceed \$250, \$10.

(B) When that amount exceeds \$250 but does not exceed \$500, \$20.

(C) When that amount exceeds \$500 but does not exceed \$2500, \$30.

(D) When that amount exceeds \$2500 but does not exceed \$15,000, \$75.

(E) For the exercise of eminent domain, \$150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, \$150.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of \$15,000 or less, \$40. When the plaintiff unites his or her claim for possession with a claim for rent or damages

or both exceeding \$15,000, \$150.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed \$1500, \$50. When the amount exceeds \$1500, but does not exceed \$15,000, \$115. When the amount exceeds \$15,000, \$200.

(e) Appearance.

The fee for filing an appearance in each civil case shall be \$50, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only; \$20.

(B) When the amount in the case does not exceed \$1500, \$20.

(C) When that amount exceeds \$1500 but does not exceed \$15,000, \$40.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed \$1,000, \$10; when the amount exceeds \$1,000 but does not exceed \$5,000, \$20; and when the amount exceeds \$5,000, \$30.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, \$40.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, \$60.

(3) Petition to vacate order of bond forfeiture, \$20.

(h) Mailing.

When the clerk is required to mail, the fee will be \$6, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, \$10.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, \$80.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the

acknowledgment of a deed or other instrument in writing with the seal of office, \$4.

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, \$50.

(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, \$120.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of 20 cents per page.

(5) For reproduction of any document contained in the clerk's files:

(A) First page, \$2.

(B) Next 19 pages, 50 cents per page.

(C) All remaining pages, 25 cents per page.

(l) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of \$4 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of \$4.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is

requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) Commitment Petitions.

For filing commitment petitions under the Mental Health and Developmental Disabilities Code, \$25.

(q) Alias Summons.

For each alias summons or citation issued by the clerk, \$4.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional

services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of \$192.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, \$10; for recording the same, 25¢ for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of \$30 for each expungement petition filed and an additional fee of \$2 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, \$100, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be \$25.

(B) When (i) proof of heirship alone is made, (ii) a

domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be \$25.

(2) For administration of the estate of a ward, \$50, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be \$25.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be \$10.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, \$15.

(B) For filing a claim in an estate when the amount claimed is \$150 or more but less than \$500, \$10; when the amount claimed is \$500 or more but less than \$10,000, \$25; when the amount claimed is \$10,000 or more, \$40; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, \$40.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, \$10.

(F) For each jury demand, \$102.50.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, \$30, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed \$5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be \$10.

(H) For each certified copy of letters of office, of court order or other certification, \$1, plus 50¢ per page in excess of 3 pages for the document certified.

(I) For each exemplification, \$1, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions,

orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

- (A) Felony complaints, \$80.
- (B) Misdemeanor complaints, \$50.
- (C) Business offense complaints, \$50.
- (D) Petty offense complaints, \$50.
- (E) Minor traffic or ordinance violations, \$20.
- (F) When court appearance required, \$30.
- (G) Motions to vacate or amend final orders, \$20.
- (H) Motions to vacate bond forfeiture orders, \$20.
- (I) Motions to vacate ex parte judgments, whenever filed, \$20.

(J) Motions to vacate judgment on forfeitures, whenever filed, \$20.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, \$20.

(2) In counties having a population of more than 650,000 but fewer than 3,000,000 inhabitants, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

- (A) Minor traffic or ordinance violations, \$10.
- (B) When court appearance required, \$15.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of \$50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, \$25.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, \$25.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, \$150.

(2) For each additional parcel, add a fee of \$50.
(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to 2.5% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the

office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, \$25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to \$36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. After June 30, 2000, in each case in which support payments must be made to the State Disbursement Unit as provided in Section 10-10.4 of the Illinois Public Aid Code, Section 507.1 of the Illinois Marriage and Dissolution of Marriage Act, or Section 21.1 of the Illinois Parentage Act of 1984, the Clerk shall retain \$5 of the fee and transmit the remaining \$31 to the State Treasurer for deposit into the Child Support Enforcement Trust Fund.

This \$36 annual fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of \$5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, \$15.

(dd) Exceptions.

The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the

Attorney General or any state's attorney. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(ee) Adoptions.

(1) For an adoption.....\$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding.

(Source: P.A. 90-466, eff. 8-17-97; 90-796, eff. 12-15-98; 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; revised 10-15-99.)

(705 ILCS 105/27.2a) (from Ch. 25, par. 27.2a)

Sec. 27.2a. The fees of the clerks of the circuit court in all counties having a population of 3,000,000 or more inhabitants in the instances described in this Section shall be as provided in this Section. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be \$190.

(A) When the amount of money or damages or the value of personal property claimed does not exceed \$250, \$15.

(B) When that amount exceeds \$250 but does not exceed \$1000, \$40.

(C) When that amount exceeds \$1000 but does not exceed \$2500, \$50.

(D) When that amount exceeds \$2500 but does not exceed \$5000, \$100.

(E) When that amount exceeds \$5000 but does not exceed \$15,000, \$150.

(F) For the exercise of eminent domain, \$150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, \$150.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of \$15,000 or less, \$75. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding \$15,000, \$225.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each

counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed \$1500, \$60. When the amount exceeds \$1500, but does not exceed \$5000, \$75. When the amount exceeds \$5000, but does not exceed \$15,000, \$175. When the amount exceeds \$15,000, \$250.

(e) Appearance.

The fee for filing an appearance in each civil case shall be \$75, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only, \$40.

(B) When the amount in the case does not exceed \$1500, \$40.

(C) When that amount exceeds \$1500 but does not exceed \$15,000, \$60.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed \$1,000, \$15; when the amount exceeds \$1,000 but does not exceed \$5,000, \$30; and when the amount exceeds \$5,000, \$50.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, \$50.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, \$75.

(3) Petition to vacate order of bond forfeiture, \$40.

(h) Mailing.

When the clerk is required to mail, the fee will be \$10, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, \$15.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, \$125.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, \$6.

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, \$75.

(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, \$150.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of 25 cents per page.

(5) For reproduction of any document contained in the clerk's files:

(A) First page, \$2.

(B) Next 19 pages, 50 cents per page.

(C) All remaining pages, 25 cents per page.

(l) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of \$6 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of \$6.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records,

multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) Commitment Petitions.

For filing commitment petitions under the Mental Health and Developmental Disabilities Code, \$50.

(q) Alias Summons.

For each alias summons or citation issued by the clerk, \$5.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for

additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of \$212.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, \$20; for recording the same, 50¢ for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of \$60 for each expungement petition filed and an additional fee of \$4 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, \$150, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be \$40.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without

administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be \$40.

(2) For administration of the estate of a ward, \$75, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be \$40.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or

(ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be \$20.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, \$25.

(B) For filing a claim in an estate when the amount claimed is \$150 or more but less than \$500, \$20; when the amount claimed is \$500 or more but less than \$10,000, \$40; when the amount claimed is \$10,000 or more, \$60; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, \$60.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, \$30.

(F) For each jury demand, \$137.50.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, \$50, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed \$5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be \$20.

(H) For each certified copy of letters of office, of court order or other certification, \$2, plus \$1 per page in excess of 3 pages for the document certified.

(I) For each exemplification, \$2, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the

provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

- (A) Felony complaints, \$125.
- (B) Misdemeanor complaints, \$75.
- (C) Business offense complaints, \$75.
- (D) Petty offense complaints, \$75.
- (E) Minor traffic or ordinance violations, \$30.
- (F) When court appearance required, \$50.
- (G) Motions to vacate or amend final orders, \$40.
- (H) Motions to vacate bond forfeiture orders, \$30.
- (I) Motions to vacate ex parte judgments, whenever filed, \$30.
- (J) Motions to vacate judgment on forfeitures, whenever filed, \$25.
- (K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, \$40.

(2) In counties having a population of 3,000,000 or more, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

- (A) Minor traffic or ordinance violations, \$30.
- (B) When court appearance required, \$50.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of \$112.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, \$40.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, \$50.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, \$250.

(2) For each additional parcel, add a fee of \$100.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to 3.0% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned

to the clerk for non-sufficient funds, account closed, or payment stopped, \$25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to \$36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. After June 30, 2000, in each case in which support payments must be made to the State Disbursement Unit as provided in Section 10-10.4 of the Illinois Public Aid Code, Section 507.1 of the Illinois Marriage and Dissolution of Marriage Act, or Section 21.1 of the Illinois Parentage Act of 1984, the Clerk shall retain \$5 of the fee and transmit the remaining \$31 to the State Treasurer for deposit into the Child Support Enforcement Trust Fund.

This \$36 annual fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of \$5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, \$25.

(dd) Exceptions.

(1) The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney.

(2) No fee provided herein shall be charged to any unit of local government or school district. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a

private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(ee) Adoption.

(1) For an adoption.....\$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding.

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(Source: P.A. 89-92, eff. 7-1-96; 89-593, eff. 8-1-96; 90-466, eff. 8-17-97; 90-796, eff. 12-15-98; 91-321, eff. 1-1-00; 91-612, eff. 10-1-99.)

Section 15. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Section 507.1 as follows:

(750 ILCS 5/507.1)

Sec. 507.1. Payment of Support to State Disbursement Unit.

(a) As used in this Section:

"Order for support", "obligor", "obligee", and "payor" mean those terms as defined in the Income Withholding for Support Act, except that "order for support" shall not mean orders providing for spousal maintenance under which there is no child support obligation.

(b) Notwithstanding any other provision of this Act to the contrary, each order for support entered or modified on or after October 1, 1999 shall require that support payments be made to the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code if:

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

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

(c) ~~The Illinois Department of Public Aid shall provide notice to the obligor and, where applicable, to the obligor's payor to make~~ Support payments shall be made to the State Disbursement Unit if:

(1) the order for support was entered before October 1, 1999, and a party to the order is receiving child and spouse support services under Article X of the Illinois Public Aid Code; or

(2) ~~the order for support was entered after January 1, 1994,~~ no party to the order is receiving child and spouse support services, and the support payments are being made through income withholding.

(c-5) If no party to the order is receiving child and spouse support services under Article X of the Illinois Public Aid Code, and the support payments are not made through income withholding, then support payments shall be made as directed by the order for support.

(c-10) Within 15 days after the effective date of this amendatory

Act of the 91st General Assembly, the Illinois Department shall provide written notice to the clerk of the circuit court, the obligor, and, where applicable, the obligor's payor to make payments to the State Disbursement Unit if:

(1) the order for support was entered before October 1, 1999, and a party to the order is receiving child and spouse support services under Article X of the Illinois Public Aid Code; or

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

(c-15) Within 15 days after the effective date of this amendatory Act of the 91st General Assembly, the clerk of the circuit court shall provide written notice to the obligor to make payments directly to the clerk of the circuit court if no party to the order is receiving child and spouse support services under Article X of the Illinois Public Aid Code, the support payments are not made through income withholding, and the order for support requires support payments to be made directly to the clerk of the circuit court.

(c-20) If the State Disbursement Unit receives a support payment that was not appropriately made to the Unit under this Section, the Unit shall immediately return the payment to the sender, including,

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if possible, instructions detailing where to send the support payment.

(d) The notices ~~notice~~ required under subsections (c-10) and (c-15) ~~subsection (c)~~ may be sent by ordinary mail, certified mail, return receipt requested, facsimile transmission, or other electronic process, or may be served upon the obligor or payor using any method provided by law for service of a summons. The Illinois Department of Public Aid shall provide a copy of the notice to the obligee and to the clerk of the court.

(Source: P.A. 91-212, eff. 7-20-99.)

Section 20. The Uniform Interstate Family Support Act is amended by adding Section 320 as follows:

(750 ILCS 22/320 new)

Sec. 320. Payment of Support to State Disbursement Unit.

(a) As used in this Section:

"Order for support", "obligor", "obligee", and "payor" mean those terms as defined in the Income Withholding for Support Act, except that "order for support" means an order entered by any tribunal of this State but shall not mean orders providing for spousal maintenance under which there is no child support obligation.

(b) Notwithstanding any other provision of this Act to the contrary, each order for support entered or modified on or after October 1, 1999 shall require that support payments be made to the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code if:

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

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

income withholding.

(c) Support payments shall be made to the State Disbursement Unit if:

(1) the order for support was entered before October 1, 1999, and a party to the order is receiving child and spouse support services under Article X of the Illinois Public Aid Code; or

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

(c-5) If no party to the order is receiving child and spouse support services under Article X of the Illinois Public Aid Code, and the support payments are not made through income withholding, then support payments shall be made as directed by the order for support.

(c-10) Within 15 days after the effective date of this amendatory Act of the 91st General Assembly, the Illinois Department shall provide written notice to the clerk of the circuit court, the obligor, and, where applicable, the obligor's payor to make payments to the State Disbursement Unit if:

(1) the order for support was entered before October 1, 1999, and a party to the order is receiving child and spouse support services under Article X of the Illinois Public Aid Code; or

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

(c-15) Within 15 days after the effective date of this amendatory Act of the 91st General Assembly, the clerk of the circuit court shall provide written notice to the obligor to make payments directly to the clerk of the circuit court if no party to the order is receiving child and spouse support services under Article X of the

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Illinois Public Aid Code, the support payments are not made through income withholding, and the order for support requires support payments to be made directly to the clerk of the circuit court.

(c-20) If the State Disbursement Unit receives a support payment that was not appropriately made to the Unit under this Section, the Unit shall immediately return the payment to the sender, including, if possible, instructions detailing where to send the support payments.

(d) The notices required under subsections (c-10) and (c-15) may be sent by ordinary mail, certified mail, return receipt requested, facsimile transmission, or other electronic process, or may be served upon the obligor or payor using any method provided by law for service of a summons. The Illinois Department of Public Aid shall provide a copy of the notice to the obligee and to the clerk of the court.

Section 25. The Illinois Parentage Act of 1984 is amended by changing Section 21.1 as follows:

(750 ILCS 45/21.1)

Sec. 21.1. Payment of Support to State Disbursement Unit.

(a) As used in this Section:

"Order for support", "obligor", "obligee", and "payor" mean those

terms as defined in the Income Withholding for Support Act, except that "order for support" shall not mean orders providing for spousal maintenance under which there is no child support obligation.

(b) Notwithstanding any other provision of this Act to the contrary, each order for support entered or modified on or after October 1, 1999 shall require that support payments be made to the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code if:

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

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

~~(c) The Illinois Department of Public Aid shall provide notice to the obligor and, where applicable, to the obligor's payor to make Support payments shall be made to the State Disbursement Unit if:~~

~~(1) the order for support was entered before October 1, 1999, and a party to the order is receiving child and spouse support services under Article X of the Illinois Public Aid Code; or~~

~~(2) the order for support was entered after January 1, 1994, no party to the order is receiving child and spouse support services, and the support payments are being made through income withholding.~~

(c-5) If no party to the order is receiving child and spouse support services under Article X of the Illinois Public Aid Code, and the support payments are not made through income withholding, then support payments shall be made as directed by the order for support.

(c-10) Within 15 days after the effective date of this amendatory Act of the 91st General Assembly, the Illinois Department shall provide written notice to the clerk of the circuit court, the obligor, and, where applicable, the obligor's payor to make payments to the State Disbursement Unit if:

(1) the order for support was entered before October 1, 1999, and a party to the order is receiving child and spouse support services under Article X of the Illinois Public Aid Code; or

(2) no party to the order is receiving child and spouse support services, and the support payments are being made through

income withholding.

(c-15) Within 15 days after the effective date of this amendatory Act of the 91st General Assembly, the clerk of the circuit court shall provide written notice to the obligor to make payments directly to the clerk of the circuit court if no party to the order is receiving child and spouse support services under Article X of the Illinois Public Aid Code, the support payments are not made through income withholding, and the order for support requires support payments to be made directly to the clerk of the circuit court.

(c-20) If the State Disbursement Unit receives a support payment that was not appropriately made to the Unit under this Section, the Unit shall immediately return the payment to the sender, including,

if possible, instructions detailing where to send the support payments.

(d) The notices ~~notice~~ required under subsections (c-10) and (c-15) ~~subsection (c)~~ may be sent by ordinary mail, certified mail, return receipt requested, facsimile transmission, or other electronic process, or may be served upon the obligor or payor using any method provided by law for service of a summons. The Illinois Department of Public Aid shall provide a copy of the notice to the obligee and to the clerk of the court.

(Source: P.A. 91-212, eff. 7-20-99.)

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

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 2773, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 1, line 10, after "12-10.2", by inserting "and adding Section 10-16.6"; and

on page 3, between lines 26 and 27, by inserting the following:

"(305 ILCS 5/10-16.6 new)

Sec. 10-16.6. Electronic Funds Transfer Committee.

(a) The Director of Public Aid shall establish within the Department an Electronic Funds Transfer Committee. The Director or his or her designee shall be a member of the committee and shall serve as chairperson of the committee. The Director shall appoint 4 other members of the committee, 2 of whom shall represent employers in this State and 2 of whom shall represent the banking industry in this State. The administrator of the State Disbursement Unit established under Section 10-26 shall be an ex officio member of the committee.

(b) The committee shall study ways to modify or expand the use of electronic funds transfers for the payment of child support. The committee shall report its findings and recommendations to the Governor and the General Assembly before December 1, 2001.

(c) The committee is abolished on December 1, 2001."; and on page 59, between lines 13 and 14, by inserting the following:

"Section 22. The Income Withholding for Support Act is amended by changing Section 35 as follows:

(750 ILCS 28/35)

Sec. 35. Duties of payor.

(a) It shall be the duty of any payor who has been served with an income withholding notice to deduct and pay over income as provided in this Section. The payor shall deduct the amount designated in the income withholding notice, as supplemented by any notice provided pursuant to subsection (f) of Section 45, beginning no later than the next payment of income which is payable or creditable to the obligor that occurs 14 days following the date the income withholding notice was mailed, sent by facsimile or other electronic means, or placed for personal delivery to or service on

the payor. The payor may combine all amounts withheld for the benefit of an obligee or public office into a single payment and transmit the payment with a listing of obligors from whom withholding

has been effected. The payor shall pay the amount withheld to the State Disbursement Unit within 7 business days after the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor. If the payor knowingly fails to pay any amount withheld to the State Disbursement Unit within 7 business days after the date the amount would have been paid or credited to the obligor, the payor shall pay a penalty of \$100 for each day that the withheld amount is not paid to the State Disbursement Unit after the period of 7 business days has expired. The failure of a payor, on more than one occasion, to pay amounts withheld to the State Disbursement Unit within 7 business days after the date the amount would have been paid or credited to the obligor creates a presumption that the payor knowingly failed to pay over the amounts. This penalty may be collected in a civil action which may be brought against the payor in favor of the obligee or public office. A finding of a payor's nonperformance within the time required under this Act must be documented by a certified mail return receipt showing the date the income withholding notice was served on the payor. For purposes of this Act, a withheld amount shall be considered paid by a payor on the date it is mailed by the payor, or on the date an electronic funds transfer of the amount has been initiated by the payor, or on the date delivery of the amount has been initiated by the payor. For each deduction, the payor shall provide the State Disbursement Unit, at the time of transmittal, with the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor.

After June 30, 2000, every payor that has 250 or more employees shall use electronic funds transfer to pay all amounts withheld under this Section. During the year 2001 and during each year thereafter, every payor that has fewer than 250 employees and that withheld income under this Section pursuant to 10 or more income withholding notices during December of the preceding year shall use electronic funds transfer to pay all amounts withheld under this Section.

Upon receipt of an income withholding notice requiring that a minor child be named as a beneficiary of a health insurance plan available through an employer or labor union or trade union, the employer or labor union or trade union shall immediately enroll the minor child as a beneficiary in the health insurance plan designated by the income withholding notice. The employer shall withhold any required premiums and pay over any amounts so withheld and any additional amounts the employer pays to the insurance carrier in a timely manner. The employer or labor union or trade union shall mail to the obligee, within 15 days of enrollment or upon request, notice of the date of coverage, information on the dependent coverage plan, and all forms necessary to obtain reimbursement for covered health expenses, such as would be made available to a new employee. When an order for dependent coverage is in effect and the insurance coverage is terminated or changed for any reason, the employer or labor union or trade union shall notify the obligee within 10 days of the termination or change date along with notice of conversion privileges.

For withholding of income, the payor shall be entitled to receive a fee not to exceed \$5 per month to be taken from the income to be paid to the obligor.

(b) Whenever the obligor is no longer receiving income from the payor, the payor shall return a copy of the income withholding notice to the obligee or public office and shall provide information for the

purpose of enforcing this Act.

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(c) Withholding of income under this Act shall be made without regard to any prior or subsequent garnishments, attachments, wage assignments, or any other claims of creditors. Withholding of income under this Act shall not be in excess of the maximum amounts permitted under the federal Consumer Credit Protection Act. If the payor has been served with more than one income withholding notice pertaining to the same obligor, the payor shall allocate income available for withholding on a proportionate share basis, giving priority to current support payments. If there is any income available for withholding after withholding for all current support obligations, the payor shall allocate the income to past due support payments ordered in cases in which cash assistance under the Illinois Public Aid Code is not being provided to the obligee and then to past due support payments ordered in cases in which cash assistance under the Illinois Public Aid Code is being provided to the obligee, both on a proportionate share basis. A payor who complies with an income withholding notice that is regular on its face shall not be subject to civil liability with respect to any individual, any agency, or any creditor of the obligor for conduct in compliance with the notice.

(d) No payor shall discharge, discipline, refuse to hire or otherwise penalize any obligor because of the duty to withhold income.

(Source: P.A. 90-673, eff. 1-1-99; 91-212, eff. 7-20-99.)".

Floor Amendment No. 4 was filed earlier today and held in the Committee on Rules.

Senator Syverson offered the following amendment and moved its adoption.

AMENDMENT NO. 5

AMENDMENT NO. 5. Amend House Bill 2773, AS AMENDED, by replacing the introductory clause of Section 5 with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Sections 10-10.4 and 10-26 and adding Section 10-16.6 as follows:"; and

in Section 5, by deleting all of Sec. 12-10.2; and
by deleting all of Section 10.

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.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Noland moved that **Senate Resolution No. 202**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Floor Amendment No. 1 was filed earlier today and held in the Committee on Rules.

Senator Noland moved that Senate Resolution No. 202, be adopted.
And on that motion a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Berman	Halvorson	Maitland	Shaw
Bomke	Hawkinson	Mitchell	Sieben
Bowles	Hendon	Molaro	Silverstein

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

The motion prevailed.
And the resolution was adopted.

Senator Dillard moved that **Senate Resolution No. 205**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Dillard moved that Senate Resolution No. 205, be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

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

The motion prevailed.
And the resolution was adopted.

Senator Philip moved that **Senate Resolution No. 216**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Philip moved that Senate Resolution No. 216, be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Berman	Halvorson	Mahar	Shaw
Bomke	Hawkinson	Maitland	Sieben
Bowles	Hendon	Mitchell	Silverstein
Burzynski	Jacobs	Myers	Smith
Clayborne	Jones, E.	Noland	Sullivan

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

The motion prevailed.
And the resolution was adopted.

Senator Maitland moved that **Senate Joint Resolution No. 45**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Maitland moved that Senate Joint Resolution No. 45, be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Radogno
Bomke	Halvorson	Mahar	Rauschenberger
Bowles	Hawkinson	Maitland	Shadid
Burzynski	Hendon	Mitchell	Shaw
Clayborne	Jacobs	Molaro	Sieben
Cronin	Jones, E.	Munoz	Silverstein
Cullerton	Jones, W.	Myers	Smith
DeLeo	Karpiel	Noland	Sullivan
del Valle	Klemm	Obama	Syverson

Demuzio	Lauzen	O'Daniel	Trotter
Dillard	Lightford	O'Malley	Walsh, L.
Donahue	Link	Parker	Walsh, T.
Dudycz	Luechtefeld	Peterson	Watson
Fawell	Madigan, L.	Petka	Weaver
			Welch

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

**CONSIDERATION OF HOUSE AMENDMENT TO SENATE BILL
ON SECRETARY'S DESK**

On motion of Senator R. Madigan, **Senate Bill No. 1103**, with House Amendment No. 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator R. Madigan moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

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Berman	Hawkinson	Maitland	Shaw
Bomke	Hendon	Mitchell	Sieben
Bowles	Jacobs	Molaro	Silverstein
Burzynski	Jones, E.	Munoz	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
Geo-Karis	Mahar	Shadid	Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 3 to **Senate Bill No. 1103**.

Ordered that the Secretary inform the House of Representatives thereof.

**CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL
ON SECRETARY'S DESK**

On motion of Senator Lauzen, **House Bill No. 1812**, with Senate

Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Lauzen moved that the Senate refuse to recede from its Amendments numbered 1 and 2 to House Bill No. 1812 and that a First Committee of Conference consisting of five members on the part of the Senate and five members on the part of the House be appointed to adjust the differences between the two Houses in regard to said amendments.

The motion prevailed.

The President appointed as such Committee on the part of the Senate, the following: Senators Cronin, Karpziel, Lauzen, Berman and Demuzio.

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF GOVERNOR'S VETO MESSAGES

Pursuant to Motion in Writing filed and journalized on November 16, 1999, Senator Petka moved that **Senate Bill No. 794** do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

Yeas 41; Nays 9; Present 1.

The following voted in the affirmative:

Bomke	Jacobs	Myers	Shaw
Burzynski	Jones, W.	Noland	Sieben
Cronin	Karpziel	O'Daniel	Silverstein
Cullerton	Lauzen	O'Malley	Sullivan
Dillard	Luechtefeld	Parker	Syverson
Donahue	Madigan, R.	Peterson	Viverito
Dudycz	Mahar	Petka	Walsh, L.

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Fawell	Maitland	Radogno	Walsh, T.
Geo-Karis	Mitchell	Rauschenberger	Watson
Hawkinson	Molaro	Shadid	Weaver
			Mr. President

The following voted in the negative:

del Valle	Hendon	Klemm	Link
Halvorson	Jones, E.	Lightford	Smith
			Trotter

The following voted present:

DeLeo

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the

contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Pursuant to Motion in Writing filed on November 4, 1999 and journalized November 16, 1999, Senator Halvorson moved to accept the Governor's specific recommendations for change to **Senate Bill No. 94**.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rauschenberger
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Mitchell	Sieben
Clayborne	Jacobs	Molaro	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 motion prevailed.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Pursuant to Motion in Writing filed and journalized on November 4, 1999, Senator Watson moved to accept the Governor's specific recommendations for change to **Senate Bill No. 464**.

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

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Berman	Halvorson	Maitland	Shaw
Bomke	Hawkinson	Mitchell	Sieben
Bowles	Hendon	Molaro	Silverstein
Burzynski	Jacobs	Munoz	Smith
Clayborne	Jones, E.	Myers	Sullivan
Cronin	Jones, W.	Noland	Syverson
Cullerton	Karpiel	Obama	Trotter
DeLeo	Klemm	O'Daniel	Viverito

del Valle	Lauzen	O'Malley	Walsh, L.
Demuzio	Lightford	Parker	Walsh, T.
Dillard	Link	Peterson	Watson
Donahue	Luechtefeld	Petka	Weaver
Dudycz	Madigan, L.	Radogno	Welch
Fawell	Madigan, R.	Rauschenberger	Mr. President
Geo-Karis	Mahar	Shadid	

The motion prevailed.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Pursuant to Motion in Writing filed on November 9, 1999 and journalized November 16, 1999, Senator Cronin moved to accept the Governor's specific recommendations for change to **Senate Bill No. 653**.

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Pursuant to Motion in Writing filed and journalized on November 4, 1999, Senator R. Madigan moved to accept the Governor's specific recommendations for change to **Senate Bill No. 801**.

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Pursuant to Motion in Writing filed on November 4, 1999 and journalized November 16, 1999, Senator Molaro moved to accept the Governor's specific recommendations for change to **Senate Bill No. 1136**.

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

READING A BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Sieben, **House Bill No. 1852** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on State

Government Operations, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1852 by replacing the title

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with the following:

"AN ACT to amend the Uniform Disposition of Unclaimed Property Act by changing Section 2a."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Uniform Disposition of Unclaimed Property Act is amended by changing Section 2a as follows:

(765 ILCS 1025/2a) (from Ch. 141, par. 102a)

Sec. 2a. (a) Business associations shall report, pursuant to Section 11 of this Act, all property and any earnings thereon to which the owner would be entitled that have remained unclaimed for 5 years and are therefore presumed abandoned. Before reporting and delivering property as required under this Act, a business association may deduct from the amount of otherwise reportable intangible personal property the economic loss suffered by it in connection with that intangible personal property arising from transactions involving the sale of tangible personal property at retail. This property shall consist of, but is not limited to:

- (1) unclaimed wages;
- (2) deposits or payment for repair or purchase of goods or services;
- (3) credit checks or memos, or customer overpayments;
- (4) stocks, bonds, or any other type of securities or debt instruments, and interest and dividends therefrom;
- (5) unidentified remittances, unrefunded overcharges;
- (6) unpaid claims, unpaid accounts payable or unpaid commissions; and
- (7) credit balances-accounts receivable, checks written off, employee bond buying and profit-sharing.

(b) Notwithstanding the provisions of subsection (a), any property due or owed by a business association to or for the benefit of another business association resulting from a transaction occurring in the normal and ordinary course of business shall be exempt from the provisions of this Act.

(Source: P.A. 90-167, eff. 7-23-97.)

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

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

INTRODUCTION OF A BILL

SENATE BILL NO. 1279. Introduced by Senator Halvorson, a bill for AN ACT to amend the School Code by adding Section 2-3.33a.

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

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 224

Offered by Senator Cronin and all Senators:
Mourns the death of John M. Feinen of Villa Park, brother of
Senator Doris Karpel.

The foregoing resolution was referred to the Resolutions Consent
Calendar.

At the hour of 1:40 o'clock p.m., on motion of Senator Fawell,
the Senate stood adjourned until Thursday, November 18, 1999 at 10:00
o'clock a.m.