

**STATE OF ILLINOIS**



**HOUSE JOURNAL**

**HOUSE OF REPRESENTATIVES**

**NINETY-FIFTH GENERAL ASSEMBLY**

**275TH LEGISLATIVE DAY**

**REGULAR & PERFUNCTORY SESSION**

**THURSDAY, MAY 29, 2008**

**11:11 O'CLOCK A.M.**

**HOUSE OF REPRESENTATIVES**  
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**275th Legislative Day**

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The House met pursuant to adjournment.  
Speaker of the House Madigan in the chair.  
Prayer by Assistant Doorkeeper of the House Wayne Padget.  
Representative Stephens led the House in the Pledge of Allegiance.  
By direction of the Speaker, a roll call was taken to ascertain the attendance of Members, as follows:  
114 present. (ROLL CALL 1)

By unanimous consent, Representatives William Davis, Osterman and Watson were excused from attendance.

### **REQUEST TO BE SHOWN ON QUORUM**

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Washington, should be recorded as present at the hour of 1:30 o'clock p.m.

### **LETTER OF TRANSMITTAL**

May 30, 2008

Mr. Mark Mahoney  
Chief Clerk of the House  
Room 402 State House  
Springfield, IL 62706

Dear Clerk Mahoney:

It has come to my attention that during my absence on Thursday, May 29, 2008 my switch was inadvertently voted during the Quorum Roll Call and on the roll call for HB 4905. The official House record should reflect my vote as "Absent" on those roll calls.

The record should also reflect my return to the roll as of 1:30 p.m. on Thursday May 29, 2008 and for the subsequent votes for the session day.

My request does not change the outcome of the legislation in question. Please feel free to contact my office should you have any questions or comments regarding this matter.

With kindest personal regards, I remain.

Sincerely yours,  
s/Michael J. Madigan  
Speaker of the House

### **TEMPORARY COMMITTEE ASSIGNMENTS**

Representative Lang replaced Representative Hannig in the Committee on Rules on May 29, 2008.

Representative Durkin replaced Representative Hassert in the Committee on Rules on May 29, 2008.

Representative Lyons replaced Representative Turner in the Committee on Rules on May 29, 2008.

Representative Lyons replaced Representative Hannig in the Committee on Rules on May 29, 2008.

Representative Meyer replaced Representative Hassert in the Committee on Rules on May 29, 2008.

Representative Lang replaced Representative Turner in the Committee on Rules on May 29, 2008.



Representative Stephens replaced Representative Hassert in the Committee on Rules on May 29, 2008.

### **REPORTS FROM THE COMMITTEE ON RULES**

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on May 29, 2008, reported the same back with the following recommendations:

#### **LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:**

That the bill be reported "approved for consideration" and be placed on the order of Second Reading--Short Debate: HOUSE BILL 2093.

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 2 to HOUSE BILL 2760.  
 Amendment No. 4 to HOUSE BILL 3424.  
 Amendment No. 2 to HOUSE BILL 3741.  
 Amendment No. 2 to HOUSE BILL 3742.  
 Amendment No. 2 to HOUSE BILL 4354.  
 Amendment No. 3 to HOUSE BILL 4903.  
 Amendment No. 5 to HOUSE BILL 4927.  
 Amendment No. 3 and 4 to SENATE BILL 1929.  
 Amendment No. 4 to SENATE BILL 2033.  
 Amendment No. 1 and 2 to SENATE BILL 2313.  
 Amendment No. 2 to SENATE BILL 2492.

That the Motion be reported "recommends be adopted" and placed on the House Calendar: Motion to concur with Senate Amendment No. 1 to HOUSE BILL 4221.

#### **LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:**

Environment & Energy: HOUSE AMENDMENT No. 4 to SENATE BILL 526.  
 Executive: HOUSE AMENDMENT No. 1 to HOUSE BILL 3200.  
 Human Services: HOUSE AMENDMENT No. 1 to SENATE BILL 2857.  
 Judiciary II - Criminal Law: Motion to concur with Senate Amendment No. 1 to HOUSE BILL 2859, HOUSE AMENDMENT No. 1 to HOUSE BILL 2424 and HOUSE AMENDMENT No. 1 to HOUSE BILL 2750.  
 Personnel and Pensions: HOUSE AMENDMENT No. 1 to SENATE BILL 2520.  
 State Government Administration: HOUSE RESOLUTION 1307.  
 Juvenile Justice Reform: HOUSE AMENDMENT No. 1 to HOUSE BILL 1518.

The committee roll call vote on the foregoing Legislative Measures is as follows:

3, Yeas; 1, Nay; 0, Answering Present.

Y Currie(D), Chairperson	N Black(R), Republican Spokesperson
Y Lang(D) (replacing Hannig)	A Hassert(R)
Y Turner(D)	

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on May 29, 2008, (A) reported the same back with the following recommendations:

#### **LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:**

That the resolution be reported "recommends be adopted" and be placed on the House Calendar:  
HOUSE JOINT RESOLUTION 137.

The committee roll call vote on the foregoing Legislative Measure is as follows:

4, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson  
Y Hannig(D)  
Y Lyons(D) (replacing Turner)

A Black(R), Republican Spokesperson  
Y Durkin(R) (replacing Hassert)

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on May 29, 2008, (B) reported the same back with the following recommendations:

**LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:**

That the bill be reported "approved for consideration" and be placed on the order of Second Reading--  
Short Debate: HOUSE BILL 2388.

The committee roll call vote on the foregoing Legislative Measure is as follows:

3, Yeas; 1, Nay; 0, Answering Present.

Y Currie(D), Chairperson  
Y Lyons(D) (replacing Hannig)  
Y Lang(D) (replacing Turner)

A Black(R), Republican Spokesperson  
N Meyer(R) (replacing Hassert)

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on May 29, 2008, (C) reported the same back with the following recommendations:

**LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:**

That the Floor Amendment be reported "recommends be adopted":  
Amendment No. 1 to HOUSE BILL 137.

**LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:**

Executive: SENATE BILL 848.

The committee roll call vote on the foregoing Legislative Measures is as follows:

3, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson  
Y Hannig(D)  
A Turner(D)

A Black(R), Republican Spokesperson  
Y Hassert(R)

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on May 29, 2008, (D) reported the same back with the following recommendations:

**LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:**

Environment & Energy: SENATE BILL 836.

The committee roll call vote on the foregoing Legislative Measure is as follows:

3, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson  
 A Hannig(D)  
 Y Turner(D)

A Black(R), Republican Spokesperson  
 Y Stephens(R) (replacing Hassert)

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on May 29, 2008, (E) reported the same back with the following recommendations:

**LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:**

Revenue: HOUSE AMENDMENT No. 1 to HOUSE BILL 2093.  
 Transportation and Motor Vehicles: HOUSE AMENDMENT No. 1 to HOUSE BILL 2388.  
 Gaming: HOUSE AMENDMENT No. 1 to HOUSE BILL 2650.

The committee roll call vote on the foregoing Legislative Measure is as follows:  
 3, Yeas; 2, Nays; 0, Answering Present.

Y Currie(D), Chairperson  
 Y Lang(D) (replacing Hannig)  
 Y Turner(D)

N Black(R), Republican Spokesperson  
 N Hassert(R)

**MOTIONS SUBMITTED**

Representative Flowers submitted the following written motion, which was referred to the Committee on Rules:

**MOTION**

I move to concur with Senate Amendments numbered 1 and 2 to HOUSE BILL 230.

Representative Coulson submitted the following written motion, which was referred to the Committee on Rules:

**MOTION**

I move to concur with Senate Amendments numbered 1 and 3 to HOUSE BILL 5595.

Representative Joyce submitted the following written motion, which was referred to the Committee on Rules:

**MOTION**

I move to concur with Senate Amendment No. 2 to HOUSE BILL 1040.

Representative Mathias submitted the following written motion, which was referred to the Committee on Rules:

**MOTION**

I move to recede from House Amendment No. 1 to SENATE BILL 2486.

Representative Mathias submitted the following written motion, which was placed on the Calendar on the order of Non-concurrence:

**MOTION #2**

I move to refuse to recede from House Amendment No. 1 to SENATE BILL 2486.

Representative Fortner submitted the following written motion, which was referred to the Committee on Rules:

**MOTION**

I move to recede from House Amendment No. 1 to SENATE BILL 2473.

Representative Black submitted the following written motion, which was placed on the order of Motions in Writing:

**MOTION**

Pursuant to Rule 60(b), I move to table HOUSE BILL 4164.

Representative Jerry Mitchell submitted the following written motion, which was referred to the Committee on Rules:

**MOTION**

I move to concur with Senate Amendment No. 1 to HOUSE BILL 4726.

Representative Franks submitted the following written motion, which was referred to the Committee on Rules:

**MOTION**

I move to concur with Senate Amendment No. 1 to HOUSE BILL 4449.

Representative Eddy submitted the following written motion, which was referred to the Committee on Rules:

**MOTION**

I move to concur with Senate Amendment No. 1 to HOUSE BILL 5768.

Representative Biggins submitted the following written motion, which was referred to the Committee on Rules:

**MOTION**

I move to concur with Senate Amendment No. 1 to HOUSE BILL 5069.

Representative Tryon submitted the following written motion, which was referred to the Committee on Rules:

**MOTION**

I move to recede from House Amendment No. 1 to SENATE BILL 2514.

**REQUEST FOR FISCAL NOTES**

Representative Black requested that Fiscal Notes be supplied for SENATE BILLS 326, as amended and 2636, as amended.

**LAND CONVEYANCE APPRAISAL NOTE SUPPLIED**

A Land Conveyance Appraisal Note has been supplied for HOUSE BILL 3424, as amended.

**JUDICIAL NOTE SUPPLIED**

A Judicial Note has been supplied for HOUSE BILL 3424, as amended.

**STATE DEBT IMPACT NOTE SUPPLIED**

A State Debt Impact Note has been supplied for HOUSE BILL 3424, as amended.

**PENSION NOTE SUPPLIED**

A Pension Note has been supplied for HOUSE BILL 3424, as amended.

**MESSAGES FROM THE SENATE**

A message from the Senate by

Ms. Shipley, Secretary:

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

HOUSE BILL 5494

A bill for AN ACT concerning land.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 5494

Senate Amendment No. 2 to HOUSE BILL NO. 5494

Passed the Senate, as amended, May 28, 2008.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 5494, AS AMENDED, immediately below Section 85, by inserting the following:

"Section 90. Upon the payment of the sum of \$6,750.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Madison County, Illinois, to James F. Stille.

Parcel No. 800XC47

That part of the Northeast Quarter of Section 36, Township 4 North, Range 8 West of the Third Principal Meridian, Madison County, State of Illinois, described as follows:

Commencing at an iron rod at the southeast corner of said Northeast Quarter of Section 36; thence on an assumed bearing of North 00 degrees 14 minutes 24 seconds East, on the east line of said Northeast Quarter of Section 36, a distance of 880.91 feet to the southeasterly right of way line of Relocated State Aid Route 10 and the Point of Beginning.

From said Point of Beginning; thence on said southeasterly right of way line of State Aid Route 10, the following two (2) courses and distances: (1) South 00 degrees 14 minutes 24 seconds West on said east line of the Northeast Quarter of Section 36, a distance of 185.37 feet; (2) North 50 degrees 57 minutes 58 seconds West, 119.05 feet; thence northeasterly 14.02 feet on a non-tangential curve to the right having a radius of 661.50 feet and being 33.00 feet southeasterly of the centerline of said State Aid Route 10, the chord of said curve bears North 39 degrees 38 minutes 29 seconds East, 14.02 feet; thence North 40 degrees 14 minutes 55 seconds East, 33.00 feet southeasterly of and parallel with said centerline of State Aid Route 10, a distance of 130.48 feet to the Point of Beginning.

Said Parcel 800XC47 herein described contains 0.1977 acre, or 8,610 square feet, more or less.

This conveyance is subject to any and all utility easements, and the rights existing to any and all facilities for said easements on the real estate herein above described.

Section 95. Upon the payment of the sum of \$4,800.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Tazewell County, Illinois:

Parcel No. 409596V

A part of the Southeast Quarter of Section 14, Township 25 North, Range 5 West of the Third Principal Meridian, Tazewell County, State of Illinois, more particularly described as follows.

Commencing at the northeast corner of the Southeast Quarter of said Section 14; thence South 00 degrees 29 minutes 29 seconds East along the east line of the Southeast Quarter of said Section 14 a distance of 139.37 feet to a point on the northwesterly existing right of way line of FAP Route 669 (IL

29), said point being 59.47 feet normally distant northwesterly of said centerline; thence South 33 degrees 55 minutes 35 seconds West along said right of way line 176.90 feet to a point 59.52 feet normally distant northwesterly of said centerline and the Point of Beginning.

From the Point of Beginning; thence South 34 degrees 03 minutes 05 seconds West along the proposed northwesterly right of way line 194.63 feet to a point 60.00 feet normally distant northwesterly of said centerline; thence North 60 degrees 10 minutes 43 seconds West along said proposed right of way line 17.18 feet to a point 77.14 feet normally distant northwesterly of said centerline, said point also being on the northwesterly existing right of way line; thence North 30 degrees 39 minutes 37 seconds East along said existing right of way line 242.01 feet to a point 90.86 feet normally distant northwesterly of said centerline; thence South 00 degrees 29 minutes 34 seconds East along said existing right of way line 55.47 feet to the Point of Beginning.

The said tract of land contains 5,140 square feet, more or less, or 0.118 acres, more or less."

AMENDMENT NO. 2. Amend House Bill 5494, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 3, line 9 by inserting ", to Old Heritage Landscape" after "Illinois".

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 5494 was placed on the Calendar on the order of Concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:

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

HOUSE BILL 5595

A bill for AN ACT concerning regulation.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 5595

Senate Amendment No. 3 to HOUSE BILL NO. 5595

Passed the Senate, as amended, May 28, 2008.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 5595 by deleting line 5 on page 6 through line 2 on page 7.

AMENDMENT NO. 3. Amend House Bill 5595 by replacing everything after the enacting clause with the following:

"Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 6.11 as follows:

(5 ILCS 375/6.11)

Sec. 6.11. Required health benefits; Illinois Insurance Code requirements. The program of health benefits shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t of the Illinois Insurance Code. The program of health benefits shall provide the coverage required under Sections 356g.5, 356u, 356w, 356x, 356z.2, 356z.4, 356z.6, ~~and~~ 356z.9, 356z.10, and 356z.11 ~~and 356z.9~~ of the Illinois Insurance Code. The program of health benefits must comply with Section 155.37 of the Illinois Insurance Code.

(Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; revised 12-4-07.)

Section 10. The Counties Code is amended by changing Section 5-1069.3 as follows:

(55 ILCS 5/5-1069.3)

Sec. 5-1069.3. Required health benefits. If a county, including a home rule county, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for

the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356u, 356w, 356x, 356z.6, ~~and 356z.9, 356z.10, and 356z.11~~ ~~and 356z.9~~ of the Illinois Insurance Code. The requirement that health benefits be covered as provided in this Section is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule county to which this Section applies must comply with every provision of this Section.

(Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; revised 12-4-07.)

Section 15. The Illinois Municipal Code is amended by changing Section 10-4-2.3 as follows:  
(65 ILCS 5/10-4-2.3)

Sec. 10-4-2.3. Required health benefits. If a municipality, including a home rule municipality, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356u, 356w, 356x, 356z.6, ~~and 356z.9, 356z.10, and 356z.11~~ ~~and 356z.9~~ of the Illinois Insurance Code. The requirement that health benefits be covered as provided in this is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule municipality to which this Section applies must comply with every provision of this Section.

(Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; revised 12-4-07.)

Section 20. The School Code is amended by changing Section 10-22.3f as follows:  
(105 ILCS 5/10-22.3f)

Sec. 10-22.3f. Required health benefits. Insurance protection and benefits for employees shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356u, 356w, 356x, 356z.6, ~~and 356z.9~~ ~~and 356z.11~~ of the Illinois Insurance Code.

(Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07; revised 12-4-07.)

Section 25. The Illinois Insurance Code is amended by adding Sections 356z.11 and 370c as follows:  
(215 ILCS 5/356z.11 new)

Sec. 356z.11. Habilitative services for children.

(a) As used in this Section, "habilitative services" means occupational therapy, physical therapy, speech therapy, and other services prescribed by the insured's treating physician pursuant to a treatment plan to enhance the ability of a child to function with a congenital, genetic, or early acquired disorder. A congenital or genetic disorder includes, but is not limited to, hereditary disorders. An early acquired disorder refers to a disorder resulting from illness, trauma, injury, or some other event or condition suffered by a child prior to that child developing functional life skills such as, but not limited to, walking, talking, or self-help skills. Congenital, genetic, and early acquired disorders may include, but are not limited to, autism or an autism spectrum disorder, cerebral palsy, and other disorders resulting from early childhood illness, trauma, or injury.

(b) A group or individual policy of accident and health insurance or managed care plan amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 95th General Assembly must provide coverage for habilitative services for children under 19 years of age with a congenital, genetic, or early acquired disorder so long as all of the following conditions are met:

(1) A physician licensed to practice medicine in all its branches has diagnosed the child's congenital, genetic, or early acquired disorder.

(2) The treatment is administered by a licensed speech-language pathologist, licensed audiologist, licensed occupational therapist, licensed physical therapist, licensed physician, licensed nurse, licensed optometrist, licensed nutritionist, licensed social worker, or licensed psychologist upon the referral of a physician licensed to practice medicine in all its branches.

(3) The initial or continued treatment must be medically necessary and therapeutic and not experimental or investigational.

(c) The coverage required by this Section shall be subject to other general exclusions and limitations of the policy, including coordination of benefits, participating provider requirements, restrictions on services provided by family or household members, utilization review of health care services, including review of medical necessity, case management, experimental, and investigational treatments, and other managed care provisions.

(d) Coverage under this Section does not apply to those services that are solely educational in nature or otherwise paid under State or federal law for purely educational services. Nothing in this subsection (d) relieves an insurer or similar third party from an otherwise valid obligation to provide or to pay for services

provided to a child with a disability.

(e) Coverage under this Section for children under age 19 shall not apply to treatment of mental or emotional disorders or illnesses as covered under Section 370 of this Code as well as any other benefit based upon a specific diagnosis that may be otherwise required by law.

(f) The provisions of this Section do not apply to short-term travel, accident-only, limited, or specific disease policies.

(g) Any denial of care for habilitative services shall be subject to appeal and external independent review procedures as provided by Section 45 of the Managed Care Reform and Patient Rights Act.

(h) Upon request of the reimbursing insurer, the provider under whose supervision the habilitative services are being provided shall furnish medical records, clinical notes, or other necessary data to allow the insurer to substantiate that initial or continued medical treatment is medically necessary and that the patient's condition is clinically improving. When the treating provider anticipates that continued treatment is or will be required to permit the patient to achieve demonstrable progress, the insurer may request that the provider furnish a treatment plan consisting of diagnosis, proposed treatment by type, frequency, anticipated duration of treatment, the anticipated goals of treatment, and how frequently the treatment plan will be updated.

(215 ILCS 5/370c) (from Ch. 73, par. 982c)

Sec. 370c. Mental and emotional disorders.

(a) (1) On and after the effective date of this Section, every insurer which delivers, issues for delivery or renews or modifies group A&H policies providing coverage for hospital or medical treatment or services for illness on an expense-incurred basis shall offer to the applicant or group policyholder subject to the insurers standards of insurability, coverage for reasonable and necessary treatment and services for mental, emotional or nervous disorders or conditions, other than serious mental illnesses as defined in item (2) of subsection (b), up to the limits provided in the policy for other disorders or conditions, except (i) the insured may be required to pay up to 50% of expenses incurred as a result of the treatment or services, and (ii) the annual benefit limit may be limited to the lesser of \$10,000 or 25% of the lifetime policy limit.

(2) Each insured that is covered for mental, emotional or nervous disorders or conditions shall be free to select the physician licensed to practice medicine in all its branches, licensed clinical psychologist, licensed clinical social worker, or licensed clinical professional counselor of his choice to treat such disorders, and the insurer shall pay the covered charges of such physician licensed to practice medicine in all its branches, licensed clinical psychologist, licensed clinical social worker, or licensed clinical professional counselor up to the limits of coverage, provided (i) the disorder or condition treated is covered by the policy, and (ii) the physician, licensed psychologist, licensed clinical social worker, or licensed clinical professional counselor is authorized to provide said services under the statutes of this State and in accordance with accepted principles of his profession.

(3) Insofar as this Section applies solely to licensed clinical social workers and licensed clinical professional counselors, those persons who may provide services to individuals shall do so after the licensed clinical social worker or licensed clinical professional counselor has informed the patient of the desirability of the patient conferring with the patient's primary care physician and the licensed clinical social worker or licensed clinical professional counselor has provided written notification to the patient's primary care physician, if any, that services are being provided to the patient. That notification may, however, be waived by the patient on a written form. Those forms shall be retained by the licensed clinical social worker or licensed clinical professional counselor for a period of not less than 5 years.

(b) (1) An insurer that provides coverage for hospital or medical expenses under a group policy of accident and health insurance or health care plan amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 92nd General Assembly shall provide coverage under the policy for treatment of serious mental illness under the same terms and conditions as coverage for hospital or medical expenses related to other illnesses and diseases. The coverage required under this Section must provide for same durational limits, amount limits, deductibles, and co-insurance requirements for serious mental illness as are provided for other illnesses and diseases. This subsection does not apply to coverage provided to employees by employers who have 50 or fewer employees.

(2) "Serious mental illness" means the following psychiatric illnesses as defined in the most current edition of the Diagnostic and Statistical Manual (DSM) published by the American Psychiatric Association:

- (A) schizophrenia;
- (B) paranoid and other psychotic disorders;
- (C) bipolar disorders (hypomanic, manic, depressive, and mixed);
- (D) major depressive disorders (single episode or recurrent);



- (E) schizoaffective disorders (bipolar or depressive);
- (F) pervasive developmental disorders;
- (G) obsessive-compulsive disorders;
- (H) depression in childhood and adolescence;
- (I) panic disorder; and
- (J) post-traumatic stress disorders (acute, chronic, or with delayed onset).

(3) Upon request of the reimbursing insurer, a provider of treatment of serious mental illness shall furnish medical records or other necessary data that substantiate that initial or continued treatment is at all times medically necessary. An insurer shall provide a mechanism for the timely review by a provider holding the same license and practicing in the same specialty as the patient's provider, who is unaffiliated with the insurer, jointly selected by the patient (or the patient's next of kin or legal representative if the patient is unable to act for himself or herself), the patient's provider, and the insurer in the event of a dispute between the insurer and patient's provider regarding the medical necessity of a treatment proposed by a patient's provider. If the reviewing provider determines the treatment to be medically necessary, the insurer shall provide reimbursement for the treatment. Future contractual or employment actions by the insurer regarding the patient's provider may not be based on the provider's participation in this procedure. Nothing prevents the insured from agreeing in writing to continue treatment at his or her expense. When making a determination of the medical necessity for a treatment modality for serious mental illness, an insurer must make the determination in a manner that is consistent with the manner used to make that determination with respect to other diseases or illnesses covered under the policy, including an appeals process.

(4) A group health benefit plan:

(A) shall provide coverage based upon medical necessity for the following treatment of mental illness in each calendar year:

- (i) 45 days of inpatient treatment; and
- (ii) beginning on June 26, 2006 (the effective date of Public Act 94-921), 60 visits for outpatient treatment including group and individual outpatient treatment; and
- (iii) for plans or policies delivered, issued for delivery, renewed, or modified after January 1, 2007 (the effective date of Public Act 94-906), 20 additional outpatient visits for speech therapy for treatment of pervasive developmental disorders that will be in addition to speech therapy provided pursuant to item (ii) of this subparagraph (A);

(B) may not include a lifetime limit on the number of days of inpatient treatment or the number of outpatient visits covered under the plan; and

(C) shall include the same amount limits, deductibles, copayments, and coinsurance factors for serious mental illness as for physical illness.

(5) An issuer of a group health benefit plan may not count toward the number of outpatient visits required to be covered under this Section an outpatient visit for the purpose of medication management and shall cover the outpatient visits under the same terms and conditions as it covers outpatient visits for the treatment of physical illness.

(6) An issuer of a group health benefit plan may provide or offer coverage required under this Section through a managed care plan.

(7) This Section shall not be interpreted to require a group health benefit plan to provide coverage for treatment of:

(A) an addiction to a controlled substance or cannabis that is used in violation of law; or

(B) mental illness resulting from the use of a controlled substance or cannabis in violation of law.

(8) (Blank).

(c) This Section shall not be interpreted to require coverage for speech therapy or other habilitative services for those individuals covered under Section 356z.11 of this Code.

(Source: P.A. 94-402, eff. 8-2-05; 94-584, eff. 8-15-05; 94-906, eff. 1-1-07; 94-921, eff. 6-26-06; 95-331, eff. 8-21-07.)

Section 30. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows:

(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

Sec. 5-3. Insurance Code provisions.

(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04,

355.2, 356m, 356v, 356w, 356x, 356y, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, ~~356z.9~~, 364.01, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e, 370c, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.

(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":

(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act;

(2) a corporation organized under the laws of this State; or

(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.

(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;

(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

(3) the Director shall have the power to require the following information:

(A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;

(B) pro forma financial statements reflecting the combined balance sheets of the acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;

(C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and

(D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including without limitation the health maintenance organization's right, title, and interest in and to its health care certificates).

(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health

Maintenance Organization's administrative and marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section.

(Source: P.A. 94-906, eff. 1-1-07; 94-1076, eff. 12-29-06; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; revised 12-4-07.)

Section 35. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:  
(215 ILCS 165/10) (from Ch. 32, par. 604)

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c, 149, 155.37, 354, 355.2, 356g.5, 356r, 356t, 356u, 356v, 356w, 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, ~~356z.10, 356z.11~~ ~~356z.9~~, 364.01, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code.

(Source: P.A. 94-1076, eff. 12-29-06; 95-189, eff. 8-16-07; 95-331, eff. 8-21-07; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; revised 12-5-07.)

Section 90. The State Mandates Act is amended by adding Section 8.32 as follows:  
(30 ILCS 805/8.32 new)

Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly."

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 3 to HOUSE BILL 5595 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Shipley, Secretary:

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

HOUSE BILL NO. 5204

A bill for AN ACT concerning transportation.

HOUSE BILL NO. 5524

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 5586

A bill for AN ACT concerning local government.

HOUSE BILL NO. 5603

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 5905

A bill for AN ACT concerning education.

Passed by the Senate, May 29, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 782

A bill for AN ACT concerning State government.  
House Amendment No. 1 to SENATE BILL NO. 782.  
Action taken by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 2431

A bill for AN ACT concerning safety.  
House Amendment No. 1 to SENATE BILL NO. 2431.  
Action taken by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 2435

A bill for AN ACT concerning civil law.  
House Amendment No. 1 to SENATE BILL NO. 2435.  
Action taken by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 2514

A bill for AN ACT concerning regulation.  
House Amendment No. 1 to SENATE BILL NO. 2514.  
Action taken by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing message from the Senate reporting their refusal to concur in House Amendment No. 1 to SENATE BILL 2514 was placed on the Calendar on the order of Non-concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 2506

A bill for AN ACT concerning regulation.  
House Amendment No. 1 to SENATE BILL NO. 2506.  
Action taken by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing message from the Senate reporting their refusal to concur in House Amendment No. 1 to SENATE BILL 2506 was placed on the Calendar on the order of Non-concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 2486

A bill for AN ACT concerning regulation.  
House Amendment No. 1 to SENATE BILL NO. 2486.  
Action taken by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing message from the Senate reporting their refusal to concur in House Amendment No. 1 to SENATE BILL 2486 was placed on the Calendar on the order of Non-concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 2474

A bill for AN ACT concerning State government.  
House Amendment No. 1 to SENATE BILL NO. 2474.  
Action taken by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing message from the Senate reporting their refusal to concur in House Amendment No. 1 to SENATE BILL 2474 was placed on the Calendar on the order of Non-concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 2473

A bill for AN ACT concerning health care.

House Amendment No. 1 to SENATE BILL NO. 2473.  
Action taken by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing message from the Senate reporting their refusal to concur in House Amendment No. 1 to SENATE BILL 2473 was placed on the Calendar on the order of Non-concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 2240

A bill for AN ACT concerning human rights.  
House Amendment No. 1 to SENATE BILL NO. 2240.  
Action taken by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing message from the Senate reporting their refusal to concur in House Amendment No. 1 to SENATE BILL 2240 was placed on the Calendar on the order of Non-concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 2091

A bill for AN ACT concerning education.  
House Amendment No. 1 to SENATE BILL NO. 2091.  
Action taken by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing message from the Senate reporting their refusal to concur in House Amendment No. 1 to SENATE BILL 2091 was placed on the Calendar on the order of Non-concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 1933

A bill for AN ACT in relation to public aid.  
House Amendment No. 1 to SENATE BILL NO. 1933.  
Action taken by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing message from the Senate reporting their refusal to concur in House Amendment No. 1 to SENATE BILL 1933 was placed on the Calendar on the order of Non-concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 1923

A bill for AN ACT concerning education.  
House Amendment No. 1 to SENATE BILL NO. 1923.  
Action taken by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing message from the Senate reporting their refusal to concur in House Amendment No. 1 to SENATE BILL 1923 was placed on the Calendar on the order of Non-concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 2538

A bill for AN ACT concerning persons with disabilities.  
House Amendment No. 1 to SENATE BILL NO. 2538.  
Action taken by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing message from the Senate reporting their refusal to concur in House Amendment No. 1 to SENATE BILL 2538 was placed on the Calendar on the order of Non-concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 2643

A bill for AN ACT concerning revenue.  
House Amendment No. 1 to SENATE BILL NO. 2643.  
Action taken by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing message from the Senate reporting their refusal to concur in House Amendment No. 1 to SENATE BILL 2643 was placed on the Calendar on the order of Non-concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 2827

A bill for AN ACT concerning children.  
House Amendment No. 1 to SENATE BILL NO. 2827.  
Action taken by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing message from the Senate reporting their refusal to concur in House Amendment No. 1 to SENATE BILL 2827 was placed on the Calendar on the order of Non-concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 2875

A bill for AN ACT concerning revenue.  
House Amendment No. 1 to SENATE BILL NO. 2875.  
Action taken by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing message from the Senate reporting their refusal to concur in House Amendment No. 1 to SENATE BILL 2875 was placed on the Calendar on the order of Non-concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 2879

A bill for AN ACT concerning State government.  
House Amendment No. 1 to SENATE BILL NO. 2879.  
Action taken by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing message from the Senate reporting their refusal to concur in House Amendment No. 1 to SENATE BILL 2879 was placed on the Calendar on the order of Non-concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 2906

A bill for AN ACT concerning wildlife.  
House Amendment No. 1 to SENATE BILL NO. 2906.  
Action taken by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate



The foregoing message from the Senate reporting their refusal to concur in House Amendment No. 1 to SENATE BILL 2906 was placed on the Calendar on the order of Non-concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their amendment to a bill of the following title, to-wit:  
SENATE BILL NO. 2640  
A bill for AN ACT concerning government.  
House Amendment No. 1 to SENATE BILL NO. 2640.  
Action taken by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing message from the Senate reporting their refusal to concur in House Amendment No. 1 to SENATE BILL 2640 was placed on the Calendar on the order of Non-concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the following joint resolution, to-wit:  
HOUSE JOINT RESOLUTION NO. 78  
Together with the attached amendment thereto, in the adoption of which I am instructed to ask the concurrence of the House, to-wit:  
Senate Amendment No. 1 to HOUSE JOINT RESOLUTION NO. 78  
Concurred in the Senate, as amended, May 28, 2008.

Deborah Shipley, Secretary of the Senate

HOUSE JOINT RESOLUTION NO. 78  
SENATE AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Joint Resolution 78 as follows:  
on page 1, line 2, after "Illinois", by inserting "General Assembly"; and  
on page 1, lines 10, 16, and 20, by deleting "hourly" each time it appears; and  
on page 2, line 6, by deleting "hourly".

The foregoing message from the Senate reporting Senate Amendment No. 1 HOUSE JOINT RESOLUTION 5494 was placed on the Calendar on the order of Concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the following joint resolution, to-wit:  
HOUSE JOINT RESOLUTION NO. 36  
Concurred in the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the following joint resolution, to-wit:  
HOUSE JOINT RESOLUTION NO. 107  
Concurred in the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the following joint resolution, to-wit:  
HOUSE JOINT RESOLUTION NO. 92  
Concurred in the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution, in the adoption of which I am instructed to ask the concurrence of the House of Representatives, to-wit:  
SENATE JOINT RESOLUTION NO. 93

WHEREAS, Properly-planted and cared-for trees provide communities throughout Illinois with great benefit and enjoyment; and

WHEREAS, Improper tree placement and maintenance are a contributing cause of power outage and pose a safety risk to residents; and

WHEREAS, Electric utilities in Illinois currently participate in 4-year vegetation management schedules to provide electric reliability to customers throughout the State; and

WHEREAS, Local governments and utilities have worked together on tree trimming and vegetation management programs that have balanced the need for electric reliability with the desire of communities to preserve as many trees as possible; and

WHEREAS, There are existing programs that nurseries and other retailers may participate in that identify proper trees that may be planted near power lines; and

WHEREAS, The Arbor Day Foundation has worked with the United States Department of Agriculture Forest Service's Urban and Community Forestry Advisory Council on the Right Tree in the Right Place project; and

WHEREAS, The City of Chicago's Bureau of Forestry, in cooperation with the United States Forest Service, conducts an outreach program for fourth-grade students within the Chicago Public Schools in recognition of Arbor Day on April 25, 2008, that emphasizes proper tree care, especially planting the right tree in the right place; and

WHEREAS, Arbor Day, which falls on the last Friday of April, is a nationally-celebrated observance that encourages tree planting and care; and

WHEREAS, Continued and improved cooperation between electric utilities and communities throughout Illinois will be required to protect both trees and electric reliability; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we recognize the week of Arbor Day as Right Tree Right Place Week and that we encourage communities and electric utilities throughout the State to use the week to review and improve their education and outreach efforts with regards to proper tree placement; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Lawrence A. DuBose.

Adopted by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by

Ms. Shipley, Secretary:

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

SENATE JOINT RESOLUTION NO. 82

WHEREAS, The General Assembly takes pride in recognizing the accomplishments and contributions of Illinois officials and citizens; and

WHEREAS, In honor of the lasting legacy and many sacrifices that Senator Vince Demuzio made for the citizenry of the State of Illinois, the General Assembly would like to recognize him with the rare honor of naming a State facility after this former official; and

WHEREAS, Vince Demuzio was born May 7, 1941 in Gillespie; he received a Bachelor of Arts degree in education and human services from the University of Illinois at Springfield in 1981 and a Master of Arts degree in education and public policy in 1996; he received an Honorary Doctorate from Lewis & Clark Community College and a Doctor of Laws, Honorist Causa, from Blackburn College; and

WHEREAS, Senate Majority Leader Vince Demuzio was one of the most influential and highly regarded members of the Illinois Senate; and

WHEREAS, Vince Demuzio used his influence to fight for the interests of downstate Illinois throughout his career of public service and played the leading role in securing funding for numerous economic development and job creation and training efforts; and

WHEREAS, Before his service in the State Senate, Vince Demuzio served as the Executive Director of the Illinois Valley Economic Development Corporation, which provided job training and other services for the physically and developmentally disabled; and

WHEREAS, Naming the Greene County Work Camp in Vince Demuzio's honor carries on his legacy of public service and assisting individuals with learning the skills that improve their lives and contributions to society; and

WHEREAS, Senator Vince Demuzio made vital contributions of service and merit to the State of Illinois and to the State's citizens and deserves to have his achievements noted and remembered by current and future generations, as his memory is now honored by the General Assembly; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we rename the Greene County Work Camp located in Roodhouse, in honor of Vince Demuzio, as the Vince Demuzio Greene County Work Camp; and be it further

RESOLVED, That a suitable copy of this preamble and resolution be presented to the Director of Central Management Services and the Director of Corrections.

Adopted by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by

Ms. Shipley, Secretary:

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

SENATE JOINT RESOLUTION NO. 76

WHEREAS, Glaucoma affects more than 2.2 million Americans age 40 and older, including nearly

100,000 individuals in Illinois; and

WHEREAS, Glaucoma is one of many tragic health disparities, affecting African-Americans six to eight times more frequently than Caucasians; and

WHEREAS, Glaucoma is the leading cause of blindness for African-Americans, with elder African-Americans 14 to 16 times more likely to go blind from glaucoma than their Caucasian counterparts; and

WHEREAS, Latinos and women are also disproportionately affected by glaucoma in younger age groups; and

WHEREAS, Glaucoma affects increasing numbers of older people across all races and ethnic backgrounds, reducing the quality of life for people in their golden years; and

WHEREAS, Glaucoma causes people to lose their peripheral sight, oftentimes without the individual knowing it, and consequently only half of all people with glaucoma are aware of their condition; and

WHEREAS, Because of the furtive nature of how glaucoma progresses, it is commonly called the "Sneak Thief of Sight"; and

WHEREAS, Most cases of glaucoma can be controlled and vision loss can be slowed or halted when identified and treated; and

WHEREAS, When glaucoma is undetected, lost sight cannot be restored; and

WHEREAS, Glaucoma runs in the family, yet few people know to have regular dilated eye examinations if they are at a higher risk via their family history; and

WHEREAS, Prevent Blindness America, the nation's leading voluntary health organization dedicated to saving sight and preventing blindness for 100 years, in partnership with the Illinois Society for the Prevention of Blindness, seeks to educate the citizens of Illinois at large, and especially people in communities of higher risk, about the dangers of glaucoma and the importance of regular eye examinations; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we join with Prevent Blindness America and the Illinois Society for the Prevention of Blindness in recognizing January as Glaucoma Awareness Month in the State of Illinois; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Prevent Blindness America and the Illinois Society for the Prevention of Blindness.

Adopted by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by

Ms. Shipley, Secretary:

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

SENATE JOINT RESOLUTION NO. 101

WHEREAS, Nuclear power accounts for roughly 19% of the total net electricity generated in the United States; and

WHEREAS, The genesis of all of the nuclear industries in the world was the first controlled nuclear chain reaction, which took place in Illinois on December 2, 1942 at the University of Chicago; and

WHEREAS, Illinois is home to more commercial nuclear plants than any other state in the nation and is ranked first among the 31 states with nuclear capacity, as of January 2005; and

WHEREAS, Of all of the states in the nation, the electric industry in Illinois ranked sixth in highest carbon dioxide emissions, eleventh-highest in sulfur dioxide emissions, and eighth-highest in nitrogen oxide emissions in 2004; and

WHEREAS, Nuclear energy is clean compared to electricity generated by burning fossil fuels, and nuclear power plants produce no air pollution; and only a small amount of emissions result from processing uranium used in nuclear reactors; and

WHEREAS, Expansions in the nuclear power market in Illinois have the potential to meet increasing

demand for electricity without adverse affects on air quality, global warming, and public health; however, before the industry can grow, questions regarding the safety and security of facilities and materials in the immediate term and on an ongoing basis and questions regarding long-term liabilities such as disposal of waste and safe and affordable decommissioning must first be answered; and

WHEREAS, Given that Illinois derives almost one-half of its power generation from nuclear power plants, and that a number of issues are in public discourse concerning the current plants, waste storage, and the future of nuclear generation in a carbon-constrained world, the General Assembly of the State of Illinois believes it is necessary to convene a task force to study nuclear power issues; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there is created the Nuclear Power Issues Task Force consisting of 11 members as follows: one Senator chosen by the Senate President, who shall be a co-chairperson, one Representative chosen by the Speaker of the House of Representatives, who shall be a co-chairperson, one Senator chosen by the Senate Minority Leader, one Representative chosen by the House Minority Leader, one member chosen by the Attorney General, the Director of the Illinois Environmental Protection Agency, or his or her designee, the Director of the Illinois Power Agency, or his or her designee, the Director of the Illinois Emergency Management Agency, or his or her designee, and selected jointly by the co-chairpersons one member from the business community, one member from the environmental community, and one member with homeland security experience in a government agency; and be it further

RESOLVED, That the Illinois Emergency Management Agency, the Illinois Environmental Protection Agency, and the Office of the Attorney General shall cooperate to provide technical and administrative support for the Task Force, subject to available appropriations for that purpose; and be it further

RESOLVED, That the Task Force shall compile information on the following issues, as well as others it deems necessary:

(1) the decommissioning of existing or retired plants, including waste storage or disposal issues;

(2) waste storage and movement within the State, including any economic potential;

(3) the re-processing of spent nuclear fuel;

(4) critical security issues, including, but not limited to, facility security requirements, personnel security requirements, the complementary and overlapping requirements imposed by the federal Department of Homeland Security, the federal Nuclear Regulatory Commission, and other agencies, key metrics, and audit programs to ensure ongoing security compliance; and

(5) the existing moratorium on new nuclear power generation in the State, looking at the structure and process for new generation, and how nuclear generation can play a role in the future power needs of the State, including looking also at greenhouse gas emissions and potential regulations to constrain carbon output; and be it further

RESOLVED, That in order to gather all necessary information, the Task Force shall solicit expert testimony and public opinion through a series of public hearings; and be it further

RESOLVED, That the Task Force shall prepare a report and file it with the Secretary of the Senate and the Clerk of the House by January 1, 2009 detailing the issues raised and any policy recommendations it deems necessary, if any, as well as outlining the next steps for further study of the issues.

Adopted by the Senate, May 28, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by

Ms. Shipley, Secretary:

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

HOUSE BILL 1768

A bill for AN ACT concerning State government.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 1768

Senate Amendment No. 2 to HOUSE BILL NO. 1768  
Passed the Senate, as amended, May 29, 2008.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 1768 on page 3, by replacing lines 9 through 13 with the following:

"(h) Any person not in compliance with this Section shall be guilty of a petty offense. All subsequent violations of this Section shall be a Class C misdemeanor. The fine for subsequent violations shall be at least \$100, including court costs. Any fines collected for a subsequent offense shall be remitted by the Circuit Clerk to the Illinois Department of Natural Resources. The Illinois Department of Natural Resources shall deposit the money into the Off-Highway Vehicle Trails Fund."

AMENDMENT NO. 2. Amend House Bill 1768 on page 3, by replacing lines 9 through 13 with the following:

"(h) Any person not in compliance with this Section is guilty of a petty offense. All subsequent violations of this Section are a Class C misdemeanor. The fine for subsequent violations shall be at least \$100, in addition to court costs. Of each fine collected under this Section, \$5 shall be deposited into the Circuit Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court to be used to offset the costs incurred by the Clerk of the Circuit Court in performing the additional duties required to collect and disburse funds to entities of State and local government as provided by law. The balance of any fines collected for a subsequent offense shall be remitted by the Clerk of the Circuit Court to the Illinois Department of Natural Resources. The Illinois Department of Natural Resources shall deposit the money into the Off-Highway Vehicle Trails Fund."

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 1768 was placed on the Calendar on the order of Concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:

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

HOUSE BILL 4255

A bill for AN ACT concerning regulation.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 4255  
Passed the Senate, as amended, May 29, 2008.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 4255 on page 3, immediately below line 22, by inserting the following:

"Section 90. The State Mandates Act is amended by adding Section 8.32 as follows:  
(30 ILCS 805/8.32 new)

Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 4255 was placed on the Calendar on the order of Concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:

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

HOUSE BILL 4249

A bill for AN ACT concerning regulation.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 2 to HOUSE BILL NO. 4249

Senate Amendment No. 3 to HOUSE BILL NO. 4249

Passed the Senate, as amended, May 29, 2008.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 2. Amend House Bill 4249 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.18 and by adding Section 4.29 as follows:

(5 ILCS 80/4.18)

Sec. 4.18. Acts repealed January 1, 2008 and December 31, 2008.

(a) The following Acts are repealed on January 1, 2008:

The Structural Pest Control Act.

(b) The following Acts are repealed on December 31, 2008:

The Medical Practice Act of 1987.

~~The Environmental Health Practitioner Licensing Act.~~

(Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06; 94-1085, eff. 1-19-07; 95-187, eff. 8-16-07; 95-235, eff. 8-17-07; 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-639, eff. 10-5-07; 95-687, eff. 10-23-07; 95-689, eff. 10-29-07; 95-703, eff. 12-31-07; revised 1-7-08.)

(5 ILCS 80/4.29 new)

Sec. 4.29. Act repealed on January 1, 2019. The following Act is repealed on January 1, 2019:

The Environmental Health Practitioner Licensing Act.

Section 10. The Environmental Health Practitioner Licensing Act is amended by changing Sections 5, 10, 17, 18, 19, 20, 21, 22, 26, 27, 29, 31, 35, 56, 60, 65, 75, 80, 85, 90, 95, 100, and 115 as follows:

(225 ILCS 37/5)

(Section scheduled to be repealed on December 31, 2008)

Sec. 5. Legislative intent. In adopting this Act, it is recognized that the field of environmental health is a dynamic field that is continually evolving into new and complex areas of concern. It is the legislative intent of this Act to recognize the occasional existence of overlapping functions with engineers, industrial hygienists, veterinarians, and other professions licensed to carry out specific activities that may touch on some aspects of the field of environmental health. It is not the intent of this Act to require licensure registration of these individuals, nor is it the intent that the licensure registration of any person under this Act would allow that person to perform functions or engage in activities that would include the practice of engineering. It is the sole purpose and intent of this Act to safeguard the health, safety, and general welfare of the public from adverse environmental factors and to license those environmental health professionals who have completed approved environmental health or science curricula, are qualified to work in the field of environmental health, within the scope of practice as defined in this Act, and not to restrict nor interfere with interstate commerce.

(Source: P.A. 89-61, eff. 6-30-95; 90-44, eff. 7-3-97.)

(225 ILCS 37/10)

(Section scheduled to be repealed on December 31, 2008)

Sec. 10. Definitions. As used in this Act:

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address and such changes must be made either through the Department's Internet website or by contacting the Department's licensure maintenance unit.

"Board" means the Environmental Health Practitioners Board as created in this Act.

"Department" means the Department of Financial and Professional Regulation.

~~"Director" means the Director of Professional Regulation.~~

"Environmental health inspector" means an individual who, in support of and under the general supervision of a licensed environmental health practitioner or licensed professional engineer, practices environmental health and meets the educational qualifications of an environmental health inspector.

"Environmental health practice" is the practice of environmental health by licensed environmental health practitioners within the meaning of this Act and includes, but is not limited to, the following areas of professional activities: milk and food sanitation; protection and regulation of private water supplies; private waste water management; domestic solid waste disposal practices; institutional health and safety; and consultation and education in these fields.

"Environmental health practitioner in training" means a person licensed under this Act who meets the educational qualifications of a licensed environmental health practitioner and practices environmental health in support of and under the general supervision of a licensed environmental health practitioner or licensed professional engineer, but has not passed the licensed environmental health practitioner examination administered by the Department.

"License" means the authorization issued by the Department permitting the person named on the authorization to practice environmental health as defined in this Act.

"Licensed environmental health practitioner" is a person who, by virtue of education and experience in the physical, chemical, biological, and environmental health sciences, is especially trained to organize, implement, and manage environmental health programs, trained to carry out education and enforcement activities for the promotion and protection of the public health and environment, and is licensed as an environmental health practitioner under this Act.

"Secretary" means the Secretary of Financial and Professional Regulation.

(Source: P.A. 92-837, eff. 8-22-02.)

(225 ILCS 37/17)

(Section scheduled to be repealed on December 31, 2008)

Sec. 17. Powers and duties of the Department of Financial and Professional Regulation. Subject to the provisions of this Act, the Department ~~may shall~~ exercise the following functions, powers, and duties:

(1) Prescribe rules defining what constitutes an approved school, college, or department of a university, except that no school, college, or department of a university that refuses admittance to applicants solely on account of race, color, creed, sex, or national origin shall be approved.

(2) Conduct hearings on proceedings to revoke, suspend, or refuse to issue licenses.

(3) Promulgate rules required for the administration of this Act.

(Source: P.A. 91-724, eff. 6-2-00.)

(225 ILCS 37/18)

(Section scheduled to be repealed on December 31, 2008)

Sec. 18. Board of Environmental Health Practitioners. The Board of Environmental Health Practitioners is created and shall exercise its duties as provided in this Act. The Board shall consist of 5 members appointed by the ~~Secretary~~ Director. Of the 5 members, 3 shall be actively licensed environmental health practitioners, one a Public Health Administrator who meets the minimum qualifications for public health personnel employed by full time local health departments as prescribed by the Illinois Department of Public Health and is actively engaged in the administration of a local health department within this State, and one member of the general public. In making the appointments to the Board, the ~~Secretary may~~ Director shall consider the recommendations of related professional and trade associations including the Illinois Environmental Health Association and the Illinois Public Health Association and of the Director of Public Health. Each of the environmental health practitioners shall have at least 5 years of full time employment in the field of environmental health practice before the date of appointment. ~~Each appointee filling the seat of an environmental health practitioner appointed to the Board must be licensed under this Act.~~

The membership of the Board shall reasonably reflect representation from the various geographic areas of the State.

A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

The members of the Board are entitled to receive as compensation a reasonable sum as determined by the ~~Secretary~~ Director for each day actually engaged in the duties of the office and all legitimate and necessary expenses incurred in attending the meetings of the Board.

Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings



or other activities performed in good faith as members of the Board.

The ~~Secretary Director~~ may remove any member of the Board for any cause that, in the opinion of the ~~Secretary Director~~, reasonably justifies termination.

Members shall serve for a term of 3 years and until their successors are appointed and qualified. No Board member, after the effective date of this amendatory Act of the 95th General Assembly, shall be appointed to more than 2 full consecutive terms. The initial terms created by this amendatory Act shall count as full terms for the purposes of reappointment to the Board. Appointments to fill vacancies for an unexpired portion of a vacated term shall be made in the same manner as original appointments and shall constitute a full term.

The appointments of those Board members currently appointed and serving on the Board shall end upon the effective date of this amendatory Act of the 95th General Assembly. Board members currently serving on the Board on the effective date of this Amendatory Act, shall continue to serve until the initial appointees are appointed and qualified. The initial Board members appointed after the effective date of this amendatory Act of the 95th General Assembly, shall be appointed to the following terms by and in the discretion of the Secretary: (i) one member shall be appointed for one year; (ii) 2 members shall be appointed to serve 2 years; and (iii) 2 members shall be appointed to serve 3 years. The Board members appointed to initial terms by this amendatory Act of the 95th General Assembly shall be appointed as soon as possible after the effective date of this amendatory Act. Board members serving at the effective date of this Act are eligible to be reappointed to initial terms as described above, but nothing in this Act requires such members to be appointed.

(Source: P.A. 91-724, eff. 6-2-00; 91-798, eff. 7-9-00; 92-837, eff. 8-22-02.)

(225 ILCS 37/19)

(Section scheduled to be repealed on December 31, 2008)

Sec. 19. Requirements of approval by Board of Environmental Health Practitioners. The ~~Secretary Director~~ may consider the recommendations of the Board in establishing guidelines for professional conduct, for the conduct of formal disciplinary proceedings brought under this Act, and for establishing guidelines for qualifications and examinations of applicants. Notice of proposed rulemaking shall be transmitted to the Board. The Department shall review the response of the Board and its recommendations. The Department, at any time, may seek the expert advice and knowledge of the Board on any matter relating to the administration or enforcement of this Act.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/20)

(Section scheduled to be repealed on December 31, 2008)

Sec. 20. Qualifications for ~~licensure registration~~ as an environmental health practitioner. A person is qualified to be licensed as an environmental health practitioner if that person:

- (1) Has applied in writing on the prescribed forms, has paid the required fee, and holds one of the following:

- (A) A Bachelor's Degree in environmental health science from a college or university approved by the National Environmental Health Association Accreditation Council for environmental health curricula or its equivalent as approved by the Department.

- (B) A Bachelor's Degree from an accredited college or university which included a minimum of 30 semester hours or equivalent of basic sciences acceptable to the Department and 12 months of full time experience.

- (C) A Master's Degree in public health or environmental health science from an accredited college or university if the applicant has completed a minimum of 30 semester or equivalent hours of basic science acceptable to the Department.

- (2) Passes an examination authorized by the Department. The examination shall be of a character to give a fair test of the qualifications of the applicant to practice as an environmental health practitioner.

(Source: P.A. 89-61, eff. 6-30-95; 89-706, eff. 1-31-97.)

(225 ILCS 37/21)

(Section scheduled to be repealed on December 31, 2008)

Sec. 21. Grandfather provision. A person who, on the effective date of this amendatory Act of the 92nd General Assembly, was certified by his or her employer as serving as a sanitarian or environmental health practitioner in environmental health practice in this State may be issued a license as an environmental health practitioner in training upon filing an application by July 1, 2003 and paying the required fees.

An environmental health practitioner in training license issued under this Section and in an active status

on the effective date of this amendatory Act of the 95th General Assembly may be renewed, so long as the licensee continues to practice environmental health and does not allow his or her license to lapse or expire.

(Source: P.A. 92-837, eff. 8-22-02.)

(225 ILCS 37/22)

(Section scheduled to be repealed on December 31, 2008)

Sec. 22. Environmental health practitioner in training.

(a) Any person who meets the educational qualifications specified in Section 20, but does not meet the experience requirement specified in that Section, may make application to the Department on a form prescribed by the Department for licensure as an environmental health practitioner in training. The Department shall license that person as an environmental health practitioner in training upon payment of the fee required by this Act.

(b) An environmental health practitioner in training licensed under this Section shall apply for licensure as an environmental health practitioner within 3 years of his or her licensure as an environmental health practitioner in training. The license may be renewed or extended as defined by rule of the Department. The Board may recommend to extend the licensure of any environmental health practitioner in training licensed under this Section who furnishes, in writing, sufficient cause for not applying for examination as an environmental health practitioner within the 3-year period.

(c) An environmental health practitioner in training licensed under this Section may engage in the practice of environmental health for a period not to exceed 6 years provided that he or she is supervised by a licensed professional engineer or a licensed environmental health practitioner as prescribed in this Act.

(d) This Section does not apply to environmental health practitioners in training licensed under Section 21 of this Act.

(Source: P.A. 92-837, eff. 8-22-02; revised 1-16-07.)

(225 ILCS 37/26)

(Section scheduled to be repealed on December 31, 2008)

Sec. 26. Examination for licensure ~~registration~~ as an environmental health practitioner.

(a) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, only persons who meet the educational and experience requirements of Section 20 and who pass the examination authorized by the Department shall be licensed as environmental health practitioners.

(b) Applicants for examination as environmental health practitioners shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination.

(Source: P.A. 92-837, eff. 8-22-02.)

(225 ILCS 37/27)

(Section scheduled to be repealed on December 31, 2008)

Sec. 27. Renewals; restoration.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. As a condition for renewal of a license, the licensee shall be required to complete continuing education requirements as set forth in rules by the Department. Licensees who are 70 years of age or older and have been licensed under this Act for at least 4 years shall be exempt from the continuing education requirements.

(b) A person who has permitted a license to expire may have the license restored by making application to the Department and filing proof, acceptable to the Department, of fitness to have the license restored. Proof may include (i) sworn evidence certifying to active practice in another jurisdiction that is satisfactory to the Department, (ii) complying with any continuing education requirements, and (iii) paying the required restoration fee.

(c) If the person has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program, established by rule, the person's fitness to resume active status. The Board may require the person to complete a period of evaluated clinical experience and successful completion of a practical examination.

However, a person whose license expired while (i) in federal service on active duty with the Armed Forces of the United States or called into service or training with the State Militia or (ii) in training or education under the supervision of the United States, preliminary to induction into the military service may have his or her license renewed or restored without paying any lapsed renewal fees if, within 2 years after honorable termination of the service, training, or education, except under conditions other than honorable, he or she furnishes the Department with satisfactory evidence to the effect that he or she has been so engaged and that the service, training, or education has been terminated.

(d) A person who notifies the Department, in writing on forms prescribed by the Department, may place

his or her license on inactive status and shall be excused from the payment of renewal fees until the person notifies the Department, in writing, of the intention to resume active practice.

(e) A person requesting his or her license be changed from inactive to active status shall be required to pay the current renewal fee and shall also demonstrate compliance with the continuing education requirements.

(f) An environmental health practitioner whose license is not renewed or whose license is on inactive status shall not engage in the practice of environmental health in the State of Illinois or use the title or advertise that he or she performs the services of a "licensed environmental health practitioner".

(g) A person violating subsection (f) of this Section shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of this Act.

(h) A license to practice shall not be denied any applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or physical impairment that does not affect a person's ability to practice with reasonable judgement, skill, or safety impairment.

(Source: P.A. 91-724, eff. 6-2-00.)

(225 ILCS 37/29)

(Section scheduled to be repealed on December 31, 2008)

Sec. 29. Deposit of fees and fines; appropriations. All fees and fines collected under this Act shall be deposited into the General Professions Dedicated Fund. All moneys in the Fund shall be used by the Department of Financial and Professional Regulation, as appropriated, for the ordinary and contingent expenses of the Department.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/31)

(Section scheduled to be repealed on December 31, 2008)

Sec. 31. Checks or orders dishonored. A person who issues or delivers a check or other order to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act prohibiting unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days after notification. If, after the expiration of 30 days from the date of the notification, the person fails to submit the necessary remittance, the Department shall automatically terminate the license or certification or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of a license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all costs and expenses of processing of this application. The Secretary Director may waive the fines due under this Section in individual cases where the Secretary Director finds that the fines would be unnecessarily burdensome.

(Source: P.A. 92-146, eff. 1-1-02.)

(225 ILCS 37/35)

(Section scheduled to be repealed on December 31, 2008)

Sec. 35. Grounds for discipline.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action with regard to any license issued under this Act as the Department may consider proper, including the imposition of fines not to exceed \$5,000 for each violation, for any one or combination of the following causes:

(1) Material misstatement in furnishing information to the Department.

(2) Violations of this Act or its rules.

(3) Conviction of or entry of a plea of guilty or nolo contendere to any crime that is a any felony under the laws of the United States or any state or territory thereof, whether related to the practice of the profession or not, or conviction or entry of a plea of guilty or nolo contendere to any crime, any U.S. jurisdiction, any misdemeanor or an essential element of which is dishonesty, wanton disregard for the rights of others, or any crime that is directly related to the practice of the profession.

(4) Making any misrepresentation for the purpose of obtaining licensure a certificate of registration.

(5) Professional incompetence.

(6) Aiding or assisting another person in violating any provision of this Act or its rules.

- (7) Failing to provide information within ~~30~~ 60 days in response to a written request made by the Department.
  - (8) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public as defined by rules of the Department.
  - (9) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in an environmental health practitioner's inability to practice with reasonable judgment, skill, or safety.
  - (10) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for a discipline is the same or substantially equivalent to those set forth in this Act.
  - (11) A finding by the Department that the licensee registrant, after having his or her license placed on probationary status, has violated the terms of probation.
  - (12) Willfully making or filing false records or reports in his or her practice, including, but not limited to, false records filed with State agencies or departments.
  - (13) Physical illness or mental illness or impairment, including, but not limited to, deterioration through the aging process or loss of motor skills that result in the inability to practice the profession with reasonable judgment, skill, or safety.
  - (14) Failure to comply with rules promulgated by the Illinois Department of Public Health or other State agencies related to the practice of environmental health.
  - (15) ~~Gross negligence The Department shall deny any application for a license or renewal of a license under this Act, without hearing, to a person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department may issue a license or renewal of a license if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.~~
  - (16) Solicitation of professional services by using false or misleading advertising.
  - (17) A finding that the license has been applied for or obtained by fraudulent means.
  - (18) Practicing or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.
  - (19) Gross overcharging for professional services including filing statements for collection of fees or moneys for which services are not rendered.
- (b) The Department may refuse to issue or may suspend the license of any person who fails to (i) file a return, (ii) pay the tax, penalty, or interest shown in a filed return; or (iii) pay any final assessment of the tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue until the requirements of the tax Act are satisfied.
- (b-5) The Department shall deny any application for a license or renewal of a license under this Act, without hearing, to a person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department may issue a license or renew a license if the person in default has established a satisfactory repayment record, as determined by the Illinois Student Assistance Commission.
- (c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission to a mental health facility as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension may end only upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Secretary ~~Director~~ that the licensee be allowed to resume practice.
- (d) In enforcing this Section, the Department, upon a showing of a possible violation, may compel any person licensed to practice under this Act or who has applied for licensure or certification pursuant to this Act to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Department. The Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department finds an individual unable to practice because of the reasons set forth in this Section, the Department may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice or, in lieu of care, counseling, or treatment, the Department may file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual.

Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions and who fails to comply with such terms, conditions, or restrictions shall be referred to the Secretary Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Secretary Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the subject person's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

A person licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 92-837, eff. 8-22-02.)

(225 ILCS 37/56)

(Section scheduled to be repealed on December 31, 2008)

Sec. 56. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice environmental health without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed ~~\$10,000~~ \$5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 92-837, eff. 8-22-02.)

(225 ILCS 37/60)

(Section scheduled to be repealed on December 31, 2008)

Sec. 60. Violations; injunctions; cease and desist order.

(a) If a person violates a provision of this Act, the Secretary Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, petition for an order enjoining the violation or for any order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If a person practices as an environmental health practitioner or holds himself or herself out as such without having a valid license under this Act, then a licensee, an interested party, or a person injured thereby may, in addition to the Secretary Director, petition for relief as provided in subsection (a) of this Section.

(c) Whenever in the opinion of the Department a person violates a provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him or her. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/65)

(Section scheduled to be repealed on December 31, 2008)

Sec. 65. Investigation; notice; hearing. The Department may investigate the actions of an applicant or a person or persons holding or claiming to hold a license. Before refusing to issue, refusing to renew, or taking any disciplinary action regarding a license, the Department shall, at least 30 days before the date set

for the hearing, notify in writing the applicant for, or holder of, a license of the nature of any charges and that a hearing will be held on a date designated. The Department shall direct the applicant or licensee to file a written answer with the Board under oath within 20 days after the service of the notice and inform the applicant or licensee that failure to file an answer shall result in default being taken against the applicant or licensee and that the license may be suspended, revoked, or placed on probationary status, or that other disciplinary action may be taken, including limiting the scope, nature, or extent of practice, as the Secretary Director may consider proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the last address of record with ~~his or her last notification to~~ the Department. If the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status or the Department may take any disciplinary action considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present statements, testimony, evidence, and arguments as may be pertinent to the charges or to their defense. The Board may continue a hearing from time to time.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/75)

(Section scheduled to be repealed on December 31, 2008)

Sec. 75. Subpoenas; oaths; attendance of witnesses. The Department has the power to subpoena and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State.

The Secretary Director, the designated hearing officer, and every member of the Board has the power to administer oaths to witnesses at any hearing that the Department is authorized to conduct and any other oaths authorized in any Act administered by the Department.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/80)

(Section scheduled to be repealed on December 31, 2008)

Sec. 80. Recommendations for disciplinary action. At the conclusion of the hearing, the Board shall present to the Secretary Director a written report of its findings and recommendations. The report shall contain a finding whether or not the licensee violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply and shall make its recommendations to the Secretary Director.

The report of findings, conclusions of law, and recommendations of the Board shall be the basis for the Department's order for refusal to issue or for the granting of a license or for any disciplinary action. If the Secretary Director disagrees with the recommendation of the Board, the Secretary Director may issue an order in contravention of the Board's report. The finding is not admissible in evidence against the person in a criminal prosecution brought for violation of this Act, but the hearing and findings are not a bar to criminal prosecution brought for violation of this Act.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/85)

(Section scheduled to be repealed on December 31, 2008)

Sec. 85. Rehearing. In any hearing involving disciplinary action against an applicant or licensee, a copy of the Board's report shall be served upon the applicant or licensee by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after service, the applicant or licensee may present to the Department a motion in writing for a rehearing that shall specify the particular grounds for rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing a motion, or if a motion for rehearing is denied, then upon denial, the Secretary Director may enter an order in accordance with recommendations of the Board, except as provided in this Act. If the applicant or licensee orders from the reporting service, and pays for a transcript of the record within the time for filing a motion for rehearing, the 20 calendar day period within which a motion may be filed shall commence upon the delivery of the transcript to the respondent.

(Source: P.A. 88-670, eff. 12-2-94; 89-61, eff. 6-30-95.)

(225 ILCS 37/90)

(Section scheduled to be repealed on December 31, 2008)

Sec. 90. Hearing by other hearing officer examiner. Whenever the Secretary Director is not satisfied that substantial justice has been done in the revocation, suspension, or refusal to issue or renew a license, the

~~Secretary Director~~ may order a rehearing by the same or other ~~hearing officers~~ ~~examiners~~.  
(Source: P.A. 88-683, eff. 1-24-95; 89-61, eff. 6-30-95; 89-626, eff. 8-9-96.)

(225 ILCS 37/95)

(Section scheduled to be repealed on December 31, 2008)

Sec. 95. Appointment of hearing officer. The ~~Secretary Director~~ has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for Departmental refusal to issue a license, renew a license, or to discipline a licensee. The hearing officer has full authority to conduct the hearing. At least one member of the Board shall attend each hearing. The hearing officer shall report the findings of fact, conclusions of law, and recommendations to the Board and the ~~Secretary Director~~. The Board has 60 calendar days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the ~~Secretary Director~~. If the Board fails to present its report within the 60 calendar day period, the ~~Secretary Director~~ may issue an order based on the report of the hearing officer. If the ~~Secretary Director~~ disagrees with the recommendation of the Board or the hearing officer, the ~~Secretary Director~~ may issue an order in contravention of the recommendation.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/100)

(Section scheduled to be repealed on December 31, 2008)

Sec. 100. Order or certified copy. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the ~~Secretary Director~~, shall be prima facie proof that:

- (1) the signature is the genuine signature of the ~~Secretary Director~~;
- (2) the ~~Secretary Director~~ is duly appointed and qualified; and
- (3) the Board and its members are qualified to act.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/115)

(Section scheduled to be repealed on December 31, 2008)

Sec. 115. Temporary suspension. The ~~Secretary Director~~ may summarily suspend the license of an environmental health practitioner without a hearing, simultaneously with the initiation of proceedings for a hearing provided for in this Act, if the ~~Secretary Director~~ finds that evidence in his or her possession indicates that an environmental health practitioner's continuation in practice would constitute an imminent danger to the public. In the event that the ~~Secretary Director~~ summarily suspends the license of an environmental health practitioner without a hearing, a hearing by the Board must be held within 30 calendar days after the suspension has occurred.

(Source: P.A. 89-61, eff. 6-30-95.)

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

AMENDMENT NO. 3. Amend House Bill 4249, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, as follows:

on page 13, line 13, after "expire", by inserting "for a period of less than 5 years"; and

on page 13, immediately below line 20, by inserting the following:

"(b-5) A person seeking restoration of a license that has been expired or placed on inactive status for a period of 5 years or more may have the license restored by making application to the Department and filing proof acceptable to the Department of fitness to have the license restored. Proof may include (i) sworn evidence of active practice in another jurisdiction, (ii) an affidavit attesting to military service of the type set forth in subsection (c) of this Section, (iii) proof of passage of the Environmental Health Proficiency Examination during the period in which the license lapsed or was placed on inactive status, or (iv) sworn evidence acceptable to the Department of lawful practice under the supervision of an environmental health practitioner licensed under this Act. Except as otherwise stated in this Section, an applicant for restoration under this Section must pay any restoration fees required under this Act and provide proof of meeting continuing education requirements during the 2-year period immediately prior to restoration."; and on page 15, line 13, by deleting "impairment".

The foregoing message from the Senate reporting Senate Amendments numbered 2 and 3 to HOUSE BILL 4249 was placed on the Calendar on the order of Concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:

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

HOUSE BILL 4212

A bill for AN ACT concerning State government.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 4212

Passed the Senate, as amended, May 29, 2008.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 4212 by deleting line 10 on page 8 through line 6 on page 9.

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 4212 was placed on the Calendar on the order of Concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:

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

HOUSE BILL 4206

A bill for AN ACT concerning criminal law.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 4206

Passed the Senate, as amended, May 29, 2008.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 4206 by replacing line 26 on page 5 and lines 1 through 4 on page 6 with the following:

"(13) Carries or possesses on or about his or her person while in a building occupied by a unit of government, a billy club, other weapon of like character, or other instrument of like character intended for use as a weapon. For the purposes of this Section, "billy".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 4206 was placed on the Calendar on the order of Concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:

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

HOUSE BILL 2769

A bill for AN ACT concerning criminal law.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 2769

Passed the Senate, as amended, May 29, 2008.

Deborah Shipley, Secretary of the Senate



AMENDMENT NO. 1. Amend House Bill 2769 on page 11, by deleting line 26; and on page 12, by deleting lines 1 through 22; and on page 16, by deleting lines 16 through 26; and on page 17, by deleting lines 1 through 12; and on page 25, by deleting lines 25 and 26; and on page 26, by deleting lines 1 through 21; and on page 28, by deleting lines 22 through 26; and on page 29, by deleting lines 1 through 18.

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 2769 was placed on the Calendar on the order of Concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the passage of bills of the following titles to-wit:

HOUSE BILL NO. 953  
A bill for AN ACT concerning insurance coverage.

HOUSE BILL NO. 1533  
A bill for AN ACT concerning insurance.

HOUSE BILL NO. 4137  
A bill for AN ACT concerning land.

HOUSE BILL NO. 4252  
A bill for AN ACT concerning children.

HOUSE BILL NO. 4283  
A bill for AN ACT concerning local government.

HOUSE BILL NO. 4353  
A bill for AN ACT concerning local government.  
Passed by the Senate, May 29, 2008.

Deborah Shipley, Secretary of the Senate

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

HOUSE BILL 5768  
A bill for AN ACT concerning land.  
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:  
Senate Amendment No. 1 to HOUSE BILL NO. 5768  
Passed the Senate, as amended, May 29, 2008.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 5768 by replacing everything after the enacting clause with the following:

"Section 5. The State of Illinois owns the following described real estate:  
THE SOUTH 20 ACRES OF THE FOLLOWING DESCRIBED TRACT:  
THE WEST 1,024.24 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 24,  
TOWNSHIP 14 NORTH, RANGE 12 WEST OF THE 2ND PRINCIPAL MERIDIAN EXCEPT THE  
WEST 33' OF EVEN WIDTH THEREOF.  
ALSO BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SOUTHWEST

CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 14 NORTH, RANGE 12 WEST OF THE 2ND PRINCIPAL MERIDIAN; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST (ASSUMED BEARING), ALONG THE SOUTH LINE OF SAID EAST HALF, 33 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 90 DEGREES 10 MINUTES 52 SECONDS EAST, 878.90 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 991.24 FEET; THENCE SOUTH 00 DEGREES 10 MINUTES 52 SECONDS WEST, 878.90 FEET TO THE SOUTH LINE OF SAID EAST HALF; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG SAID SOUTH LINE 991.24 FEET TO THE TRUE POINT OF BEGINNING. BEING ALL SITUATED IN PARIS TOWNSHIP, EDGAR COUNTY, ILLINOIS AND CONTAINING 20.00 ACRES.

THE ABOVE DESCRIBED PROPERTY IS SUBJECT TO A DEDICATED RIGHT OF WAY FOR PUBLIC ROAD AND PUBLIC UTILITY PURPOSES OVER THE SOUTH 45 FEET OF EVEN WIDTH THEREOF. AS RECORDED IN BOOK 12 OF EASEMENTS, PAGE 92 AND DATED SEPTEMBER 6, 1990 OF THE RECORDS OF EDGAR COUNTY, ILLINOIS.

Section 10. Upon the payment of the sum of \$1 to the State of Illinois, and subject to the conditions set forth in Section 10 of this Act, the Director of Corrections, on behalf of the State of Illinois and all State Agencies, must convey by quitclaim deed all right, title, and interest of the State of Illinois in and to the Ed Jenison Work Camp located in Edgar County, Illinois to the City of Paris as described in Section 5.

Section 15. The quit claim deed shall state on its face and be subject to the condition that if the property is no longer used for public purposes, then title shall revert without further action to the State of Illinois.

Section 20. The Director of Corrections shall obtain a certified copy of this Act within 60 days after its effective date, and shall record the certified document in the recorder's office in the county in which the land is located.

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

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 5768 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Shipley, Secretary:

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

HOUSE BILL 5338

A bill for AN ACT concerning education.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 5338

Passed the Senate, as amended, May 29, 2008.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 5338 by deleting line 20 on page 4 through line 18 on page 5.

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 5338 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Shipley, Secretary:

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

HOUSE BILL 5077

A bill for AN ACT concerning education.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 5077

Senate Amendment No. 2 to HOUSE BILL NO. 5077

Passed the Senate, as amended, May 29, 2008.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 5077 by replacing everything after the enacting clause with the following:

"Section 5. The High Technology School-to-Work Act is amended by adding Section 50 as follows:

(20 ILCS 701/50 new)

Sec. 50. School-to-work grant program for high school students. The Department shall establish a separate school-to-work grant program for high school students to focus on writing and digital literacy or media production or both. Use of grant funds is limited to project activities that include designing in-school and related work-based and digital literacy curriculum with embedded technology standards, developing instruction materials, and hardware or software or both to support student writing and digital literacy activities. Sections 30, 35, and 45 of this Act do not apply to the grant program established under this Section.

Section 10. The School Code is amended by changing Section 2-3.135 as follows:

(105 ILCS 5/2-3.135)

(Section scheduled to be repealed on August 31, 2010)

Sec. 2-3.135. Technology immersion pilot project.

(a) The State Board of Education shall by rule establish a technology immersion pilot project to provide a wireless laptop computer to each student, teacher, and relevant administrator in a participating school and implement the use of software, on-line courses, and other appropriate learning technologies that have been shown to improve academic achievement and the progress measures listed in subsection (f) of this Section.

(b) The pilot project shall be for a period of at least 6 years. The State Board shall establish a procedure and develop criteria for the administration of the pilot project. In administering the pilot project, the State Board shall:

- (1) select participating school districts or schools;
- (2) define the conditions for the distribution and use of laptop computers and other technologies;
- (3) purchase and distribute laptop computers and other technologies;
- (4) enter into contracts as necessary to implement the pilot project;
- (5) monitor local pilot project implementation; and
- (6) conduct a final evaluation of the pilot project.

(c) The Technology Immersion Pilot Project Fund is created as a special fund in the State treasury. All money in the Technology Immersion Pilot Project Fund shall be used, subject to appropriation, by the State Board for the pilot project. To implement the pilot project, the State Board may use any funds appropriated by the General Assembly for the purposes of the pilot project as well as any gift, grant, or donation given for the pilot project. The State Board may solicit and accept a gift, grant, or donation of any kind from any source, including from a foundation, private entity, governmental entity, or institution of higher education, for the implementation of the pilot project. Funds for the pilot project may not be used for the construction of a building or other facility.

The State Board shall use pilot project funds for the following:

- (1) the purchase of wireless laptop computers so that each student, teacher, and relevant administrator in a participating classroom has a wireless laptop computer for use at school and at home;
- (2) the purchase of other equipment, including additional computer hardware and software;
- (3) the hiring of technical support staff for school districts or schools participating in the pilot project; and
- (4) the purchase of technology-based learning materials and resources.

~~The State Board may not allocate more than \$10 million for the pilot project.~~ The pilot project may be implemented only if sufficient funds are available under this Section for that purpose.

(d) A school district may apply to the State Board for the establishment of a technology immersion pilot project for the entire district or for a particular school or group of schools in the district.

The State Board shall select 7 school districts to participate in the pilot project. One school district shall be located in the City of Chicago, 3 school districts shall be located in the area that makes up the counties of DuPage, Kane, Lake, McHenry, Will, and that portion of Cook County that is located outside of the City of Chicago, and 3 school districts shall be located in the remainder of the State.

The State Board shall select the participating districts and schools for the pilot project based on each district's or school's need for the pilot project. In selecting participants, the State Board shall consider the following criteria:

- (1) whether the district or school has limited access to educational resources that could be improved through the use of wireless laptop computers and other technologies;
- (2) whether the district or school has the following problems and whether those problems can be mitigated through the use of wireless laptop computers and other technologies:
  - (A) documented teacher shortages in critical areas;
  - (B) limited access to advanced placement courses;
  - (C) low rates of satisfactory performance on assessment instruments under Section 2-3.64 of this Code; and
  - (D) high dropout rates;
- (3) the district's or school's readiness to incorporate technology into its classrooms;
- (4) the possibility of obtaining a trained technology support staff and high-speed Internet services for the district or school; and
- (5) the methods the district or school will use to measure the progress of the pilot project in the district or school in accordance with subsection (f) of this Section.

The State Board shall if possible select at least 9 schools to participate in the pilot project, with at least 3 from the school district located in the City of Chicago and one from each of the other school districts selected.

(e) Each participating school district or school shall establish a technology immersion committee to assist in developing and implementing the technology immersion pilot project.

The school board of a participating district or of a district in which a participating school is located shall appoint individuals to the committee. The committee may be composed of the following:

- (1) educators;
- (2) district-level administrators;
- (3) community leaders;
- (4) parents of students who attend a participating school; and
- (5) any other individual the school board finds appropriate.

The committee shall develop an academic improvement plan that details how the pilot project should be implemented in the participating district or school. In developing the academic improvement plan, the committee shall consider (i) the educational problems in the district or school that could be mitigated through the implementation of the pilot project and (ii) the technological and nontechnological resources that are necessary to ensure the successful implementation of the pilot project.

The committee shall recommend to the school board how the pilot project funds should be used to implement the academic improvement plan. The committee may recommend annually any necessary changes in the academic improvement plan to the school board. The State Board must approve the academic improvement plan or any changes in the academic improvement plan before disbursing pilot project funds to the school board.

(f) The school board of each school district participating in the pilot project shall send an annual progress report to the State Board no later than August 1 of each year that the district is participating in the pilot project. The report must state in detail the type of plan being used in the district or school and the effect of the pilot project on the district or school, including the following:

- (1) the academic progress of students who are participating in the pilot project, as measured by performance on assessment instruments;
- (2) if applicable, a comparison of student progress in a school or classroom that is participating in the pilot project as compared with student progress in the schools or classrooms in the district that are not participating in the pilot project;
- (3) any elements of the pilot project that contribute to improved student performance on assessment instruments administered under Section 2-3.64 of this Code or any other assessment instrument required by the State Board;
- (4) any cost savings and improved efficiency relating to school personnel and the maintenance of facilities;

- (5) any effect on student dropout and attendance rates;
- (6) any effect on student enrollment in higher education;
- (7) any effect on teacher performance and retention;
- (8) any improvement in communications among students, teachers, parents, and administrators;
- (9) any improvement in parental involvement in the education of the parent's child;
- (10) any effect on community involvement and support for the district or school; and
- (11) any increased student proficiency in technologies that will help prepare the student for becoming a member of the workforce.

(g) Each student participating in the pilot project may retain the wireless laptop computer provided under the pilot project as long as the student is enrolled in a school in a participating school district.

(h) After the expiration of the 6-year pilot project, the State Board shall review the pilot project based on the annual reports the State Board receives from the school board of participating school districts.

(i) This Section is repealed on August 31, 2010.

(Source: P.A. 95-387, eff. 8-30-07.)

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

AMENDMENT NO. 2. Amend House Bill 5077, AS AMENDED, by deleting Section 5.

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 5077 was placed on the Calendar on the order of Concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:

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

HOUSE BILL 5069

A bill for AN ACT concerning revenue.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 5069

Passed the Senate, as amended, May 29, 2008.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 5069 immediately below the enacting clause, by inserting the following:

"Section 3. The Illinois Income Tax Act is amended by changing Section 404 as follows:

(35 ILCS 5/404) (from Ch. 120, par. 4-404)

Sec. 404. Reallocation of Items.

(a) If it appears to the Director that any agreement, understanding or arrangement exists between any persons which causes any person's base income allocable to this State to be improperly or inaccurately reflected, the Director may adjust such items of income and deduction, and any factor taken into account in allocating income to this State, to such extent as may reasonably be required to determine the base income of such person properly allocable to this State.

(b) The Director may not make an adjustment to base income under this Section that has the same effect as retroactively applying any amendments to this Act made by Public Act 93-0840, Public Act 95-0233, or Public Act 95-0707.

(Source: P.A. 76-261.)"; and

by replacing line 22 on page 1 through line 1 on page 2 with the following:

"Section 99. Effective date. This Act takes effect upon becoming law, except that the changes in Section 5 of the Act take effect on January 1, 2009."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 5069 was placed on the Calendar on the order of Concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:

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

HOUSE BILL 5059

A bill for AN ACT concerning education.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 2 to HOUSE BILL NO. 5059

Passed the Senate, as amended, May 29, 2008.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 2. Amend House Bill 5059 as follows:  
by deleting line 15 on page 6 through line 12 on page 7; and  
on page 7, line 16, by replacing "Beginning" with "Subject to appropriation, beginning"; and  
by deleting line 17 on page 10 through line 14 on page 11; and  
on page 11, immediately below line 14, by inserting the following:

"Section 7. The Academic Degree Act is amended by changing Section 11 as follows:

(110 ILCS 1010/11) (from Ch. 144, par. 241)

Sec. 11. Exemptions. ~~This Act shall not apply to any school or educational institution regulated or approved under the Nurse Practice Act.~~ This Act shall not apply to any of the following:

(a) in-training programs by corporations or other business organizations for the training of their personnel;

(b) education or other improvement programs by business, trade and similar organizations and associations for the benefit of their members only; or

(c) apprentice or other training programs by labor unions.

(Source: P.A. 95-639, eff. 10-5-07.)"

The foregoing message from the Senate reporting Senate Amendment No. 2 to HOUSE BILL 5059 was placed on the Calendar on the order of Concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:

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

HOUSE BILL 4778

A bill for AN ACT concerning regulation.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 4778

Passed the Senate, as amended, May 29, 2008.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 4778 on page 23, by deleting lines 1 through 24.

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 4778 was placed on the Calendar on the order of Concurrence.

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

HOUSE BILL 4727

A bill for AN ACT concerning education.  
Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:  
Senate Amendment No. 1 to HOUSE BILL NO. 4727  
Senate Amendment No. 2 to HOUSE BILL NO. 4727  
Passed the Senate, as amended, May 29, 2008.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 4727 as follows:  
on page 2, lines 3 and 4, by replacing "~~school term~~" with "or school term, as determined by school board policy"; and  
on page 2, line 5, by replacing "~~school term~~" with "or school term".

AMENDMENT NO. 2. Amend House Bill 4727 by replacing line 10 on page 2 through line 6 on page 3 with the following:  
"year".

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 4727 was placed on the Calendar on the order of Concurrence.

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

HOUSE BILL 4668

A bill for AN ACT concerning safety.  
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:  
Senate Amendment No. 2 to HOUSE BILL NO. 4668  
Passed the Senate, as amended, May 29, 2008.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 2. Amend House Bill 4668 by replacing everything after the enacting clause with the following:  
"Section 5. The Illinois Vehicle Code is amended by changing Sections 5-401.3, 5-401.4, and 5-403 and by adding Section 5-404 as follows:

(625 ILCS 5/5-401.3) (from Ch. 95 1/2, par. 5-401.3)

Sec. 5-401.3. Scrap processors ~~and recyclable metal dealers~~ required to keep records.

(a) Every person licensed or required to be licensed as a scrap processor pursuant to Section 5-301 of this Chapter, ~~and every recyclable metal dealer as defined in Section 1-169.3 of this Code~~, shall maintain for 3 years, at his established place of business, the following records relating to the acquisition of recyclable metals ~~scrap metals~~ or the acquisition of a vehicle, junk vehicle, or vehicle cowl which has been acquired for the purpose of processing into a form other than a vehicle, junk vehicle or vehicle cowl which is possessed in the State or brought into this State from another state, territory or country. No scrap metal processor ~~or recyclable metal dealer~~ shall sell a vehicle or essential part, as such, except for engines, transmissions, and powertrains, unless licensed to do so under another provision of this Code. A scrap processor ~~or recyclable metal dealer~~ who is additionally licensed as an automotive parts recycler shall not be subject to the record keeping requirements for a scrap processor ~~or recyclable metal dealer~~ when acting

as an automotive parts recycler.

(1) For a vehicle, junk vehicle, or vehicle cowl acquired from a person who is licensed under this Chapter, the scrap processor ~~or recyclable metal dealer~~ shall record the name and address of the person, and the Illinois or out-of-state dealer license number of such person on the scrap processor's ~~processor or recyclable metal dealer's~~ weight ticket at the time of the acquisition. The person disposing of the vehicle, junk vehicle, or vehicle cowl shall furnish the scrap processor ~~or recyclable metal dealer~~ with documentary proof of ownership of the vehicle, junk vehicle, or vehicle cowl in one of the following forms: a Certificate of Title, a Salvage Certificate, a Junking Certificate, a Secretary of State Junking Manifest, a Uniform Invoice, a Certificate of Purchase, or other similar documentary proof of ownership. The scrap processor ~~or recyclable metal dealer~~ shall not acquire a vehicle, junk vehicle or vehicle cowl without obtaining one of the aforementioned documentary proofs of ownership.

(2) For a vehicle, junk vehicle or vehicle cowl acquired from a person who is not licensed under this Chapter, the scrap processor ~~or recyclable metal dealer~~ shall verify and record that person's identity by recording the identification of such person from at least 2 sources of identification, one of which shall be a driver's license or State Identification Card, on the scrap processor's ~~processor or recyclable metal dealer's~~ weight ticket at the time of the acquisition. The person disposing of the vehicle, junk vehicle, or vehicle cowl shall furnish the scrap processor ~~or recyclable metal dealer~~ with documentary proof of ownership of the vehicle, junk vehicle, or vehicle cowl in one of the following forms: a Certificate of Title, a Salvage Certificate, a Junking Certificate, a Secretary of State Junking Manifest, a Certificate of Purchase, or other similar documentary proof of ownership. The scrap processor ~~or recyclable metal dealer~~ shall not acquire a vehicle, junk vehicle or vehicle cowl without obtaining one of the aforementioned documentary proofs of ownership.

(3) In addition to the other information required on the scrap processor's ~~processor or recyclable metal dealer's~~ weight ticket, a scrap processor ~~or recyclable metal dealer~~ who at the time of acquisition of a vehicle, junk vehicle, or vehicle cowl is furnished a Certificate of Title, Salvage Certificate or Certificate of Purchase shall record the Vehicle ~~vehicle~~ Identification Number on the weight ticket or affix a copy of the Certificate of Title, Salvage Certificate or Certificate of Purchase to the weight ticket and the identification of the person acquiring the information on the behalf of the scrap processor ~~or recyclable metal dealer~~.

(4) The scrap processor ~~or recyclable metal dealer~~ shall maintain a copy of a Junk Vehicle Notification relating to any Certificate of Title, Salvage Certificate, Certificate of Purchase or similarly acceptable out-of-state document surrendered to the Secretary of State pursuant to the provisions of Section 3-117.2 of this Code.

(5) For recyclable metals ~~scrap metals~~ valued at \$100 or more, the scrap processor ~~or recyclable metal dealer~~ shall for each transaction, verify and record the identity of the person from whom the recyclable metals ~~scrap metals~~ were acquired by verifying recording the identification of that person from one source of identification, which shall be a valid driver's license or State Identification Card, on the scrap processor's ~~processor or recyclable metal dealer's~~ weight ticket at the time of the acquisition and by making and recording a photocopy or electronic scan of the driver's license or State Identification Card. Such information shall be available for inspection by any law enforcement official. If the person delivering the recyclable metal does not have a valid driver's license or State Identification Card, the scrap processor shall not complete the transaction. The inspection of records pertaining only to recyclable ~~scrap~~ metals shall not be counted as an inspection of a premises for purposes of subparagraph (7) of Section 5-403 of this Code.

This subdivision (a)(5) does not apply to electrical contractors, to agencies or instrumentalities of the State of Illinois or of the United States, to common carriers, to purchases from persons, firms, or corporations regularly engaged in the business of manufacturing recyclable metal, in the business of selling recyclable metal at retail or wholesale, or in the business of razing, demolishing, destroying, or removing buildings, to the purchase by one recyclable metal dealer from another, or the purchase from persons, firms, or corporations engaged in either the generation, transmission, or distribution of electric energy or in telephone, telegraph, and other communications if such common carriers, persons, firms, or corporations at the time of the purchase provide the recyclable metal dealer with a bill of sale or other written evidence of title to the recyclable metal. This subdivision (a)(5) also does not apply to contractual arrangements between dealers.

(b) Any licensee ~~or recyclable metal dealer~~ who knowingly fails to record any of the specific information required to be recorded on the weight ticket required under any other subsection of this Section, or Section



5-401 of this Code, or who knowingly fails to acquire and maintain for 3 years documentary proof of ownership in one of the prescribed forms shall be guilty of a Class A misdemeanor and subject to a fine not to exceed \$1,000. Each violation shall constitute a separate and distinct offense and a separate count may be brought in the same complaint for each violation. Any licensee ~~or recyclable metal dealer~~ who commits a second violation of this Section within two years of a previous conviction of a violation of this Section shall be guilty of a Class 4 felony.

(c) It shall be an affirmative defense to an offense brought under paragraph (b) of this Section that the licensee ~~or recyclable metal dealer~~ or person required to be licensed both reasonably and in good faith relied on information appearing on a Certificate of Title, a Salvage Certificate, a Junking Certificate, a Secretary of State Manifest, a Secretary of State's Uniform Invoice, a Certificate of Purchase, or other documentary proof of ownership prepared under Section 3-117.1 (a) of this Code, relating to the transaction for which the required record was not kept which was supplied to the licensee ~~or recyclable metal dealer~~ by another licensee ~~or recyclable metal dealer~~ or an out-of-state dealer.

(d) No later than 15 days prior to going out of business, selling the business, or transferring the ownership of the business, the scrap processor ~~or recyclable metal dealer~~ shall notify the Secretary of that fact. Failure to so notify the Secretary of State shall constitute a failure to keep records under this Section.

(e) Evidence derived directly or indirectly from the keeping of records required to be kept under this Section shall not be admissible in a prosecution of the licensee ~~or recyclable metal dealer~~ for an alleged violation of Section 4-102 (a)(3) of this Code.

(Source: P.A. 95-253, eff. 1-1-08.)

(625 ILCS 5/5-401.4)

Sec. 5-401.4. Purchase of beer kegs by scrap processors ~~and recyclable metal dealers~~.

(a) A scrap processor ~~or recyclable metal dealer~~ may not purchase metal beer kegs from any person other than the beer manufacturer whose identity is printed, stamped, attached, or otherwise displayed on the beer keg, or the manufacturer's authorized representative.

(b) The purchaser shall obtain a proof of ownership record from a person selling the beer keg, including any person selling a beer keg with an indicia of ownership that is obliterated, unreadable, or missing, and shall also verify the seller's identity by a driver's license or other government-issued photo identification. The proof of ownership record shall include all of the following information:

(1) The name, address, telephone number, and signature of the seller or the seller's authorized representative.

(2) The name and address of the buyer, or consignee if not sold.

(3) A description of the beer keg, including its capacity and any indicia of ownership or other distinguishing marks appearing on the exterior surface.

(4) The date of transaction.

(c) The information required to be collected by this Section shall be kept for one year from the date of purchase or delivery, whichever is later.

(Source: P.A. 95-253, eff. 1-1-08.)

(625 ILCS 5/5-403) (from Ch. 95 1/2, par. 5-403)

Sec. 5-403. (1) Authorized representatives of the Secretary of State including officers of the Secretary of State's Department of Police, other peace officers, and such other individuals as the Secretary may designate from time to time shall make inspections of individuals and facilities licensed or required to be licensed under Chapter 5 of the Illinois Vehicle Code for the purpose of reviewing records required to be maintained under Chapter 5 for accuracy and completeness and reviewing and examining the premises of the licensee's established or additional place of business for the purpose of determining the accuracy of the required records. Premises that may be inspected in order to determine the accuracy of the books and records required to be kept includes all premises used by the licensee to store vehicles and parts that are reflected by the required books and records.

(2) Persons having knowledge of or conducting inspections pursuant to this Chapter shall not in advance of such inspections knowingly notify a licensee or representative of a licensee of the contemplated inspection unless the Secretary or an individual designated by him for this purpose authorizes such notification. Any individual who, without authorization, knowingly violates this subparagraph shall be guilty of a Class A misdemeanor.

(3) The licensee or a representative of the licensee shall be entitled to be present during an inspection conducted pursuant to Chapter 5, however, the presence of the licensee or an authorized representative of the licensee is not a condition precedent to such an inspection.

(4) Inspection conducted pursuant to Chapter 5 may be initiated at any time that business is being

conducted or work is being performed, whether or not open to the public or when the licensee or a representative of the licensee, other than a mere custodian or watchman, is present. The fact that a licensee or representative of the licensee leaves the licensed premises after an inspection has been initiated shall not require the termination of the inspection.

(5) Any inspection conducted pursuant to Chapter 5 shall not continue for more than 24 hours after initiation.

(6) In the event information comes to the attention of the individuals conducting an inspection that may give rise to the necessity of obtaining a search warrant, and in the event steps are initiated for the procurement of a search warrant, the individuals conducting such inspection may take all necessary steps to secure the premises under inspection until the warrant application is acted upon by a judicial officer.

(7) No more than 6 inspections of a premises may be conducted pursuant to Chapter 5 within any 6 month period except pursuant to a search warrant. Notwithstanding this limitation, nothing in this subparagraph (7) shall be construed to limit the authority of law enforcement agents to respond to public complaints of violations of the Code. For the purpose of this subparagraph (7), a public complaint is one in which the complainant identifies himself or herself and sets forth, in writing, the specific basis for their complaint against the licensee. For the purpose of this subparagraph (7), the inspection of records pertaining only to recyclable scrap metals, as provided in subdivision (a)(5) of Section 5-401.3 of this Code, shall not be counted as an inspection of a premises.

(8) Nothing in this Section shall be construed to limit the authority of individuals by the Secretary pursuant to this Section to conduct searches of licensees pursuant to a duly issued and authorized search warrant.

(9) Any licensee who, having been informed by a person authorized to make inspections and examine records under this Section that he desires to inspect records and the licensee's premises as authorized by this Section, refuses either to produce for that person records required to be kept by this Chapter or to permit such authorized person to make an inspection of the premises in accordance with this Section shall subject the license to immediate suspension by the Secretary of State.

(10) Beginning July 1, 1988, any person licensed under 5-302 shall produce for inspection upon demand those records pertaining to the acquisition of salvage vehicles in this State. This inspection may be conducted at the principal offices of the Secretary of State.

(Source: P.A. 95-253, eff. 1-1-08.)

(625 ILCS 5/5-404 new)

Sec. 5-404. Injunctions. The Illinois Attorney General or the State's Attorney for the county in which the scrap processor is located may initiate an appropriate action in the circuit court of the county in which a scrap processor is located to prevent the unlawful operation of a scrap processor, or to restrain, correct, or abate a violation of this Act, or to prevent any illegal act or conduct by the scrap processor.

(625 ILCS 5/1-169.3 rep.)

Section 10. The Illinois Vehicle Code is amended by repealing Section 1-169.3.

Section 15. The Copper Purchase Registration Law is amended by changing the title of the Act and Sections 1, 2, 3, 5, 7, and 8 and by adding Sections 4.5 and 9 as follows:

(815 ILCS 325/Act title)

An Act to require the registration of the purchase of recyclable metal ~~copper~~ as herein defined, and providing a penalty for the violation thereof.

(815 ILCS 325/1) (from Ch. 121 1/2, par. 321)

Sec. 1. Short title. This Act is ~~known as~~ and may be cited as the Recyclable Metal "~~Copper~~ Purchase Registration Law".

(Source: P.A. 76-1476.)

(815 ILCS 325/2) (from Ch. 121 1/2, par. 322)

Sec. 2. Definitions. When used in this Act:

"Recyclable metal" means any copper, brass, or aluminum, or any combination of those metals, purchased by a recyclable metal dealer, irrespective of form or quantity, except that "recyclable metal" does not include: (i) items designed to contain, or to be used in the preparation of, beverages or food for human consumption; (ii) discarded items of non-commercial or household waste; (iii) gold, silver, platinum, and other precious metals used in jewelry; or (iv) vehicles, junk vehicles, vehicle cowls, or essential vehicle parts. "Copper" means any copper, copper alloy or brass bars, cable, ingots, rods, tubing, wire, wire scraps, clamps, connectors or other appurtenances utilized or that can be utilized by common carriers or by persons, firms, corporations or municipal corporations engaged in either the generation, transmission or distribution of electric energy or in telephone, telegraph or other communications;

"Recyclable metal ~~Copper~~ dealer" means any individual, firm, corporation or partnership engaged in the business of purchasing and reselling recyclable metal ~~copper~~ either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, or junk stores, except that "recyclable metal dealer" does not include automotive parts recyclers, scrap processors, repairers and rebuilders licensed pursuant to Section 5-301 of the Illinois Vehicle Code. Recyclable metal dealers shall not be engaged in the business of purchasing or reselling vehicles, junk vehicles, vehicle cowl, or essential vehicle parts, auto wreckers, scrap metal dealers or processors, salvage yards, collectors of or dealers in junk and junk carts or trucks.

(Source: P.A. 76-1476.)

(815 ILCS 325/3) (from Ch. 121 1/2, par. 323)

Sec. 3. Records of purchases. Except as provided in Section 5 of this Act every recyclable metal ~~copper~~ dealer in this State shall enter on forms provided by the Department of State Police or such department as may succeed to its functions, for each purchase of recyclable metal valued at \$100 ~~copper~~ consisting of 50 pounds or more the following information:

1. The name and address of the recyclable metal ~~copper~~ dealer;
2. The date and place of each purchase;
3. The name and address of the person or persons from whom the recyclable metal ~~copper~~ was purchased, which shall be verified from a valid driver's license or State Identification Card. The recyclable metal dealer shall make and record a photocopy or electronic scan of the driver's license or State Identification Card. If the person delivering the recyclable metal does not have a valid driver's license or State Identification Card, the recyclable metal dealer shall not complete the transaction;
4. The motor vehicle license number and state of issuance of the motor vehicle license number of the vehicle or conveyance on which the recyclable metal ~~copper~~ was delivered to the recyclable metal ~~copper~~ dealer;
5. A description of the recyclable metal ~~copper~~ purchased, including the weight and whether it consists of bars, cable, ingots, rods, tubing, wire, wire scraps, clamps, connectors or other appurtenances, or some combination thereof.

A copy of the completed form shall be kept in a separate book or register by the recyclable metal ~~copper~~ dealer and shall be retained for a period of 2 years. Such book or register shall be made available for inspection by any law enforcement official or the representatives of common carriers and persons, firms, corporations or municipal corporations engaged in either the generation, transmission or distribution of electric energy or engaged in telephone, telegraph or other communications, at any time.

(Source: P.A. 94-181, eff. 1-1-06.)

(815 ILCS 325/4.5 new)

Sec. 4.5. Purchase of beer kegs by recyclable metal dealers.

(a) A recyclable metal dealer may not purchase metal beer kegs from any person other than the beer manufacturer whose identity is printed, stamped, attached, or otherwise displayed on the beer keg, or from the manufacturer's authorized representative.

(b) The purchaser shall obtain a proof of ownership record from a person selling the beer keg, including any person selling a beer keg with an indicia of ownership that is obliterated, unreadable, or missing, and shall also verify the seller's identity by a driver's license or other government-issued photo identification. The proof of ownership record shall include all of the following information:

- (1) The name, address, telephone number, and signature of the seller or the seller's authorized representative.
- (2) The name and address of the buyer, or consignee if not sold.
- (3) A description of the beer keg, including its capacity and any indicia of ownership or other distinguishing marks appearing on the exterior surface.
- (4) The date of transaction.

(c) The information required to be collected by this Section shall be kept for one year from the date of purchase or delivery, whichever is later.

(815 ILCS 325/5) (from Ch. 121 1/2, par. 325)

Sec. 5. Exemptions. The provisions of Section 3 of this Act do not apply to electrical contractors, to agencies or instrumentalities of the State of Illinois or of the United States, to common carriers or to purchases from persons, firms or corporations regularly engaged in the business of manufacturing recyclable metal ~~copper~~, the business of selling recyclable metal ~~copper~~ at retail or wholesale, in the business of razing, demolishing, destroying or removing buildings, to the purchase of one recyclable metal

~~opper~~ dealer from another or the purchase from persons, firms or corporations engaged in either the generation, transmission or distribution of electric energy or in telephone, telegraph and other communications if such common carriers, persons, firms or corporations at the time of the purchase provide the recyclable metal ~~opper~~ dealer with a bill of sale or other written evidence of title to the recyclable metal ~~opper~~.

(Source: P.A. 94-181, eff. 1-1-06.)

(815 ILCS 325/7) (from Ch. 121 1/2, par. 327)

Sec. 7. Inapplicability. This Act shall not apply in any municipality ~~that which~~ provides for the registration of recyclable metal ~~opper~~ purchased by resolution, ordinance or regulation ~~that which~~ substantially complies with the substantive provisions of this Act or any rule or regulation hereunder with the exception of the penalty provisions. The fact of such nonapplication shall be evidenced by a certificate of exemption issued by the Department of State Police or such department as may succeed to its functions, if it finds that a municipal resolution, ordinance, or regulation meeting such requirements is being enforced. The ~~Such~~ certificate of exemption shall be available for inspection in the office of the municipal clerk. This Act does not apply in municipalities with populations of 1,000,000 or over.

(Source: P.A. 84-25.)

(815 ILCS 325/8) (from Ch. 121 1/2, par. 328)

Sec. 8. Penalty. Any recyclable metal ~~opper~~ dealer who knowingly fails to comply with this Act is guilty of a Class ~~A B~~ misdemeanor for the first offense, and a Class 4 felony for the second or subsequent offense. Each day that any recyclable metal ~~opper~~ dealer so fails to comply shall constitute a separate offense.

(Source: P.A. 77-2262.)

(815 ILCS 325/9 new)

Sec. 9. Injunctions. The Illinois Attorney General or the State's Attorney for the county in which the recyclable metal dealer is located may initiate an appropriate action in the circuit court of the county in which a recyclable metal dealer is located to prevent the unlawful operation of a recyclable metal dealer, or to restrain, correct, or abate a violation of this Act, or to prevent any illegal act or conduct by the recyclable metal dealer.

Section 99. Effective date. This Act takes effect January 2, 2009."

The foregoing message from the Senate reporting Senate Amendment No. 2 to HOUSE BILL 4668 was placed on the Calendar on the order of Concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:

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

HOUSE BILL 4461

A bill for AN ACT concerning regulation.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 4461

Passed the Senate, as amended, May 29, 2008.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 4461 by deleting line 5 on page 4 through line 2 on page 5.

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 4461 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Shipley, Secretary:

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

HOUSE BILL 4449

A bill for AN ACT concerning aging.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 4449

Passed the Senate, as amended, May 29, 2008.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 4449 on page 16, by deleting lines 2 through 25.

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 4449 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Shipley, Secretary:

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

HOUSE BILL 4379

A bill for AN ACT concerning insurance.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 4379

Passed the Senate, as amended, May 29, 2008.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 4379 as follows:  
by deleting line 20 on page 2 through line 17 on page 3; and  
by deleting line 11 on page 6 through line 9 on page 7.

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 4379 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Shipley, Secretary:

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

HOUSE BILL NO. 4378

A bill for AN ACT concerning local government.

HOUSE BILL NO. 4536

A bill for AN ACT concerning public employee benefits.

HOUSE BILL NO. 4653

A bill for AN ACT concerning land.

HOUSE BILL NO. 4673

A bill for AN ACT concerning regulation.

Passed by the Senate, May 29, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 751

A bill for AN ACT concerning government.  
Passed by the Senate, May 29, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing SENATE BILL 751 was ordered reproduced and placed on the order of Senate Bills - First Reading.

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 788

A bill for AN ACT concerning finance.  
Passed by the Senate, May 29, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing SENATE BILL 788 was ordered reproduced and placed on the order of Senate Bills - First Reading.

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 836

A bill for AN ACT concerning local government.  
Passed by the Senate, May 29, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing SENATE BILL 836 was ordered reproduced and placed on the order of Senate Bills - First Reading.

A message from the Senate by  
Ms. Shipley, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 790

A bill for AN ACT concerning finance.  
Passed by the Senate, May 29, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing SENATE BILL 790 was ordered reproduced and placed on the order of Senate Bills - First Reading.

A message from the Senate by  
Ms. Shipley, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 1900

A bill for AN ACT concerning insurance.  
House Amendment No. 1 to SENATE BILL NO. 1900.  
Action taken by the Senate, May 29, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing message from the Senate reporting their refusal to concur in House Amendment No. 1 to SENATE BILL 1900 was placed on the Calendar on the order of Non-concurrence.

A message from the Senate by  
Ms. Shipley, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 2090

A bill for AN ACT concerning public employee benefits.  
Passed by the Senate, May 29, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing SENATE BILL 2090 was ordered reproduced and placed on the order of Senate Bills - First Reading.

#### **CHANGE OF SPONSORSHIPS**

With the consent of the affected members, Representative McCarthy was removed as principal sponsor, and Representative Jakobsson became the new principal sponsor of SENATE BILL 326.

With the consent of the affected members, Representative Smith was removed as principal sponsor, and Representative Miller became the new principal sponsor of SENATE BILL 1174.

With the consent of the affected members, Representative Joyce was removed as principal sponsor, and Representative Yarbrough became the new principal sponsor of SENATE BILL 2690.

With the consent of the affected members, Representative Molaro was removed as principal sponsor, and Representative Froehlich became the new principal sponsor of SENATE BILL 2526.

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Moffitt became the new principal sponsor of HOUSE BILL 3200.

With the consent of the affected members, Representative John Bradley was removed as principal sponsor, and Representative Scully became the new principal sponsor of HOUSE BILL 5730.

With the consent of the affected members, Representative Mendoza was removed as principal sponsor, and Representative Reboletti became the new principal sponsor of SENATE BILL 2198.

With the consent of the affected members, Representative Gordon was removed as principal sponsor, and Representative Molaro became the new principal sponsor of SENATE BILL 2294.

With the consent of the affected members, Representative Tracy was removed as principal sponsor, and Representative Molaro became the new principal sponsor of SENATE BILL 2558.

With the consent of the affected members, Representative Soto was removed as principal sponsor, and Representative McGuire became the new principal sponsor of SENATE BILL 2301.

With the consent of the affected members, Representative Chapa LaVia was removed as principal sponsor, and Representative Jefferson became the new principal sponsor of SENATE BILL 2743.

**HOUSE RESOLUTION**

The following resolution was offered and placed in the Committee on Rules.

HOUSE JOINT RESOLUTION 137

Offered by Representative Fritchey:

WHEREAS, Article XIV of the 1970 Illinois Constitution requires that if the question of whether a constitutional convention should be called is not submitted during any 20-year period, that question shall be submitted at the general election in the 20th year following the last submission; and

WHEREAS, The question of the convening of a constitutional convention was submitted to the electorate in 1988, and that question has not been submitted during the past 20-year period; and

WHEREAS, The 1970 Illinois Constitution requires that the question of whether to call a constitutional convention be submitted to the electorate at the general election in 2008; and

WHEREAS, The Constitutional Convention Act authorizes the procedure for preparing voter education materials to accompany the question of calling a convention and requires the General Assembly to prepare those materials; and

WHEREAS, The General Assembly, by House Joint Resolution 111, has created a Joint Committee for the Constitutional Convention Proposal to prepare, for adoption by both houses, a report which provides a brief explanation and arguments in favor of and against a constitutional convention, as well as the form in which the question will appear on the ballot; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the report of the Joint Committee for the Constitutional Convention Proposal, as set out in this Resolution, is hereby adopted and shall be certified to the Secretary of State:

PROPOSED CALL

FOR A

STATE

CONSTITUTIONAL CONVENTION

That will be submitted to the voters

November 4, 2008

This pamphlet includes

*EXPLANATION OF THE PROPOSED CALL*

*ARGUMENTS IN FAVOR OF HOLDING A CONVENTION*

*ARGUMENTS AGAINST HOLDING A CONVENTION*

*FORM OF BALLOT*



*To the Electors of the State of Illinois:*

The 1970 Illinois Constitution requires the electors of the State to decide, every 20 years, if it is necessary to revise or rewrite the Illinois Constitution. In 1988 the electors rejected the call for a constitutional convention, with 75% voting against and 25% voting in favor of convening a convention. At the general election to be held on November 4, 2008, the voters will be called upon to decide whether Illinois should convene a constitutional convention.

**EXPLANATION**

The purpose of a state constitution is to establish a structure for government and laws. The Illinois Constitution provides citizens with rights and protections; creates the executive, judicial, and legislative branches of government; clarifies the powers given to local governments; limits the taxing power of the State; and imposes certain restrictions on the use of taxpayer dollars. There are three ways to initiate change to the Illinois Constitution: (1) a constitutional convention may propose changes to any part; (2) the General Assembly may propose changes to any part; or (3) the people of the State by referendum may propose changes to the Legislative Article. Regardless of the method of initiating change, the people of Illinois must approve any changes to the Constitution before they become effective.

A constitutional convention is a meeting of delegates elected by the people to review the Constitution. During a convention, the delegates may propose changes to parts of the current Constitution, write a new Constitution, or make no changes whatsoever. If the people of the State on November 4, 2008 decide it is necessary to call a convention, a separate election will be held to elect delegates to represent the voters during the constitutional convention. The elected delegates will meet to review the current constitution and decide whether the constitution should be revised or rewritten. There is no limit as to how long a constitutional convention may meet. The last constitutional convention met for nine months. Once the delegates complete their work, the voters will have an opportunity to approve or reject proposed changes.

The call for a constitutional convention will be on the November 4, 2008 general election ballot. Voters that believe the 1970 Illinois Constitution should be reviewed, revised, or rewritten through the convention process should vote "YES" on the question of calling a constitutional convention. Three-fifths of those voting on the question or a majority of those voting in the election must vote "yes" in order for a constitutional convention to be called. Voters that believe that a constitutional convention is not necessary, or that changes can be accomplished through other means, should vote "NO" on the calling of a constitutional convention.

Summary of Arguments In Favor of Holding a Constitutional Convention

1. A constitutional convention allows delegates to consider important substantive issues that have failed to advance in the legislative process.
2. Changes to our state and local governments are best addressed by delegates elected solely to review the Constitution.
3. A constitutional convention would provide the first comprehensive review of the Illinois Constitution since its adoption in 1970.
4. Any proposed changes to the Constitution must be ratified by the voters before they become effective.

Summary of Arguments Against Holding a Constitutional Convention

1. A constitutional convention could cost as much as \$78 million.
2. The current Illinois Constitution could be changed without a constitutional convention, and in fact has been changed 10 times since the last convention.
3. A constitutional convention could be controlled by special interests groups and lobbyists, and there is no way to limit the issues discussed.
4. A convention could threaten the economy by creating an unstable business climate.

Arguments In Favor of Holding a Constitutional ConventionAddress Important Issues That Have Failed to Advance in the Legislative Process

Amendments proposed by the General Assembly must be approved by both the Illinois Senate and the Illinois House of Representatives before they are submitted to the voters. If one chamber does not like an amendment, or both chambers cannot agree on the language of the proposed amendment, the voters will never have an opportunity to vote on the proposed change. State Senators and Representatives have proposed hundreds of constitutional amendments, but only six have made it to the ballot since the 1988 vote on whether to call a constitutional convention. Many of the proposals that have failed to advance in the legislative process address important issues such as education funding, state and local taxes, electing judges, and ethics reform to reduce the influence of special interest groups and lobbyists.

Best Chance for Real Change

Illinois has over 6,900 units of government, far more than any other state in the nation. Delegates to a

constitutional convention could propose ideas to consolidate state and local governments to provide citizens with more responsive and cost-effective government services. A convention could restore the confidence of citizens in the political process. Delegates could discuss important issues including term limits for elected officials, citizen initiatives for changes to the Constitution, and a new process for drawing representative boundaries designed to provide fair representation. A constitutional convention with independent-minded delegates is the best opportunity to address the issues and bring about real change.

#### Periodic Review Is Important

The delegates to the 1970 Constitutional Convention wanted to make sure the voters have the opportunity to review the Constitution every 20 years. As one delegate stated during debate at the last Constitutional Convention, "The voters ought to have that chance to express themselves every 20 years." Holding a constitutional convention does not mean that delegates will automatically change the whole document. It is up to the delegates to decide if it is necessary to write a new Constitution, update certain portions, or leave the document unchanged.

#### Voters Must Approve Any Changes

Opponents to a constitutional convention argue that special interest groups and lobbyists will influence delegates and dominate the convention for the benefit of their clients, but a strong argument exists that these same groups presently have disproportionate influence over the General Assembly. While elected representatives approve any changes to the laws of our State, any changes proposed at a constitutional convention must be approved by the citizens. This approval process gives voters an opportunity to participate directly in any revision of the Constitution, countering the influence of special interest groups and lobbyists.

#### Arguments Against Holding a Constitutional Convention

##### Convention Expenses Could Be High

Estimates of the total cost for a constitutional convention range from \$58 to \$78 million. Illinois is in the midst of a financial crisis that would be made worse by holding a constitutional convention. Instead of paying for important services, your tax dollars would be diverted to pay for the cost of electing delegates, salaries for delegates and staff, printing and publication, and other administrative expenses. Considering that there are two inexpensive ways to initiate change if necessary through an amendment process, a convention is a major expense that taxpayers do not need.

##### Current Amendment Process Works

The Constitution can be changed through an amendment process and any changes must be approved by the voters. State Senators and Representatives have the ability to propose changes to any Article of the Constitution, and citizens may propose changes to the structure and procedures of the Legislature. Since 1970, voters have approved 10 of 18 proposed amendments to the Constitution. Amendments encourage the same level of public debate that proponents believe can only be achieved during a constitutional convention. The amendment process is also less costly and it ensures that citizens have an opportunity to approve any change before it becomes effective.

##### Influence of Special Interests

There is no way to keep delegates to a constitutional convention from the influence of special interest groups and lobbyists. To be a delegate, candidates would need to raise funds to run a campaign and win an election. Special interest groups and lobbyists will contribute money to these campaigns, and if elected, a delegate may feel indebted to those who made contributions. Delegates are not subject to the same ethical standards as constitutional and legislative officers and do not have to run for re-election, making them less accountable to the voters for their actions. Additionally, there is no way to control the issues debated during a constitutional convention. The convention could be dominated by current controversial issues like abortion, capital punishment, gay marriage, gun control, public education, and state and local taxes. Convention delegates might ultimately spend months or years, and millions of taxpayer dollars, debating policy issues that should be decided by legislators accountable to the people.

##### Negative Impact on the State Economy

Holding a convention at this time could negatively impact the economy. To grow economically and attract new jobs, the State must provide a stable climate for business and labor. An important part of this is a clear, predictable tax structure. Business leaders are worried that the uncertainty created by a convention could make it difficult to keep businesses in Illinois or attract new businesses.

#### FORM OF BALLOT

#### Proposed call for a Constitutional Convention

#### Explanation of Proposed Call

This proposal deals with a call for a state constitutional convention. The last such convention was held in

1969-70, and a new Constitution was adopted in 1970. The 1970 Illinois Constitution requires that the question of calling a convention be placed before the voters every 20 years. In 1988 the electors rejected the call for a constitutional convention, with 75% voting against calling a convention and 25% voting in favor of calling a convention. If you believe the 1970 Illinois Constitution needs to be revised through the convention process, vote "YES" on the question of calling a constitutional convention. If you believe that a constitutional convention is not necessary, or that changes can be accomplished through other means, vote "NO" on the calling of a constitutional convention.

-----  
 YES      For the calling  
 ----- of a Constitutional  
 NO      Convention.  
 -----

### SENATE BILLS ON FIRST READING

Having been reproduced, the following bills were taken up, read by title a first time and placed in the Committee on Rules: SENATE BILLS 751 (Mendoza), 788 (Hannig), 836 (Beiser) and 2090 (Beaubien).

### AGREED RESOLUTIONS

The following resolutions were offered and placed on the Calendar on the order of Agreed Resolutions.

#### HOUSE RESOLUTION 1347

Offered by Representative Watson:  
 Congratulates the citizens of Chapin as they celebrate the sesquicentennial of the village.

#### HOUSE RESOLUTION 1348

Offered by Representative Watson:  
 Congratulates the citizens of Murrayville as they celebrate the sesquicentennial of the community.

#### HOUSE RESOLUTION 1349

Offered by Representative Osmond:  
 Congratulates the Smith family, the owners of Tempel Farms in Wadsworth/Old Mill Creek, on the occasion of the 50th anniversary of the first Tempel Lipizzans' arrival in the United States.

#### HOUSE RESOLUTION 1350

Offered by Representative Winters:  
 Congratulates John and Sandy Carleton on the occasion of their retirement from Hononegah High School.

#### HOUSE RESOLUTION 1351

Offered by Representative Burke:  
 Congratulates Vanessa Arellano and Jose Orchoa as they are united in marriage.

#### HOUSE RESOLUTION 1352

Offered by Representative Wait:  
 Mourns the passing of United States Army Sergeant Blake W. Evans of Rockford, who was killed in the line of duty in Iraq.

HOUSE RESOLUTION 1355

Offered by Representative Hernandez:  
Expresses support for the Town of Cicero's "Ceasefire Week" to be held during the week of June 22-27, 2008.

**AGREED RESOLUTION**

HOUSE RESOLUTION 1325 was taken up for consideration.  
Representative Stephens requested that all members be added as co-sponsors.  
Representative Currie moved the adoption of the agreed resolution.  
The motion prevailed and the agreed resolution was adopted.

**HOUSE BILLS ON SECOND READING**

Having been reproduced, the following bill was taken up, read by title a second time and held on the order of Second Reading: HOUSE BILL 2167.

HOUSE BILL 2759. Having been reproduced, was taken up and read by title a second time.  
Representative Acevedo offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 2759 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 26-1 as follows:

(720 ILCS 5/26-1) (from Ch. 38, par. 26-1)

Sec. 26-1. Elements of the Offense.

(a) A person commits disorderly conduct when he knowingly:

(1) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or

(2) Transmits or causes to be transmitted in any manner to the fire department of any city, town, village or fire protection district a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or

(3) Transmits or causes to be transmitted in any manner to another a false alarm to the effect that a bomb or other explosive of any nature or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in such place that its explosion or release would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb, explosive or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in such place; or

(3.5) Transmits or causes to be transmitted in any manner to another that the person or another person is going to bring a firearm to school to shoot or otherwise discharge the firearm at the school; it shall not be a violation of this paragraph (3.5) if the person transmitting the information does so with the intent to report it to authorities in order to prevent an incident; or

(4) Transmits or causes to be transmitted in any manner to any peace officer, public officer or public employee a report to the effect that an offense will be committed, is being committed, or has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense will be committed, is being committed, or has been committed; or

(5) Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it; or

(6) While acting as a collection agency as defined in the "Collection Agency Act" or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor; or

(7) Transmits or causes to be transmitted a false report to the Department of Children

and Family Services under Section 4 of the "Abused and Neglected Child Reporting Act"; or

(8) Transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act; or

(9) Transmits or causes to be transmitted in any manner to the police department or fire department of any municipality or fire protection district, or any privately owned and operated ambulance service, a false request for an ambulance, emergency medical technician-ambulance or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that such assistance is required; or

(10) Transmits or causes to be transmitted a false report under Article II of "An Act in relation to victims of violence and abuse", approved September 16, 1984, as amended; or

(11) Transmits or causes to be transmitted a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting such a report is necessary for the safety and welfare of the public; or

(12) Calls the number "911" for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency.

(b) Sentence. A violation of subsection (a)(1) of this Section is a Class C misdemeanor. A violation of subsection (a)(5), (a)(11), or (a)(12) of this Section is a Class A misdemeanor. A violation of subsection (a)(8) or (a)(10) of this Section is a Class B misdemeanor. A violation of subsection (a)(2), (a)(4), (a)(7), or (a)(9) of this Section is a Class 4 felony. A violation of subsection (a)(3) of this Section is a Class 3 felony, for which a fine of not less than \$3,000 and no more than \$10,000 shall be assessed in addition to any other penalty imposed. A violation of subsection (a)(3) of this Section is a Class 2 felony if the place referred to is a school. A violation of subsection (a)(3.5) of this Section is a Class 2 felony.

A violation of subsection (a)(6) of this Section is a Business Offense and shall be punished by a fine not to exceed \$3,000. A second or subsequent violation of subsection (a)(7), (a)(11), or (a)(12) of this Section is a Class 4 felony. A third or subsequent violation of subsection (a)(5) of this Section is a Class 4 felony.

(c) In addition to any other sentence that may be imposed, a court shall order any person convicted of disorderly conduct to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned upon the performance of the community service.

This subsection does not apply when the court imposes a sentence of incarceration.

(d) If a person commits either: (1) a violation of subsection (a)(3) of this Section if the threat is to place a bomb or other explosive of any nature or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance at a school or (2) a violation of subsection (a)(3.5) of this Section and in the case of either (1) or (2) requires an emergency response, the person shall be required to make restitution to all public entities involved in the emergency response, to cover the reasonable cost of their participation in the emergency response, including but not limited to regular and overtime costs incurred by local law enforcement agencies, schools, and private contractors paid by the public agencies or schools in securing the school or evacuating the school. The convicted person shall make this restitution in addition to any other fine or penalty required by law as provided in Section 5-5-6 of the Unified Code of Corrections.

(e) In this Section, "school" means a public, private, or parochial elementary or secondary school, community college, college, or university and includes the grounds of a school.  
(Source: P.A. 92-16, eff. 6-28-01; 92-502, eff. 12-19-01; 93-431, eff. 8-5-03.)"

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 4861. Having been recalled on March 13, 2008, and held on the order of Second Reading, the same was again taken up.

Representative Arroyo offered and withdrew Amendment No. 1.

Floor Amendment No. 2 remained in the Committee on Drivers Education & Safety.

Representative Arroyo offered the following amendment and moved its adoption.

AMENDMENT NO. 3. Amend House Bill 4861 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 6-117 as follows:

(625 ILCS 5/6-117) (from Ch. 95 1/2, par. 6-117)

Sec. 6-117. Records to be kept by the Secretary of State.

(a) The Secretary of State shall file every application for a license or permit accepted under this Chapter, and shall maintain suitable indexes thereof. The records of the Secretary of State shall indicate the action taken with respect to such applications.

(b) The Secretary of State shall maintain appropriate records of all licenses and permits refused, cancelled, disqualified, revoked, or suspended and of the revocation, suspension, and disqualification of driving privileges of persons not licensed under this Chapter, and such records shall note the reasons for such action.

(c) The Secretary of State shall maintain appropriate records of convictions reported under this Chapter. Records of conviction may be maintained in a computer processible medium.

(d) The Secretary of State may also maintain appropriate records of any accident reports received.

(e) The Secretary of State shall also maintain appropriate records of any disposition of supervision or records relative to a driver's referral to a driver remedial or rehabilitative program, as required by the Secretary of State or the courts. Such records shall only be available for use by the Secretary, the driver licensing administrator of any other state, law enforcement agencies, the courts, and the affected driver or, upon proper verification, such affected driver's attorney.

(f) The Secretary of State shall also maintain or contract to maintain appropriate records of all photographs and signatures obtained in the process of issuing any driver's license, permit, or identification card. The record shall be confidential and shall not be disclosed except to those entities listed under Section 6-110.1 of this Code.

(g) The Secretary of State may establish a First Person Consent organ and tissue donor registry in compliance with subsection (b-1) of Section 5-20 of the Illinois Anatomical Gift Act, as follows:

(1) The Secretary shall offer, to each applicant for issuance or renewal of a driver's license or identification card who is 18 years of age or older, the opportunity to have his or her name included in the First Person Consent organ and tissue donor registry. The Secretary must advise the applicant or licensee that he or she is under no compulsion to have his or her name included in the registry. An individual who agrees to having his or her name included in the First Person Consent organ and tissue donor registry has given full legal consent to the donation of any of his or her organs or tissue upon his or her death. A brochure explaining this method of executing an anatomical gift must be given to each applicant for issuance or renewal of a driver's license or identification card. The brochure must advise the applicant or licensee (i) that he or she is under no compulsion to have his or her name included in this registry and (ii) that he or she may wish to consult with family, friends, or clergy before doing so.

(2) The Secretary of State may establish additional methods by which an individual may have his or her name included in the First Person Consent organ and tissue donor registry.

(3) When an individual has agreed to have his or her name included in the First Person Consent organ and tissue donor registry, the Secretary of State shall note that agreement in the First Person consent organ and tissue donor registry. Representatives of federally designated organ procurement agencies and tissue banks and the offices of Illinois county coroners and medical examiners may inquire of the Secretary of State whether a potential organ donor's name is included in the First Person Consent organ and tissue donor registry, and the Secretary of State may provide that information to the representative.

(4) An individual may withdraw his or her consent to be listed in the First Person Consent organ and tissue donor registry maintained by the Secretary of State by notifying the Secretary of State in writing, or by any other means approved by the Secretary, of the individual's decision to have his or her name removed from the registry.

(5) The Secretary of State may undertake additional efforts, including education and awareness activities, to promote organ and tissue donation.

(6) In the absence of gross negligence or willful misconduct, the Secretary of State and his or her employees are immune from any civil or criminal liability in connection with an individual's consent to be listed in the organ and tissue donor registry.  
(Source: P.A. 94-75, eff. 1-1-06; 95-382, eff. 8-23-07.)  
Section 99. Effective date. This Act takes effect upon becoming law."

The foregoing motion prevailed and Amendment No. 3 was adopted.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

### **HOUSE BILL ON THIRD READING**

The following bill and any amendments adopted thereto were reproduced. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Beaubien, HOUSE BILL 4905 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:  
114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 2)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

### **SENATE BILLS ON THIRD READING**

The following bills and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Turner, SENATE BILL 887 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:  
113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 3)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

On motion of Representative D'Amico, SENATE BILL 993 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:  
113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 4)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

On motion of Representative Saviano, SENATE BILL 1869 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:  
113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 5)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative Froehlich, SENATE BILL 1881 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: 83, Yeas; 26, Nays; 4, Answering Present.

(ROLL CALL 6)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

On motion of Representative Gordon, SENATE BILL 1887 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: 111, Yeas; 2, Nays; 0, Answering Present.

(ROLL CALL 7)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

On motion of Representative Saviano, SENATE BILL 1900 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: 113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 8)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative Reitz, SENATE BILL 1927 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: 114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 9)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

### **SENATE BILL ON SECOND READING**

Having been read by title a second time on May 28, 2008 and held, the following bill was taken up and advanced to the order of Third Reading: SENATE BILL 1115.

### **SENATE BILL ON THIRD READING**

The following bill and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Hannig, SENATE BILL 1115 was taken up and read by title a third time. Representative Schmitz requested a verified roll call.



And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 61, Yeas; 53, Nays; 0, Answering Present.

(ROLL CALL 10) VERIFIED

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

### **SENATE BILL ON SECOND READING**

SENATE BILL 1129. Having been read by title a second time on May 28, 2008, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

### **RECESS**

At the hour of 2:37 o'clock p.m., Representative Lyons moved that the House do now take a recess until the call of the Chair.

The motion prevailed.

At the hour of 3:43 o'clock p.m., the House resumed its session.

Representative Turner in the Chair.

### **DISTRIBUTION OF SUPPLEMENTAL CALENDAR**

Supplemental Calendar No. 1 was distributed to the Members at 4:06 o'clock p.m.

### **SENATE BILLS ON THIRD READING**

The following bills and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Nekritz, SENATE BILL 1930 was taken up and read by title a third time. Pending discussion, Representative Bost moved the previous question.

And the question being, "Shall the main question be now put?" it was decided in the affirmative.

The question then being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 93, Yeas; 19, Nays; 2, Answering Present.

(ROLL CALL 11)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

On motion of Representative Smith, SENATE BILL 1939 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:

114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 12)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative Reitz, SENATE BILL 1945 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:

114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 13)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative Ford, SENATE BILL 1979 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:

101, Yeas; 12, Nays; 0, Answering Present.

(ROLL CALL 14)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative Black, SENATE BILL 1982 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:

113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 15)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative Verschoore, SENATE BILL 1984 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:

113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 16)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

On motion of Representative Soto, SENATE BILL 2012 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:

113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 17)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative Mautino, SENATE BILL 2017 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:

113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 18)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative McGuire, SENATE BILL 1975 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:

113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 19)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

On motion of Representative Mathias, SENATE BILL 2023 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: 92, Yeas; 21, Nays; 0, Answering Present.

(ROLL CALL 20)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

On motion of Representative Bellock, SENATE BILL 2044 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: 112, Yeas; 1, Nay; 0, Answering Present.

(ROLL CALL 21)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

On motion of Representative Ryg, SENATE BILL 2051 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: 113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 22)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

On motion of Representative Howard, SENATE BILL 2053 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: 113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 23)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

On motion of Representative McCarthy, SENATE BILL 2070 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: 113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 24)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

On motion of Representative Leitch, SENATE BILL 2071 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: 75, Yeas; 38, Nays; 0, Answering Present.

(ROLL CALL 25)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative Leitch, SENATE BILL 2077 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: 68, Yeas; 45, Nays; 0, Answering Present.

(ROLL CALL 26)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative Lang, SENATE BILL 2080 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: 112, Yeas; 0, Nays; 1, Answering Present.

(ROLL CALL 27)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative Beiser, SENATE BILL 2162 was taken up and read by title a third time.

And the question being, "Shall this bill pass?"

Pending the vote on said bill, on motion of Representative Beiser, further consideration of SENATE BILL 2162 was postponed.

On motion of Representative Mathias, SENATE BILL 2182 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: 108, Yeas; 1, Nay; 0, Answering Present.

(ROLL CALL 28)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

On motion of Representative Reitz, SENATE BILL 2187 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: 110, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 29)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative Mathias, SENATE BILL 2190 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: 110, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 30)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

On motion of Representative Bost, SENATE BILL 2191 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: 110, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 31)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

On motion of Representative Feigenholtz, SENATE BILL 2199 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: 110, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 32)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative Ryg, SENATE BILL 1920 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: 95, Yeas; 15, Nays; 0, Answering Present.

(ROLL CALL 33)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative Hannig, SENATE BILL 1129 was taken up and read by title a third time. Representative Eddy requested a verified roll call.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 61, Yeas; 49, Nays; 0, Answering Present.

(ROLL CALL 34) VERIFIED

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

### **SUSPEND POSTING REQUIREMENTS**

Representative Currie moved to suspend the posting requirements in Rule 25 in relation to SENATE BILL 2743, HOUSE RESOLUTION 1307 and HOUSE JOINT RESOLUTION 10.

The motion prevailed.

### **HOUSE BILL ON SECOND READING**

HOUSE BILL 3741. Having been read by title a second time on May 19, 2008, and held on the order of Second Reading, the same was again taken up.

Representative Hannig offered the following amendments and moved their adoption.

AMENDMENT NO. 1. Amend House Bill 3741 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the FY2009 Budget Implementation Act.

Section 5. Purpose. The purpose of this Act is to make the changes in State programs that are necessary

to implement the FY2009 budget.

Section 20. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-315 and by adding Section 2310-394 as follows:

(20 ILCS 2310/2310-315) (was 20 ILCS 2310/55.41)

Sec. 2310-315. Prevention and treatment of AIDS. To perform the following in relation to the prevention and treatment of acquired immunodeficiency syndrome (AIDS):

(1) Establish a State AIDS Control Unit within the Department as a separate administrative subdivision, to coordinate all State programs and services relating to the prevention, treatment, and amelioration of AIDS.

(2) Conduct a public information campaign for physicians, hospitals, health facilities, public health departments, law enforcement personnel, public employees, laboratories, and the general public on acquired immunodeficiency syndrome (AIDS) and promote necessary measures to reduce the incidence of AIDS and the mortality from AIDS. This program shall include, but not be limited to, the establishment of a statewide hotline and a State AIDS information clearinghouse that will provide periodic reports and releases to public officials, health professionals, community service organizations, and the general public regarding new developments or procedures concerning prevention and treatment of AIDS.

(3) (Blank).

(4) Establish alternative blood test services that are not operated by a blood bank, plasma center or hospital. The Department shall prescribe by rule minimum criteria, standards and procedures for the establishment and operation of such services, which shall include, but not be limited to requirements for the provision of information, counseling and referral services that ensure appropriate counseling and referral for persons whose blood is tested and shows evidence of exposure to the human immunodeficiency virus (HIV) or other identified causative agent of acquired immunodeficiency syndrome (AIDS).

(5) Establish regional and community service networks of public and private service providers or health care professionals who may be involved in AIDS research, prevention and treatment.

(6) Provide grants to individuals, organizations or facilities to support the following:

(A) Information, referral, and treatment services.

(B) Interdisciplinary workshops for professionals involved in research and treatment.

(C) Establishment and operation of a statewide hotline.

(D) Establishment and operation of alternative testing services.

(E) Research into detection, prevention, and treatment.

(F) Supplementation of other public and private resources.

(G) Implementation by long-term care facilities of Department standards and procedures

for the care and treatment of persons with AIDS and the development of adequate numbers and types of placements for those persons.

(7) (Blank).

(8) Accept any gift, donation, bequest, or grant of funds from private or public agencies, including federal funds that may be provided for AIDS control efforts.

(9) Develop and implement, in consultation with the Long-Term Care Facility Advisory Board, standards and procedures for long-term care facilities that provide care and treatment of persons with AIDS, including appropriate infection control procedures. The Department shall work cooperatively with organizations representing those facilities to develop adequate numbers and types of placements for persons with AIDS and shall advise those facilities on proper implementation of its standards and procedures.

(10) The Department shall create and administer a training program for State employees who have a need for understanding matters relating to AIDS in order to deal with or advise the public. The training shall include information on the cause and effects of AIDS, the means of detecting it and preventing its transmission, the availability of related counseling and referral, and other matters that may be appropriate. The training may also be made available to employees of local governments, public service agencies, and private agencies that contract with the State; in those cases the Department may charge a reasonable fee to recover the cost of the training.

(11) Approve tests or testing procedures used in determining exposure to HIV or any other identified causative agent of AIDS.

(12) Provide prescription drug benefits counseling for persons with HIV or AIDS.

(13) Continue to administer the AIDS Drug Assistance Program that provides drugs to prolong the lives of low income Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) infection who are not eligible under Article V of the Illinois Public Aid Code for Medical Assistance, as provided under Title 77, Chapter 1, Subchapter (k), Part 692, Section 692.10 of the Illinois

Administrative Code, effective August 1, 2000, except that the financial qualification for that program shall be that the anticipated gross monthly income shall be at or below 500% of the most recent Federal Poverty Guidelines published annually by the United States Department of Health and Human Services for the size of the household.

(Source: P.A. 94-909, eff. 6-23-06.)

(20 ILCS 2310/2310-394 new)

Sec. 2310-394. Multiple sclerosis; home services.

(a) Subject to appropriation, the Department shall create a program of services for persons with multiple sclerosis to help those persons stay in their homes and out of institutions. The Department shall collaborate with consumers to develop a program of services that is consumer directed.

(1) There shall be meaningful consumer participation in all aspects of program design, review, and improvement.

(2) A review committee shall be established, comprised of consumers and other stakeholders. The committee shall meet at least once a year to evaluate the program, including quality assurance data, and shall submit program recommendations to the Department.

(3) Consumers shall have control in the selection, management, and termination of providers.

(4) Providers shall be educated about consumer-directed services and multiple sclerosis.

(b) To be eligible for the program, a person must meet the following requirements:

(1) He or she must have a current diagnosis of multiple sclerosis.

(2) He or she must have applied for benefits under the Home Services Program operated by the Department of Human Services and must have been determined not eligible for benefits under that program because his or her retirement assets or life insurance assets, or both, exceeded the limits applicable to that program.

(3) He or she must have assets not exceeding \$17,500. In determining whether a person's assets meet this requirement, the Department must disregard retirement assets up to a total of \$500,000 and disregard all life insurance assets.

(c) This Section does not create any new entitlement to a service, program, or benefit, but does not affect any entitlement to a service, program, or benefit created by any other law.

Section 30. The I-FLY Act is amended by changing Section 25 as follows:

(20 ILCS 3958/25)

Sec. 25. I-FLY Program.

(a) The Department shall establish the I-FLY Program, in cooperation with the Commission. The Program shall consist of the following components:

(1) air carrier recruitment and retention grants as described in subsection (c); and

(2) planning grants under subsection (d).

The Department may make grants under this Act only to airports that are located completely outside of Cook County.

(b) During any one-year period, an airport may receive a grant for only one of the 2 components specified in subsection (a).

(c) Air carrier recruitment and retention program grants.

(1) An airport may receive an air carrier recruitment and retention program grant from the Department only if:

(A) it is capable of supporting takeoffs and landings by aircraft that have at least 19 passenger seats or have made improvements or commitments to the Department to provide this capability; and

(B) it has a commitment from an air carrier to start or continue air service to the community that the airport serves subject to financial support from the State and from the airport or unit of local government that the airport serves. The commitment must specify that the air carrier would not provide or continue to provide service to the community if financial assistance were not available.

(2) An application for an air carrier recruitment and retention program grant must contain commitments from the airport or the unit of local government in which the airport is located as to the amount of the total project cost, the contribution from the unit of local government or airport, the method in which the contribution from the airport or unit of local government will be generated, and the requested State contribution.

(3) The air carrier recruitment and retention program grant shall be used to guarantee the financial viability of air carriers providing reasonable air service at the airport. A grant under this

subsection (c) to a particular airport may be in only one of the following 3 forms:

(A) A grant may be used to guarantee that an air carrier shall receive an agreed amount of revenue per flight.

(B) A grant may be used to guarantee a reduced or subsidized consumer ticket price.

(C) A grant may be used to guarantee a profit goal established by the air carrier and airport.

(4) During the first year of a grant under this subsection (c), the grant shall pay 80% of the total cost of the guarantee and the airport or unit of local government in which the airport is located shall pay 20% of the total cost of the guarantee. During the second year of a grant under this subsection (c), the grant shall pay ~~80%~~ ~~50%~~ of the total cost of the guarantee and the airport or the unit of local government in which the airport is located shall pay ~~20%~~ ~~50%~~ of the total cost of the guarantee.

(5) The total State funding for a grant under this subsection (c) to a particular airport may not exceed \$1,000,000 in any year.

(6) An airport that has received a 2-year grant under this subsection (c) may apply for another grant for an additional 2-year period; however, the Department shall, in determining whether to make a grant for an additional 2-year period, give priority to other airports that have not previously received a grant under this subsection (c). The Department shall also give priority in making grants under this subsection (c) to airports at which the Department determines that a 2-year grant may result in the creation of stable and reliable commercial air service without an additional grant.

(d) Planning grants. An airport may apply for and receive a planning grant to conduct feasibility studies or business plans designed to study the recruitment, retention, or expansion of an air carrier at the airport. To be eligible for a grant under this subsection (d), the airport must have the potential for initial or expanded air service as the Department determines through its evaluation process. The grant shall pay 70% of the total cost of the feasibility studies or business plans and the airport or the unit of local government in which the airport is located shall pay 30% of the total cost of the feasibility studies or business plans. An airport may receive only one planning grant.

(Source: P.A. 93-585, eff. 8-22-03; 94-839, eff. 6-6-06.)

Section 40. The State Finance Act is amended by changing Sections 6z-30, 6z-70, 8.3, and 8g and by renumbering and changing Section 6z-69 as added by Public Act 95-707 as follows:

(30 ILCS 105/6z-30)

Sec. 6z-30. University of Illinois Hospital Services Fund.

(a) The University of Illinois Hospital Services Fund is created as a special fund in the State Treasury. The following moneys shall be deposited into the Fund:

(1) As soon as possible after the beginning of each fiscal year (starting in fiscal year 1995), and in no event later than July 30, the State Comptroller and the State Treasurer shall automatically transfer \$44,700,000 from the General Revenue Fund to the University of Illinois Hospital Services Fund.

(2) All intergovernmental transfer payments to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) by the University of Illinois made pursuant to an intergovernmental agreement under subsection (b) or (c) of Section 5A-3 of the Illinois Public Aid Code.

(3) All federal matching funds received by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) as a result of expenditures made by the Department that are attributable to moneys that were deposited in the Fund.

(b) Moneys in the fund may be used by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid), subject to appropriation, to reimburse the University of Illinois Hospital for hospital and pharmacy services, and to reimburse practitioners as defined in Section 5-8 of the Illinois Public Aid Code (305 ILCS 5/5-8) who are employed by the University of Illinois Hospital. The fund may also be used to make monthly transfers to the General Revenue Fund as provided in subsection (c).

(c) The State Comptroller and State Treasurer shall automatically transfer on the last day of each month except June, beginning August 31, 1994, from the University of Illinois Hospital Services Fund to the General Revenue Fund, an amount determined and certified to the State Comptroller by the Director of Healthcare and Family Services (formerly Director of Public Aid), equal to the amount by which the balance in the Fund exceeds the amount necessary to ensure timely payments to the University of Illinois Hospital.

On June 30, 1995 and each June 30 thereafter, the State Comptroller and State Treasurer shall automatically transfer the entire balance in the University of Illinois Hospital Services Fund to the General Revenue Fund.



(Source: P.A. 95-331, eff. 8-21-07.)

(30 ILCS 105/6z-70)

Sec. 6z-70. The Secretary of State Identification Security and Theft Prevention Fund.

(a) The Secretary of State Identification Security and Theft Prevention Fund is created as a special fund in the State treasury. The Fund shall consist of any fund transfers, grants, fees, or moneys from other sources received for the purpose of funding identification security and theft prevention measures.

(b) All moneys in the Secretary of State Identification Security and Theft Prevention Fund shall be used, subject to appropriation, for any costs related to implementing identification security and theft prevention measures.

(c) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2007, and until June 30, 2008, in addition to any other transfers that may be provided for by law, at the direction of and upon notification of the Secretary of State, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Secretary of State Identification Security and Theft Prevention Fund from the designated funds not exceeding the following totals:

Lobbyist Registration Administration Fund.....	\$100,000
Registered Limited Liability Partnership Fund.....	\$75,000
Securities Investors Education Fund.....	\$500,000
Securities Audit and Enforcement Fund.....	\$5,725,000
Department of Business Services	
Special Operations Fund.....	\$3,000,000
Corporate Franchise Tax Refund Fund.....	\$3,000,000.

(d) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2008, and until June 30, 2009, in addition to any other transfers that may be provided for by law, at the direction of and upon notification of the Secretary of State, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Secretary of State Identification Security and Theft Prevention Fund from the designated funds not exceeding the following totals:

<u>Lobbyist Registration Administration Fund.....</u>	<u>\$100,000</u>
<u>Registered Limited Liability Partnership Fund.....</u>	<u>\$75,000</u>
<u>Securities Investors Education Fund.....</u>	<u>\$500,000</u>
<u>Securities Audit and Enforcement Fund.....</u>	<u>\$5,725,000</u>
<u>Department of Business Services</u>	
<u>Special Operations Fund.....</u>	<u>\$3,000,000</u>
<u>Corporate Franchise Tax Refund Fund.....</u>	<u>\$3,000,000</u>
<u>State Parking Facility Maintenance Fund.....</u>	<u>\$100,000</u>

(Source: P.A. 95-707, eff. 1-11-08.)

(30 ILCS 105/6z-71)

Sec. ~~6z-71~~ ~~6z-69~~. Human Services Priority Capital Program Fund. The Human Services Priority Capital Program Fund is created as a special fund in the State treasury. Subject to appropriation, the Department of Human Services shall use moneys in the Human Services Priority Capital Program Fund to make grants to the Illinois Facilities Fund, a not-for-profit corporation, to make long term below market rate loans to nonprofit human service providers working under contract to the State of Illinois to assist those providers in meeting their capital needs. The loans shall be for the purpose of such capital needs, including but not limited to special use facilities, requirements for serving the disabled, mentally ill, or substance abusers, and medical and technology equipment. Loan repayments shall be deposited into the Human Services Priority Capital Program Fund. Interest income may be used to cover expenses of the program. The Illinois Facilities Fund shall report to the Department of Human Services and the General Assembly by April 1, 2008, and again by April 1, 2009, as to the use and earnings of the program.

(Source: P.A. 95-707, eff. 1-11-08; revised 1-23-08.)

(30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

Sec. 8.3. Money in the Road Fund shall, if and when the State of Illinois incurs any bonded indebtedness for the construction of permanent highways, be set aside and used for the purpose of paying and discharging annually the principal and interest on that bonded indebtedness then due and payable, and for no other purpose. The surplus, if any, in the Road Fund after the payment of principal and interest on that bonded indebtedness then annually due shall be used as follows:

- first -- to pay the cost of administration of Chapters 2 through 10 of the Illinois Vehicle Code, except the cost of administration of Articles I and II of Chapter 3 of that Code; and
- secondly -- for expenses of the Department of Transportation for construction,

reconstruction, improvement, repair, maintenance, operation, and administration of highways in accordance with the provisions of laws relating thereto, or for any purpose related or incident to and connected therewith, including the separation of grades of those highways with railroads and with highways and including the payment of awards made by the Illinois Workers' Compensation Commission under the terms of the Workers' Compensation Act or Workers' Occupational Diseases Act for injury or death of an employee of the Division of Highways in the Department of Transportation; or for the acquisition of land and the erection of buildings for highway purposes, including the acquisition of highway right-of-way or for investigations to determine the reasonably anticipated future highway needs; or for making of surveys, plans, specifications and estimates for and in the construction and maintenance of flight strips and of highways necessary to provide access to military and naval reservations, to defense industries and defense-industry sites, and to the sources of raw materials and for replacing existing highways and highway connections shut off from general public use at military and naval reservations and defense-industry sites, or for the purchase of right-of-way, except that the State shall be reimbursed in full for any expense incurred in building the flight strips; or for the operating and maintaining of highway garages; or for patrolling and policing the public highways and conserving the peace; or for the operating expenses of the Department relating to the administration of public transportation programs; or for any of those purposes or any other purpose that may be provided by law.

Appropriations for any of those purposes are payable from the Road Fund. Appropriations may also be made from the Road Fund for the administrative expenses of any State agency that are related to motor vehicles or arise from the use of motor vehicles.

Beginning with fiscal year 1980 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement;

1. Department of Public Health;
2. Department of Transportation, only with respect to subsidies for one-half fare Student Transportation and Reduced Fare for Elderly;
3. Department of Central Management Services, except for expenditures incurred for group insurance premiums of appropriate personnel;
4. Judicial Systems and Agencies.

Beginning with fiscal year 1981 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Department of State Police, except for expenditures with respect to the Division of Operations;
2. Department of Transportation, only with respect to Intercity Rail Subsidies and Rail Freight Services.

Beginning with fiscal year 1982 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement: Department of Central Management Services, except for awards made by the Illinois Workers' Compensation Commission under the terms of the Workers' Compensation Act or Workers' Occupational Diseases Act for injury or death of an employee of the Division of Highways in the Department of Transportation.

Beginning with fiscal year 1984 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Department of State Police, except not more than 40% of the funds appropriated for the Division of Operations;
2. State Officers.

Beginning with fiscal year 1984 and thereafter, no Road Fund monies shall be appropriated to any Department or agency of State government for administration, grants, or operations except as provided hereafter; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement. It shall not be lawful to circumvent the above appropriation limitations by governmental reorganization or other methods. Appropriations shall be made

from the Road Fund only in accordance with the provisions of this Section.

Money in the Road Fund shall, if and when the State of Illinois incurs any bonded indebtedness for the construction of permanent highways, be set aside and used for the purpose of paying and discharging during each fiscal year the principal and interest on that bonded indebtedness as it becomes due and payable as provided in the Transportation Bond Act, and for no other purpose. The surplus, if any, in the Road Fund after the payment of principal and interest on that bonded indebtedness then annually due shall be used as follows:

first -- to pay the cost of administration of Chapters 2 through 10 of the Illinois Vehicle Code; and

secondly -- no Road Fund monies derived from fees, excises, or license taxes relating to registration, operation and use of vehicles on public highways or to fuels used for the propulsion of those vehicles, shall be appropriated or expended other than for costs of administering the laws imposing those fees, excises, and license taxes, statutory refunds and adjustments allowed thereunder, administrative costs of the Department of Transportation, including, but not limited to, the operating expenses of the Department relating to the administration of public transportation programs, payment of debts and liabilities incurred in construction and reconstruction of public highways and bridges, acquisition of rights-of-way for and the cost of construction, reconstruction, maintenance, repair, and operation of public highways and bridges under the direction and supervision of the State, political subdivision, or municipality collecting those monies, and the costs for patrolling and policing the public highways (by State, political subdivision, or municipality collecting that money) for enforcement of traffic laws. The separation of grades of such highways with railroads and costs associated with protection of at-grade highway and railroad crossing shall also be permissible.

Appropriations for any of such purposes are payable from the Road Fund or the Grade Crossing Protection Fund as provided in Section 8 of the Motor Fuel Tax Law.

Except as provided in this paragraph, beginning with fiscal year 1991 and thereafter, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of its total fiscal year 1990 Road Fund appropriations for those purposes unless otherwise provided in Section 5g of this Act. For fiscal years 2003, 2004, 2005, 2006, and 2007 only, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of \$97,310,000. For fiscal ~~years year~~ 2008 and 2009 only, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of \$106,100,000. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods unless otherwise provided in Section 5g of this Act.

In fiscal year 1994, no Road Fund monies shall be appropriated to the Secretary of State for the purposes of this Section in excess of the total fiscal year 1991 Road Fund appropriations to the Secretary of State for those purposes, plus \$9,800,000. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other method.

Beginning with fiscal year 1995 and thereafter, no Road Fund monies shall be appropriated to the Secretary of State for the purposes of this Section in excess of the total fiscal year 1994 Road Fund appropriations to the Secretary of State for those purposes. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods.

Beginning with fiscal year 2000, total Road Fund appropriations to the Secretary of State for the purposes of this Section shall not exceed the amounts specified for the following fiscal years:

Fiscal Year 2000	\$80,500,000;
Fiscal Year 2001	\$80,500,000;
Fiscal Year 2002	\$80,500,000;
Fiscal Year 2003	\$130,500,000;
Fiscal Year 2004	\$130,500,000;
Fiscal Year 2005	\$130,500,000;
Fiscal Year 2006	\$130,500,000;
Fiscal Year 2007	\$130,500,000;
Fiscal Year 2008	\$130,500,000;
Fiscal Year 2009 <del>and</del>	<u>\$130,500,000;</u>
<u>Fiscal Year 2010 and</u> each year thereafter	\$30,500,000.

It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods.

No new program may be initiated in fiscal year 1991 and thereafter that is not consistent with the

limitations imposed by this Section for fiscal year 1984 and thereafter, insofar as appropriation of Road Fund monies is concerned.

Nothing in this Section prohibits transfers from the Road Fund to the State Construction Account Fund under Section 5e of this Act; nor to the General Revenue Fund, as authorized by this amendatory Act of the 93rd General Assembly.

The additional amounts authorized for expenditure in this Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91 shall be repaid to the Road Fund from the General Revenue Fund in the next succeeding fiscal year that the General Revenue Fund has a positive budgetary balance, as determined by generally accepted accounting principles applicable to government.

The additional amounts authorized for expenditure by the Secretary of State and the Department of State Police in this Section by this amendatory Act of the 94th General Assembly shall be repaid to the Road Fund from the General Revenue Fund in the next succeeding fiscal year that the General Revenue Fund has a positive budgetary balance, as determined by generally accepted accounting principles applicable to government.

(Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-707, eff. 1-11-08.)

(30 ILCS 105/8g)

Sec. 8g. Fund transfers.

(a) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$10,000,000 from the General Revenue Fund to the Motor Vehicle License Plate Fund created by Senate Bill 1028 of the 91st General Assembly.

(b) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$25,000,000 from the General Revenue Fund to the Fund for Illinois' Future created by Senate Bill 1066 of the 91st General Assembly.

(c) In addition to any other transfers that may be provided for by law, on August 30 of each fiscal year's license period, the Illinois Liquor Control Commission shall direct and the State Comptroller and State Treasurer shall transfer from the General Revenue Fund to the Youth Alcoholism and Substance Abuse Prevention Fund an amount equal to the number of retail liquor licenses issued for that fiscal year multiplied by \$50.

(d) The payments to programs required under subsection (d) of Section 28.1 of the Horse Racing Act of 1975 shall be made, pursuant to appropriation, from the special funds referred to in the statutes cited in that subsection, rather than directly from the General Revenue Fund.

Beginning January 1, 2000, on the first day of each month, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from the General Revenue Fund to each of the special funds from which payments are to be made under Section 28.1(d) of the Horse Racing Act of 1975 an amount equal to 1/12 of the annual amount required for those payments from that special fund, which annual amount shall not exceed the annual amount for those payments from that special fund for the calendar year 1998. The special funds to which transfers shall be made under this subsection (d) include, but are not necessarily limited to, the Agricultural Premium Fund; the Metropolitan Exposition Auditorium and Office Building Fund; the Fair and Exposition Fund; the Standardbred Breeders Fund; the Thoroughbred Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

(e) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$15,000,000 from the General Revenue Fund to the Fund for Illinois' Future.

(f) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$70,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(f-1) In fiscal year 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$160,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(g) In addition to any other transfers that may be provided for by law, on July 1, 2001, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(h) In each of fiscal years 2002 through 2004, but not thereafter, in addition to any other transfers that may be provided for by law, the State Comptroller shall direct and the State Treasurer shall transfer \$5,000,000 from the General Revenue Fund to the Tourism Promotion Fund.

(i) On or after July 1, 2001 and until May 1, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2002.

(i-1) On or after July 1, 2002 and until May 1, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2003.

(j) On or after July 1, 2001 and no later than June 30, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

From the General Revenue Fund.....	\$8,450,000
From the Public Utility Fund.....	1,700,000
From the Transportation Regulatory Fund.....	2,650,000
From the Title III Social Security and Employment Fund.....	3,700,000
From the Professions Indirect Cost Fund.....	4,050,000
From the Underground Storage Tank Fund.....	550,000
From the Agricultural Premium Fund.....	750,000
From the State Pensions Fund.....	200,000
From the Road Fund.....	2,000,000
From the Health Facilities Planning Fund.....	1,000,000
From the Savings and Residential Finance Regulatory Fund.....	130,800
From the Appraisal Administration Fund.....	28,600
From the Pawnbroker Regulation Fund.....	3,600
From the Auction Regulation Administration Fund.....	35,800
From the Bank and Trust Company Fund.....	634,800
From the Real Estate License Administration Fund.....	313,600

(k) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 92nd General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-1) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-2) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-3) On or after July 1, 2002 and no later than June 30, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

Appraisal Administration Fund.....	\$150,000
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General Revenue Fund.....	10,440,000
Savings and Residential Finance	
Regulatory Fund.....	200,000
State Pensions Fund.....	100,000
Bank and Trust Company Fund.....	100,000
Professions Indirect Cost Fund.....	3,400,000
Public Utility Fund.....	2,081,200
Real Estate License Administration Fund.....	150,000
Title III Social Security and	
Employment Fund.....	1,000,000
Transportation Regulatory Fund.....	3,052,100
Underground Storage Tank Fund.....	50,000

(l) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$3,000,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(m) In addition to any other transfers that may be provided for by law, on July 1, 2002 and on the effective date of this amendatory Act of the 93rd General Assembly, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(n) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$6,800,000 from the General Revenue Fund to the DHS Recoveries Trust Fund.

(o) On or after July 1, 2003, and no later than June 30, 2004, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Vehicle Inspection Fund:

From the Underground Storage Tank Fund ..... \$35,000,000.

(p) On or after July 1, 2003 and until May 1, 2004, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2004.

(q) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$5,000,000 from the General Revenue Fund to the Illinois Military Family Relief Fund.

(r) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,922,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(s) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$4,800,000 from the Statewide Economic Development Fund to the General Revenue Fund.

(t) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$50,000,000 from the General Revenue Fund to the Budget Stabilization Fund.

(u) On or after July 1, 2004 and until May 1, 2005, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2005.

(v) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(w) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the

sum of \$6,445,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(x) In addition to any other transfers that may be provided for by law, on January 15, 2005, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer to the General Revenue Fund the following sums:

- From the State Crime Laboratory Fund, \$200,000;
- From the State Police Wireless Service Emergency Fund, \$200,000;
- From the State Offender DNA Identification System Fund, \$800,000; and
- From the State Police Whistleblower Reward and Protection Fund, \$500,000.

(y) Notwithstanding any other provision of law to the contrary, in addition to any other transfers that may be provided for by law on June 30, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the designated funds into the General Revenue Fund and any future deposits that would otherwise be made into these funds must instead be made into the General Revenue Fund:

- (1) the Keep Illinois Beautiful Fund;
- (2) the Metropolitan Fair and Exposition Authority Reconstruction Fund;
- (3) the New Technology Recovery Fund;
- (4) the Illinois Rural Bond Bank Trust Fund;
- (5) the ISBE School Bus Driver Permit Fund;
- (6) the Solid Waste Management Revolving Loan Fund;
- (7) the State Postsecondary Review Program Fund;
- (8) the Tourism Attraction Development Matching Grant Fund;
- (9) the Patent and Copyright Fund;
- (10) the Credit Enhancement Development Fund;
- (11) the Community Mental Health and Developmental Disabilities Services Provider Participation Fee Trust Fund;
- (12) the Nursing Home Grant Assistance Fund;
- (13) the By-product Material Safety Fund;
- (14) the Illinois Student Assistance Commission Higher EdNet Fund;
- (15) the DORS State Project Fund;
- (16) the School Technology Revolving Fund;
- (17) the Energy Assistance Contribution Fund;
- (18) the Illinois Building Commission Revolving Fund;
- (19) the Illinois Aquaculture Development Fund;
- (20) the Homelessness Prevention Fund;
- (21) the DCFS Refugee Assistance Fund;
- (22) the Illinois Century Network Special Purposes Fund; and
- (23) the Build Illinois Purposes Fund.

(z) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(aa) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$9,000,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(bb) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$6,803,600 from the General Revenue Fund to the Securities Audit and Enforcement Fund.

(cc) In addition to any other transfers that may be provided for by law, on or after July 1, 2005 and until May 1, 2006, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2006.

(dd) In addition to any other transfers that may be provided for by law, on April 1, 2005, or as soon thereafter as may be practical, at the direction of the Director of Public Aid (now Director of Healthcare and Family Services), the State Comptroller shall direct and the State Treasurer shall transfer from the

Public Aid Recoveries Trust Fund amounts not to exceed \$14,000,000 to the Community Mental Health Medicaid Trust Fund.

(ee) Notwithstanding any other provision of law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the Illinois Civic Center Bond Fund to the Illinois Civic Center Bond Retirement and Interest Fund.

(ff) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until June 30, 2007, at the direction of and upon notification from the Director of the Governor's Office of Management and Budget, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$1,900,000 from the General Revenue Fund to the Illinois Capital Revolving Loan Fund.

(gg) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until May 1, 2007, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2007.

(hh) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until June 30, 2007, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts from the Illinois Affordable Housing Trust Fund to the designated funds not exceeding the following amounts:

DCFS Children's Services Fund.....	\$2,200,000
Department of Corrections Reimbursement and Education Fund.....	\$1,500,000
Supplemental Low-Income Energy Assistance Fund.....	\$75,000

(ii) In addition to any other transfers that may be provided for by law, on or before August 31, 2006, the Governor and the State Comptroller may agree to transfer the surplus cash balance from the General Revenue Fund to the Budget Stabilization Fund and the Pension Stabilization Fund in equal proportions. The determination of the amount of the surplus cash balance shall be made by the Governor, with the concurrence of the State Comptroller, after taking into account the June 30, 2006 balances in the general funds and the actual or estimated spending from the general funds during the lapse period. Notwithstanding the foregoing, the maximum amount that may be transferred under this subsection (ii) is \$50,000,000.

(jj) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$8,250,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(kk) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,400,000 from the General Revenue Fund to the Violence Prevention Fund.

(ll) In addition to any other transfers that may be provided for by law, on the first day of each calendar quarter of the fiscal year beginning July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer from the General Revenue Fund amounts equal to one-fourth of \$20,000,000 to the Renewable Energy Resources Trust Fund.

(mm) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,320,000 from the General Revenue Fund to the I-FLY Fund.

(nn) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$3,000,000 from the General Revenue Fund to the African-American HIV/AIDS Response Fund.

(oo) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until June 30, 2007, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts identified as net receipts from the sale of all or part of the Illinois Student Assistance Commission loan portfolio from the Student Loan Operating Fund to the General Revenue Fund. The maximum amount that may be transferred pursuant to this Section is \$38,800,000. In addition, no transfer may be made pursuant to this Section that would have the effect of reducing the available balance in the Student Loan Operating Fund to an amount less than the amount remaining unexpended and unreserved from the total appropriations from the Fund estimated to be



expended for the fiscal year. The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practical after receiving the direction to transfer from the Governor.

(pp) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$2,000,000 from the General Revenue Fund to the Illinois Veterans Assistance Fund.

(qq) In addition to any other transfers that may be provided for by law, on and after July 1, 2007 and until May 1, 2008, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2008.

(rr) In addition to any other transfers that may be provided for by law, on and after July 1, 2007 and until June 30, 2008, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts from the Illinois Affordable Housing Trust Fund to the designated funds not exceeding the following amounts:

DCFS Children's Services Fund.....	\$2,200,000
Department of Corrections Reimbursement and Education Fund.....	\$1,500,000
Supplemental Low-Income Energy Assistance Fund.....	\$75,000

(ss) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$8,250,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(tt) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,400,000 from the General Revenue Fund to the Violence Prevention Fund.

(uu) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,320,000 from the General Revenue Fund to the I-FLY Fund.

(vv) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$3,000,000 from the General Revenue Fund to the African-American HIV/AIDS Response Fund.

(ww) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$3,500,000 from the General Revenue Fund to the Predatory Lending Database Program Fund.

(xx) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$5,000,000 from the General Revenue Fund to the Digital Divide Elimination Fund.

(yy) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$4,000,000 from the General Revenue Fund to the Digital Divide Elimination Infrastructure Fund.

(zz) In addition to any other transfers that may be provided for by law, on July 1, 2008, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$5,000,000 from the General Revenue Fund to the Digital Divide Elimination Fund.

(aaa) In addition to any other transfers that may be provided for by law, on and after July 1, 2008 and until May 1, 2009, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2009.

(bbb) In addition to any other transfers that may be provided for by law, on and after July 1, 2008 and until June 30, 2009, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts from the Illinois Affordable Housing Trust Fund to the designated funds not exceeding the following amounts:

DCFS Children's Services Fund.....	\$2,200,000
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<u>Department of Corrections Reimbursement and Education Fund.....</u>	<u>\$1,500,000</u>
<u>Supplemental Low-Income Energy Assistance Fund.....</u>	<u>\$75,000</u>

(ccc) In addition to any other transfers that may be provided for by law, on July 1, 2008, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$7,450,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(ddd) In addition to any other transfers that may be provided for by law, on July 1, 2008, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,400,000 from the General Revenue Fund to the Violence Prevention Fund.

(eee) In addition to any other transfers that may be provided for by law, on July 1, 2008, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$150,000 from the General Revenue Fund to the Civic Education Trust Fund.

(Source: P.A. 94-58, eff. 6-17-05; 94-91, eff. 7-1-05; 94-816, eff. 5-30-06; 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-707, eff. 1-11-08.)

Section 45. The Illinois Income Tax Act is amended by changing Section 901 as follows:

(35 ILCS 5/901) (from Ch. 120, par. 9-901)

Sec. 901. Collection Authority.

(a) In general.

The Department shall collect the taxes imposed by this Act. The Department shall collect certified past due child support amounts under Section 2505-650 of the Department of Revenue Law (20 ILCS 2505/2505-650). Except as provided in subsections (c) and (e) of this Section, money collected pursuant to subsections (a) and (b) of Section 201 of this Act shall be paid into the General Revenue Fund in the State treasury; money collected pursuant to subsections (c) and (d) of Section 201 of this Act shall be paid into the Personal Property Tax Replacement Fund, a special fund in the State Treasury; and money collected under Section 2505-650 of the Department of Revenue Law (20 ILCS 2505/2505-650) shall be paid into the Child Support Enforcement Trust Fund, a special fund outside the State Treasury, or to the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code, as directed by the Department of Healthcare and Family Services.

(b) Local Governmental Distributive Fund.

Beginning August 1, 1969, and continuing through June 30, 1994, the Treasurer shall transfer each month from the General Revenue Fund to a special fund in the State treasury, to be known as the "Local Government Distributive Fund", an amount equal to 1/12 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act during the preceding month. Beginning July 1, 1994, and continuing through June 30, 1995, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to 1/11 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act during the preceding month. Beginning July 1, 1995, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to the net of (i) 1/10 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of the Illinois Income Tax Act during the preceding month (ii) minus, beginning July 1, 2003 and ending June 30, 2004, \$6,666,666, and beginning July 1, 2004, zero. Net revenue realized for a month shall be defined as the revenue from the tax imposed by subsections (a) and (b) of Section 201 of this Act which is deposited in the General Revenue Fund, the Educational Assistance Fund and the Income Tax Surcharge Local Government Distributive Fund during the month minus the amount paid out of the General Revenue Fund in State warrants during that same month as refunds to taxpayers for overpayment of liability under the tax imposed by subsections (a) and (b) of Section 201 of this Act.

(c) Deposits Into Income Tax Refund Fund.

(1) Beginning on January 1, 1989 and thereafter, the Department shall deposit a percentage of the amounts collected pursuant to subsections (a) and (b)(1), (2), and (3), of Section 201 of this Act into a fund in the State treasury known as the Income Tax Refund Fund. The Department shall deposit 6% of such amounts during the period beginning January 1, 1989 and ending on June 30, 1989. Beginning with State fiscal year 1990 and for each fiscal year thereafter, the percentage deposited into the Income Tax Refund Fund during a fiscal year shall be the Annual Percentage. For fiscal years 1999 through 2001, the Annual Percentage shall be 7.1%. For fiscal year 2003, the Annual Percentage shall be 8%. For fiscal year 2004, the Annual Percentage shall be 11.7%. Upon the effective date of this amendatory Act of the 93rd General Assembly, the Annual Percentage shall be 10% for fiscal year 2005.

For fiscal year 2006, the Annual Percentage shall be 9.75%. For fiscal year 2007, the Annual Percentage shall be 9.75%. For fiscal year 2008, the Annual Percentage shall be 7.75%. For fiscal year 2009, the Annual Percentage shall be 9.75%. For all other fiscal years, the Annual Percentage shall be calculated as a fraction, the numerator of which shall be the amount of refunds approved for payment by the Department during the preceding fiscal year as a result of overpayment of tax liability under subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act plus the amount of such refunds remaining approved but unpaid at the end of the preceding fiscal year, minus the amounts transferred into the Income Tax Refund Fund from the Tobacco Settlement Recovery Fund, and the denominator of which shall be the amounts which will be collected pursuant to subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act during the preceding fiscal year; except that in State fiscal year 2002, the Annual Percentage shall in no event exceed 7.6%. The Director of Revenue shall certify the Annual Percentage to the Comptroller on the last business day of the fiscal year immediately preceding the fiscal year for which it is to be effective.

(2) Beginning on January 1, 1989 and thereafter, the Department shall deposit a percentage of the amounts collected pursuant to subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act into a fund in the State treasury known as the Income Tax Refund Fund. The Department shall deposit 18% of such amounts during the period beginning January 1, 1989 and ending on June 30, 1989. Beginning with State fiscal year 1990 and for each fiscal year thereafter, the percentage deposited into the Income Tax Refund Fund during a fiscal year shall be the Annual Percentage. For fiscal years 1999, 2000, and 2001, the Annual Percentage shall be 19%. For fiscal year 2003, the Annual Percentage shall be 27%. For fiscal year 2004, the Annual Percentage shall be 32%. Upon the effective date of this amendatory Act of the 93rd General Assembly, the Annual Percentage shall be 24% for fiscal year 2005. For fiscal year 2006, the Annual Percentage shall be 20%. For fiscal year 2007, the Annual Percentage shall be 17.5%. For fiscal year 2008, the Annual Percentage shall be 15.5%. For fiscal year 2009, the Annual Percentage shall be 17.5%. For all other fiscal years, the Annual Percentage shall be calculated as a fraction, the numerator of which shall be the amount of refunds approved for payment by the Department during the preceding fiscal year as a result of overpayment of tax liability under subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act plus the amount of such refunds remaining approved but unpaid at the end of the preceding fiscal year, and the denominator of which shall be the amounts which will be collected pursuant to subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act during the preceding fiscal year; except that in State fiscal year 2002, the Annual Percentage shall in no event exceed 23%. The Director of Revenue shall certify the Annual Percentage to the Comptroller on the last business day of the fiscal year immediately preceding the fiscal year for which it is to be effective.

(3) The Comptroller shall order transferred and the Treasurer shall transfer from the Tobacco Settlement Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000 in January, 2001, (ii) \$35,000,000 in January, 2002, and (iii) \$35,000,000 in January, 2003.

(d) Expenditures from Income Tax Refund Fund.

(1) Beginning January 1, 1989, money in the Income Tax Refund Fund shall be expended exclusively for the purpose of paying refunds resulting from overpayment of tax liability under Section 201 of this Act, for paying rebates under Section 208.1 in the event that the amounts in the Homeowners' Tax Relief Fund are insufficient for that purpose, and for making transfers pursuant to this subsection (d).

(2) The Director shall order payment of refunds resulting from overpayment of tax liability under Section 201 of this Act from the Income Tax Refund Fund only to the extent that amounts collected pursuant to Section 201 of this Act and transfers pursuant to this subsection (d) and item (3) of subsection (c) have been deposited and retained in the Fund.

(3) As soon as possible after the end of each fiscal year, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Income Tax Refund Fund to the Personal Property Tax Replacement Fund an amount, certified by the Director to the Comptroller, equal to the excess of the amount collected pursuant to subsections (c) and (d) of Section 201 of this Act deposited into the Income Tax Refund Fund during the fiscal year over the amount of refunds resulting from overpayment of tax liability under subsections (c) and (d) of Section 201 of this Act paid from the Income Tax Refund Fund during the fiscal year.

(4) As soon as possible after the end of each fiscal year, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Personal Property Tax Replacement Fund to the Income Tax Refund Fund an amount, certified by the Director to the

Comptroller, equal to the excess of the amount of refunds resulting from overpayment of tax liability under subsections (c) and (d) of Section 201 of this Act paid from the Income Tax Refund Fund during the fiscal year over the amount collected pursuant to subsections (c) and (d) of Section 201 of this Act deposited into the Income Tax Refund Fund during the fiscal year.

(4.5) As soon as possible after the end of fiscal year 1999 and of each fiscal year thereafter, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Income Tax Refund Fund to the General Revenue Fund any surplus remaining in the Income Tax Refund Fund as of the end of such fiscal year; excluding for fiscal years 2000, 2001, and 2002 amounts attributable to transfers under item (3) of subsection (c) less refunds resulting from the earned income tax credit.

(5) This Act shall constitute an irrevocable and continuing appropriation from the Income Tax Refund Fund for the purpose of paying refunds upon the order of the Director in accordance with the provisions of this Section.

(e) Deposits into the Education Assistance Fund and the Income Tax Surcharge Local Government Distributive Fund.

On July 1, 1991, and thereafter, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 7.3% into the Education Assistance Fund in the State Treasury. Beginning July 1, 1991, and continuing through January 31, 1993, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 3.0% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury. Beginning February 1, 1993 and continuing through June 30, 1993, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 4.4% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury. Beginning July 1, 1993, and continuing through June 30, 1994, of the amounts collected under subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 1.475% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury.

(Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-707, eff. 1-11-08.)

Section 47. The Motor Fuel Tax Law is amended by changing Section 8 as follows:

(35 ILCS 505/8) (from Ch. 120, par. 424)

Sec. 8. Except as provided in Section 8a, subdivision (h)(1) of Section 12a, Section 13a.6, and items 13, 14, 15, and 16 of Section 15, all money received by the Department under this Act, including payments made to the Department by member jurisdictions participating in the International Fuel Tax Agreement, shall be deposited in a special fund in the State treasury, to be known as the "Motor Fuel Tax Fund", and shall be used as follows:

(a) 2 1/2 cents per gallon of the tax collected on special fuel under paragraph (b) of Section 2 and Section 13a of this Act shall be transferred to the State Construction Account Fund in the State Treasury;

(b) \$420,000 shall be transferred each month to the State Boating Act Fund to be used by the Department of Natural Resources for the purposes specified in Article X of the Boat Registration and Safety Act;

(c) \$2,250,000 shall be transferred each month to the Grade Crossing Protection Fund to be used as follows: not less than \$6,000,000 each fiscal year shall be used for the construction or reconstruction of rail highway grade separation structures; \$2,250,000 in fiscal year 2004 and each fiscal year thereafter shall be transferred to the Transportation Regulatory Fund and shall be accounted for as part of the rail carrier portion of such funds and shall be used to pay the cost of administration of the Illinois Commerce Commission's railroad safety program in connection with its duties under subsection (3) of Section 18c-7401 of the Illinois Vehicle Code, with the remainder to be used by the Department of Transportation upon order of the Illinois Commerce Commission, to pay that part of the cost apportioned by such Commission to the State to cover the interest of the public in the use of highways, roads, streets, or pedestrian walkways in the county highway system, township and district road system, or municipal street system as defined in the Illinois Highway Code, as the same may from time to time be amended, for separation of grades, for installation, construction or reconstruction of crossing protection or reconstruction, alteration, relocation including construction or improvement of any existing highway necessary for access to property or improvement of any grade crossing including the necessary highway approaches thereto of any railroad across the highway or public road, or for the installation, construction, reconstruction, or maintenance of a pedestrian walkway over or under a railroad right-of-way, as provided for in and in accordance with Section 18c-7401 of the Illinois Vehicle Code. The Commission shall not order more than

\$2,000,000 per year in Grade Crossing Protection Fund moneys for pedestrian walkways. In entering orders for projects for which payments from the Grade Crossing Protection Fund will be made, the Commission shall account for expenditures authorized by the orders on a cash rather than an accrual basis. For purposes of this requirement an "accrual basis" assumes that the total cost of the project is expended in the fiscal year in which the order is entered, while a "cash basis" allocates the cost of the project among fiscal years as expenditures are actually made. To meet the requirements of this subsection, the Illinois Commerce Commission shall develop annual and 5-year project plans of rail crossing capital improvements that will be paid for with moneys from the Grade Crossing Protection Fund. The annual project plan shall identify projects for the succeeding fiscal year and the 5-year project plan shall identify projects for the 5 directly succeeding fiscal years. The Commission shall submit the annual and 5-year project plans for this Fund to the Governor, the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives on the first Wednesday in April of each year;

(d) of the amount remaining after allocations provided for in subsections (a), (b) and (c), a sufficient amount shall be reserved to pay all of the following:

(1) the costs of the Department of Revenue in administering this Act;

(2) the costs of the Department of Transportation in performing its duties imposed by the Illinois Highway Code for supervising the use of motor fuel tax funds apportioned to municipalities, counties and road districts;

(3) refunds provided for in Section 13 of this Act and under the terms of the International Fuel Tax Agreement referenced in Section 14a;

(4) from October 1, 1985 until June 30, 1994, the administration of the Vehicle Emissions Inspection Law, which amount shall be certified monthly by the Environmental Protection Agency to the State Comptroller and shall promptly be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund to the Vehicle Inspection Fund, and for the period July 1, 1994 through June 30, 2000, one-twelfth of \$25,000,000 each month, for the period July 1, 2000 through June 30, 2003, one-twelfth of \$30,000,000 each month, and \$15,000,000 on July 1, 2003, and \$15,000,000 on January 1, 2004, and \$15,000,000 on each July 1 and October 1, or as soon thereafter as may be practical, during the period July 1, 2004 through June 30, ~~2009~~ 2008, for the administration of the Vehicle Emissions Inspection Law of ~~2005~~ 1995, to be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund into the Vehicle Inspection Fund;

(5) amounts ordered paid by the Court of Claims; and

(6) payment of motor fuel use taxes due to member jurisdictions under the terms of the International Fuel Tax Agreement. The Department shall certify these amounts to the Comptroller by the 15th day of each month; the Comptroller shall cause orders to be drawn for such amounts, and the Treasurer shall administer those amounts on or before the last day of each month;

(e) after allocations for the purposes set forth in subsections (a), (b), (c) and (d), the remaining amount shall be apportioned as follows:

(1) Until January 1, 2000, 58.4%, and beginning January 1, 2000, 45.6% shall be deposited as follows:

(A) 37% into the State Construction Account Fund, and

(B) 63% into the Road Fund, \$1,250,000 of which shall be reserved each month for the Department of Transportation to be used in accordance with the provisions of Sections 6-901 through 6-906 of the Illinois Highway Code;

(2) Until January 1, 2000, 41.6%, and beginning January 1, 2000, 54.4% shall be transferred to the Department of Transportation to be distributed as follows:

(A) 49.10% to the municipalities of the State,

(B) 16.74% to the counties of the State having 1,000,000 or more inhabitants,

(C) 18.27% to the counties of the State having less than 1,000,000 inhabitants,

(D) 15.89% to the road districts of the State.

As soon as may be after the first day of each month the Department of Transportation shall allot to each municipality its share of the amount apportioned to the several municipalities which shall be in proportion to the population of such municipalities as determined by the last preceding municipal census if conducted by the Federal Government or Federal census. If territory is annexed to any municipality subsequent to the time of the last preceding census the corporate authorities of such municipality may cause a census to be taken of such annexed territory and the population so ascertained for such territory shall be added to the population of the municipality as determined by the last preceding census for the purpose of determining

the allotment for that municipality. If the population of any municipality was not determined by the last Federal census preceding any apportionment, the apportionment to such municipality shall be in accordance with any census taken by such municipality. Any municipal census used in accordance with this Section shall be certified to the Department of Transportation by the clerk of such municipality, and the accuracy thereof shall be subject to approval of the Department which may make such corrections as it ascertains to be necessary.

As soon as may be after the first day of each month the Department of Transportation shall allot to each county its share of the amount apportioned to the several counties of the State as herein provided. Each allotment to the several counties having less than 1,000,000 inhabitants shall be in proportion to the amount of motor vehicle license fees received from the residents of such counties, respectively, during the preceding calendar year. The Secretary of State shall, on or before April 15 of each year, transmit to the Department of Transportation a full and complete report showing the amount of motor vehicle license fees received from the residents of each county, respectively, during the preceding calendar year. The Department of Transportation shall, each month, use for allotment purposes the last such report received from the Secretary of State.

As soon as may be after the first day of each month, the Department of Transportation shall allot to the several counties their share of the amount apportioned for the use of road districts. The allotment shall be apportioned among the several counties in the State in the proportion which the total mileage of township or district roads in the respective counties bears to the total mileage of all township and district roads in the State. Funds allotted to the respective counties for the use of road districts therein shall be allocated to the several road districts in the county in the proportion which the total mileage of such township or district roads in the respective road districts bears to the total mileage of all such township or district roads in the county. After July 1 of any year, no allocation shall be made for any road district unless it levied a tax for road and bridge purposes in an amount which will require the extension of such tax against the taxable property in any such road district at a rate of not less than either .08% of the value thereof, based upon the assessment for the year immediately prior to the year in which such tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less. If any road district has levied a special tax for road purposes pursuant to Sections 6-601, 6-602 and 6-603 of the Illinois Highway Code, and such tax was levied in an amount which would require extension at a rate of not less than .08% of the value of the taxable property thereof, as equalized or assessed by the Department of Revenue, or, in DuPage County, an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less, such levy shall, however, be deemed a proper compliance with this Section and shall qualify such road district for an allotment under this Section. If a township has transferred to the road and bridge fund money which, when added to the amount of any tax levy of the road district would be the equivalent of a tax levy requiring extension at a rate of at least .08%, or, in DuPage County, an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less, such transfer, together with any such tax levy, shall be deemed a proper compliance with this Section and shall qualify the road district for an allotment under this Section.

In counties in which a property tax extension limitation is imposed under the Property Tax Extension Limitation Law, road districts may retain their entitlement to a motor fuel tax allotment if, at the time the property tax extension limitation was imposed, the road district was levying a road and bridge tax at a rate sufficient to entitle it to a motor fuel tax allotment and continues to levy the maximum allowable amount after the imposition of the property tax extension limitation. Any road district may in all circumstances retain its entitlement to a motor fuel tax allotment if it levied a road and bridge tax in an amount that will require the extension of the tax against the taxable property in the road district at a rate of not less than 0.08% of the assessed value of the property, based upon the assessment for the year immediately preceding the year in which the tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less.

As used in this Section the term "road district" means any road district, including a county unit road district, provided for by the Illinois Highway Code; and the term "township or district road" means any road in the township and district road system as defined in the Illinois Highway Code. For the purposes of this Section, "road district" also includes park districts, forest preserve districts and conservation districts organized under Illinois law and "township or district road" also includes such roads as are maintained by park districts, forest preserve districts and conservation districts. The Department of Transportation shall determine the mileage of all township and district roads for the purposes of making allotments and

allocations of motor fuel tax funds for use in road districts.

Payment of motor fuel tax moneys to municipalities and counties shall be made as soon as possible after the allotment is made. The treasurer of the municipality or county may invest these funds until their use is required and the interest earned by these investments shall be limited to the same uses as the principal funds.

(Source: P.A. 93-32, eff. 6-20-03; 93-839, eff. 7-30-04; 94-839, eff. 6-6-06; revised 1-30-08.)

Section 50. The School Code is amended by changing Sections 2-3.131, 14-13.01, and 18-8.05 as follows:

(105 ILCS 5/2-3.131)

Sec. 2-3.131. Transitional assistance payments.

(a) If the amount that the State Board of Education will pay to a school district from fiscal year 2004 appropriations, as estimated by the State Board of Education on April 1, 2004, is less than the amount that the State Board of Education paid to the school district from fiscal year 2003 appropriations, then, subject to appropriation, the State Board of Education shall make a fiscal year 2004 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2004 appropriations and the amount paid from fiscal year 2003 appropriations.

(b) If the amount that the State Board of Education will pay to a school district from fiscal year 2005 appropriations, as estimated by the State Board of Education on April 1, 2005, is less than the amount that the State Board of Education paid to the school district from fiscal year 2004 appropriations, then the State Board of Education shall make a fiscal year 2005 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2005 appropriations and the amount paid from fiscal year 2004 appropriations.

(c) If the amount that the State Board of Education will pay to a school district from fiscal year 2006 appropriations, as estimated by the State Board of Education on April 1, 2006, is less than the amount that the State Board of Education paid to the school district from fiscal year 2005 appropriations, then the State Board of Education shall make a fiscal year 2006 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2006 appropriations and the amount paid from fiscal year 2005 appropriations.

(d) If the amount that the State Board of Education will pay to a school district from fiscal year 2007 appropriations, as estimated by the State Board of Education on April 1, 2007, is less than the amount that the State Board of Education paid to the school district from fiscal year 2006 appropriations, then the State Board of Education, subject to appropriation, shall make a fiscal year 2007 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2007 appropriations and the amount paid from fiscal year 2006 appropriations.

(e) Subject to appropriation, beginning on July 1, 2007, the State Board of Education shall adjust prior year information for the transitional assistance calculations under this Section in the event of the creation or reorganization of any school district pursuant to Article 11E of this Code, the dissolution of an entire district and the annexation of all of its territory to one or more other districts pursuant to Article 7 of this Code, or a boundary change whereby the enrollment of the annexing district increases by 90% or more as a result of annexing territory detached from another district pursuant to Article 7 of this Code.

(f) If the amount that the State Board of Education will pay to a school district from fiscal year 2008 appropriations, as estimated by the State Board of Education on April 1, 2008, is less than the amount that the State Board of Education paid to the school district from fiscal year 2007 appropriations, then the State Board of Education, subject to appropriation, shall make a fiscal year 2008 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2008 appropriations and the amount paid from fiscal year 2007 appropriations.

(g) If the amount that the State Board of Education will pay to a school district from fiscal year 2009 appropriations, as estimated by the State Board of Education on April 1, 2009, is less than the amount that the State Board of Education paid to the school district from fiscal year 2008 appropriations, then the State Board of Education, subject to appropriation, shall make a fiscal year 2009 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2009 appropriations and the amount paid from fiscal year 2008 appropriations.

(Source: P.A. 94-69, eff. 7-1-05; 94-835, eff. 6-6-06; 95-331, eff. 8-21-07; 95-707, eff. 1-11-08.)

(105 ILCS 5/14-13.01) (from Ch. 122, par. 14-13.01)

Sec. 14-13.01. Reimbursement payable by State; Amounts. Reimbursement for furnishing special educational facilities in a recognized school to the type of children defined in Section 14-1.02 shall be paid to the school districts in accordance with Section 14-12.01 for each school year ending June 30 by the State

Comptroller out of any money in the treasury appropriated for such purposes on the presentation of vouchers by the State Board of Education.

The reimbursement shall be limited to funds expended for construction and maintenance of special education facilities designed and utilized to house instructional programs, diagnostic services, other special education services for children with disabilities and reimbursement as provided in Section 14-13.01. There shall be no reimbursement for construction and maintenance of any administrative facility separated from special education facilities designed and utilized to house instructional programs, diagnostic services and other special education services for children with disabilities.

(a) For children who have not been identified as eligible for special education and for eligible children with physical disabilities, including all eligible children whose placement has been determined under Section 14-8.02 in hospital or home instruction, 1/2 of the teacher's salary but not more than \$1,000 annually per child or \$8,000 per teacher for the 1985-1986 school year through the 2005-2006 school year, ~~and \$1,000 per child or \$9,000 per teacher for the 2006-2007 school year~~, and \$1,000 per child or \$10,000 per teacher for the 2007-2008 school year and for each school year thereafter, whichever is less. Children to be included in any reimbursement under this paragraph must regularly receive a minimum of one hour of instruction each school day, or in lieu thereof of a minimum of 5 hours of instruction in each school week in order to qualify for full reimbursement under this Section. If the attending physician for such a child has certified that the child should not receive as many as 5 hours of instruction in a school week, however, reimbursement under this paragraph on account of that child shall be computed proportionate to the actual hours of instruction per week for that child divided by 5.

(b) For children described in Section 14-1.02, 4/5 of the cost of transportation for each such child, whom the State Superintendent of Education determined in advance requires special transportation service in order to take advantage of special educational facilities. Transportation costs shall be determined in the same fashion as provided in Section 29-5. For purposes of this subsection (b), the dates for processing claims specified in Section 29-5 shall apply.

(c) For each professional worker excluding those included in subparagraphs (a), (d), (e), and (f) of this Section, the annual sum of \$8,000 for the 1985-1986 school year through the 2005-2006 school year, ~~and \$9,000 for the 2006-2007 school year~~, and \$10,000 for the 2007-2008 school year and for each school year thereafter.

(d) For one full time qualified director of the special education program of each school district which maintains a fully approved program of special education the annual sum of \$8,000 for the 1985-1986 school year through the 2005-2006 school year, ~~and \$9,000 for the 2006-2007 school year~~, and \$10,000 for the 2007-2008 school year and for each school year thereafter. Districts participating in a joint agreement special education program shall not receive such reimbursement if reimbursement is made for a director of the joint agreement program.

(e) For each school psychologist as defined in Section 14-1.09 the annual sum of \$8,000 for the 1985-1986 school year through the 2005-2006 school year, ~~and \$9,000 for the 2006-2007 school year~~, and \$10,000 for the 2007-2008 school year and for each school year thereafter.

(f) For each qualified teacher working in a fully approved program for children of preschool age who are deaf or hard-of-hearing the annual sum of \$8,000 for the 1985-1986 school year through the 2005-2006 school year, ~~and \$9,000 for the 2006-2007 school year~~, and \$10,000 for the 2007-2008 school year and for each school year thereafter.

(g) For readers, working with blind or partially seeing children 1/2 of their salary but not more than \$400 annually per child. Readers may be employed to assist such children and shall not be required to be certified but prior to employment shall meet standards set up by the State Board of Education.

(h) For necessary non-certified employees working in any class or program for children defined in this Article, 1/2 of the salary paid or \$2,800 annually per employee through the 2005-2006 school year, ~~and \$3,500 per employee for the 2006-2007 school year~~, and \$4,000 per employee for the 2007-2008 school year and for each school year thereafter, whichever is less.

The State Board of Education shall set standards and prescribe rules for determining the allocation of reimbursement under this section on less than a full time basis and for less than a school year.

When any school district eligible for reimbursement under this Section operates a school or program approved by the State Superintendent of Education for a number of days in excess of the adopted school calendar but not to exceed 235 school days, such reimbursement shall be increased by 1/180 of the amount or rate paid hereunder for each day such school is operated in excess of 180 days per calendar year.

Notwithstanding any other provision of law, any school district receiving a payment under this Section or under Section 14-7.02, 14-7.02b, or 29-5 of this Code may classify all or a portion of the funds that it



receives in a particular fiscal year or from general State aid pursuant to Section 18-8.05 of this Code as funds received in connection with any funding program for which it is entitled to receive funds from the State in that fiscal year (including, without limitation, any funding program referenced in this Section), regardless of the source or timing of the receipt. The district may not classify more funds as funds received in connection with the funding program than the district is entitled to receive in that fiscal year for that program. Any classification by a district must be made by a resolution of its board of education. The resolution must identify the amount of any payments or general State aid to be classified under this paragraph and must specify the funding program to which the funds are to be treated as received in connection therewith. This resolution is controlling as to the classification of funds referenced therein. A certified copy of the resolution must be sent to the State Superintendent of Education. The resolution shall still take effect even though a copy of the resolution has not been sent to the State Superintendent of Education in a timely manner. No classification under this paragraph by a district shall affect the total amount or timing of money the district is entitled to receive under this Code. No classification under this paragraph by a district shall in any way relieve the district from or affect any requirements that otherwise would apply with respect to that funding program, including any accounting of funds by source, reporting expenditures by original source and purpose, reporting requirements, or requirements of providing services. (Source: P.A. 95-415, eff. 8-24-07; 95-707, eff. 1-11-08.)

(105 ILCS 5/18-8.05)

Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years.

(A) General Provisions.

(1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.

(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.

(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:

(a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.

(b) School district claims filed under this Section are subject to Sections 18-9 and 18-12, except as otherwise provided in this Section.

(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.

(d) (Blank).

(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is authorized to make expenditures by law.

School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:

- (a) "Average Daily Attendance": A count of pupil attendance in school, averaged as provided for in subsection (C) and utilized in deriving per pupil financial support levels.
- (b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection (D).
- (c) "Corporate Personal Property Replacement Taxes": Funds paid to local school districts pursuant to "An Act in relation to the abolition of ad valorem personal property tax and the replacement of revenues lost thereby, and amending and repealing certain Acts and parts of Acts in connection therewith", certified August 14, 1979, as amended (Public Act 81-1st S.S.-1).
- (d) "Foundation Level": A prescribed level of per pupil financial support as provided for in subsection (B).
- (e) "Operating Tax Rate": All school district property taxes extended for all purposes, except Bond and Interest, Summer School, Rent, Capital Improvement, and Vocational Education Building purposes.

(B) Foundation Level.

(1) The Foundation Level is a figure established by the State representing the minimum level of per pupil financial support that should be available to provide for the basic education of each pupil in Average Daily Attendance. As set forth in this Section, each school district is assumed to exert a sufficient local taxing effort such that, in combination with the aggregate of general State financial aid provided the district, an aggregate of State and local resources are available to meet the basic education needs of pupils in the district.

(2) For the 1998-1999 school year, the Foundation Level of support is \$4,225. For the 1999-2000 school year, the Foundation Level of support is \$4,325. For the 2000-2001 school year, the Foundation Level of support is \$4,425. For the 2001-2002 school year and 2002-2003 school year, the Foundation Level of support is \$4,560. For the 2003-2004 school year, the Foundation Level of support is \$4,810. For the 2004-2005 school year, the Foundation Level of support is \$4,964. For the 2005-2006 school year, the Foundation Level of support is \$5,164. For the 2006-2007 school year, the Foundation Level of support is \$5,334. For the 2007-2008 school year, the Foundation Level of support is \$5,734.

(3) For the ~~2008-2009~~ ~~2007-2008~~ school year and each school year thereafter, the Foundation Level of support is ~~\$6,034~~ \$5,734 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

(1) For purposes of calculating general State aid pursuant to subsection (E), an Average Daily Attendance figure shall be utilized. The Average Daily Attendance figure for formula calculation purposes shall be the monthly average of the actual number of pupils in attendance of each school district, as further averaged for the best 3 months of pupil attendance for each school district. In compiling the figures for the number of pupils in attendance, school districts and the State Board of Education shall, for purposes of general State aid funding, conform attendance figures to the requirements of subsection (F).

(2) The Average Daily Attendance figures utilized in subsection (E) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated or the average of the attendance data for the 3 preceding school years, whichever is greater. The Average Daily Attendance figures utilized in subsection (H) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated.

(D) Available Local Resources.

(1) For purposes of calculating general State aid pursuant to subsection (E), a representation of Available Local Resources per pupil, as that term is defined and determined in this subsection, shall be utilized. Available Local Resources per pupil shall include a calculated dollar amount representing local school district revenues from local property taxes and from Corporate Personal Property Replacement Taxes, expressed on the basis of pupils in Average Daily Attendance. Calculation of Available Local Resources shall exclude any tax amnesty funds received as a result of Public Act 93-26.

(2) In determining a school district's revenue from local property taxes, the State Board of Education shall utilize the equalized assessed valuation of all taxable property of each school district as of September 30 of the previous year. The equalized assessed valuation utilized shall be obtained and determined as provided in subsection (G).

(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining

grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

For partial elementary unit districts created pursuant to Article 11E of this Code, local property tax revenues per pupil shall be calculated as the product of the equalized assessed valuation for property within the elementary and high school classification of the partial elementary unit district multiplied by 2.06% and divided by the Average Daily Attendance figure for grades kindergarten through 8, plus the product of the equalized assessed valuation for property within the high school only classification of the partial elementary unit district multiplied by 0.94% and divided by the Average Daily Attendance figure for grades 9 through 12.

(4) The Corporate Personal Property Replacement Taxes paid to each school district during the calendar year 2 years before the calendar year in which a school year begins, divided by the Average Daily Attendance figure for that district, shall be added to the local property tax revenues per pupil as derived by the application of the immediately preceding paragraph (3). The sum of these per pupil figures for each school district shall constitute Available Local Resources as that term is utilized in subsection (E) in the calculation of general State aid.

(E) Computation of General State Aid.

(1) For each school year, the amount of general State aid allotted to a school district shall be computed by the State Board of Education as provided in this subsection.

(2) For any school district for which Available Local Resources per pupil is less than the product of 0.93 times the Foundation Level, general State aid for that district shall be calculated as an amount equal to the Foundation Level minus Available Local Resources, multiplied by the Average Daily Attendance of the school district.

(3) For any school district for which Available Local Resources per pupil is equal to or greater than the product of 0.93 times the Foundation Level and less than the product of 1.75 times the Foundation Level, the general State aid per pupil shall be a decimal proportion of the Foundation Level derived using a linear algorithm. Under this linear algorithm, the calculated general State aid per pupil shall decline in direct linear fashion from 0.07 times the Foundation Level for a school district with Available Local Resources equal to the product of 0.93 times the Foundation Level, to 0.05 times the Foundation Level for a school district with Available Local Resources equal to the product of 1.75 times the Foundation Level. The allocation of general State aid for school districts subject to this paragraph 3 shall be the calculated general State aid per pupil figure multiplied by the Average Daily Attendance of the school district.

(4) For any school district for which Available Local Resources per pupil equals or exceeds the product of 1.75 times the Foundation Level, the general State aid for the school district shall be calculated as the product of \$218 multiplied by the Average Daily Attendance of the school district.

(5) The amount of general State aid allocated to a school district for the 1999-2000 school year meeting the requirements set forth in paragraph (4) of subsection (G) shall be increased by an amount equal to the general State aid that would have been received by the district for the 1998-1999 school year by utilizing the Extension Limitation Equalized Assessed Valuation as calculated in paragraph (4) of subsection (G) less the general State aid allotted for the 1998-1999 school year. This amount shall be deemed a one time increase, and shall not affect any future general State aid allocations.

(F) Compilation of Average Daily Attendance.

(1) Each school district shall, by July 1 of each year, submit to the State Board of Education, on forms prescribed by the State Board of Education, attendance figures for the school year that began in the preceding calendar year. The attendance information so transmitted shall identify the average daily attendance figures for each month of the school year. Beginning with the general State aid claim form for the 2002-2003 school year, districts shall calculate Average Daily Attendance as provided in subdivisions (a), (b), and (c) of this paragraph (1).

(a) In districts that do not hold year-round classes, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(b) In districts in which all buildings hold year-round classes, days of attendance in July and August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(c) In districts in which some buildings, but not all, hold year-round classes, for the

non-year-round buildings, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May. The average daily attendance for the year-round buildings shall be computed as provided in subdivision (b) of this paragraph (1). To calculate the Average Daily Attendance for the district, the average daily attendance for the year-round buildings shall be multiplied by the days in session for the non-year-round buildings for each month and added to the monthly attendance of the non-year-round buildings.

Except as otherwise provided in this Section, days of attendance by pupils shall be counted only for sessions of not less than 5 clock hours of school work per day under direct supervision of: (i) teachers, or (ii) non-teaching personnel or volunteer personnel when engaging in non-teaching duties and supervising in those instances specified in subsection (a) of Section 10-22.34 and paragraph 10 of Section 34-18, with pupils of legal school age and in kindergarten and grades 1 through 12.

Days of attendance by tuition pupils shall be accredited only to the districts that pay the tuition to a recognized school.

(2) Days of attendance by pupils of less than 5 clock hours of school shall be subject to the following provisions in the compilation of Average Daily Attendance.

(a) Pupils regularly enrolled in a public school for only a part of the school day may be counted on the basis of 1/6 day for every class hour of instruction of 40 minutes or more attended pursuant to such enrollment, unless a pupil is enrolled in a block-schedule format of 80 minutes or more of instruction, in which case the pupil may be counted on the basis of the proportion of minutes of school work completed each day to the minimum number of minutes that school work is required to be held that day.

(b) Days of attendance may be less than 5 clock hours on the opening and closing of the school term, and upon the first day of pupil attendance, if preceded by a day or days utilized as an institute or teachers' workshop.

(c) A session of 4 or more clock hours may be counted as a day of attendance upon certification by the regional superintendent, and approved by the State Superintendent of Education to the extent that the district has been forced to use daily multiple sessions.

(d) A session of 3 or more clock hours may be counted as a day of attendance (1) when the remainder of the school day or at least 2 hours in the evening of that day is utilized for an in-service training program for teachers, up to a maximum of 5 days per school year of which a maximum of 4 days of such 5 days may be used for parent-teacher conferences, provided a district conducts an in-service training program for teachers which has been approved by the State Superintendent of Education; or, in lieu of 4 such days, 2 full days may be used, in which event each such day may be counted as a day of attendance; and (2) when days in addition to those provided in item (1) are scheduled by a school pursuant to its school improvement plan adopted under Article 34 or its revised or amended school improvement plan adopted under Article 2, provided that (i) such sessions of 3 or more clock hours are scheduled to occur at regular intervals, (ii) the remainder of the school days in which such sessions occur are utilized for in-service training programs or other staff development activities for teachers, and (iii) a sufficient number of minutes of school work under the direct supervision of teachers are added to the school days between such regularly scheduled sessions to accumulate not less than the number of minutes by which such sessions of 3 or more clock hours fall short of 5 clock hours. Any full days used for the purposes of this paragraph shall not be considered for computing average daily attendance. Days scheduled for in-service training programs, staff development activities, or parent-teacher conferences may be scheduled separately for different grade levels and different attendance centers of the district.

(e) A session of not less than one clock hour of teaching hospitalized or homebound pupils on-site or by telephone to the classroom may be counted as 1/2 day of attendance, however these pupils must receive 4 or more clock hours of instruction to be counted for a full day of attendance.

(f) A session of at least 4 clock hours may be counted as a day of attendance for first grade pupils, and pupils in full day kindergartens, and a session of 2 or more hours may be counted as 1/2 day of attendance by pupils in kindergartens which provide only 1/2 day of attendance.

(g) For children with disabilities who are below the age of 6 years and who cannot attend 2 or more clock hours because of their disability or immaturity, a session of not less than one clock hour may be counted as 1/2 day of attendance; however for such children whose educational needs so require a session of 4 or more clock hours may be counted as a full day of attendance.

(h) A recognized kindergarten which provides for only 1/2 day of attendance by each pupil shall not have more than 1/2 day of attendance counted in any one day. However, kindergartens may count 2 1/2 days of attendance in any 5 consecutive school days. When a pupil attends such a

kindergarten for 2 half days on any one school day, the pupil shall have the following day as a day absent from school, unless the school district obtains permission in writing from the State Superintendent of Education. Attendance at kindergartens which provide for a full day of attendance by each pupil shall be counted the same as attendance by first grade pupils. Only the first year of attendance in one kindergarten shall be counted, except in case of children who entered the kindergarten in their fifth year whose educational development requires a second year of kindergarten as determined under the rules and regulations of the State Board of Education.

(i) On the days when the Prairie State Achievement Examination is administered under subsection (c) of Section 2-3.64 of this Code, the day of attendance for a pupil whose school day must be shortened to accommodate required testing procedures may be less than 5 clock hours and shall be counted towards the 176 days of actual pupil attendance required under Section 10-19 of this Code, provided that a sufficient number of minutes of school work in excess of 5 clock hours are first completed on other school days to compensate for the loss of school work on the examination days.

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D), the State Board of Education shall secure from the Department of Revenue the value as equalized or assessed by the Department of Revenue of all taxable property of every school district, together with (i) the applicable tax rate used in extending taxes for the funds of the district as of September 30 of the previous year and (ii) the limiting rate for all school districts subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law.

The Department of Revenue shall add to the equalized assessed value of all taxable property of each school district situated entirely or partially within a county that is or was subject to the provisions of Section 15-176 or 15-177 of the Property Tax Code (a) an amount equal to the total amount by which the homestead exemption allowed under Section 15-176 or 15-177 of the Property Tax Code for real property situated in that school district exceeds the total amount that would have been allowed in that school district if the maximum reduction under Section 15-176 was (i) \$4,500 in Cook County or \$3,500 in all other counties in tax year 2003 or (ii) \$5,000 in all counties in tax year 2004 and thereafter and (b) an amount equal to the aggregate amount for the taxable year of all additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of \$30,000 or less. The county clerk of any county that is or was subject to the provisions of Section 15-176 or 15-177 of the Property Tax Code shall annually calculate and certify to the Department of Revenue for each school district all homestead exemption amounts under Section 15-176 or 15-177 of the Property Tax Code and all amounts of additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of \$30,000 or less. It is the intent of this paragraph that if the general homestead exemption for a parcel of property is determined under Section 15-176 or 15-177 of the Property Tax Code rather than Section 15-175, then the calculation of Available Local Resources shall not be affected by the difference, if any, between the amount of the general homestead exemption allowed for that parcel of property under Section 15-176 or 15-177 of the Property Tax Code and the amount that would have been allowed had the general homestead exemption for that parcel of property been determined under Section 15-175 of the Property Tax Code. It is further the intent of this paragraph that if additional exemptions are allowed under Section 15-175 of the Property Tax Code for owners with a household income of less than \$30,000, then the calculation of Available Local Resources shall not be affected by the difference, if any, because of those additional exemptions.

This equalized assessed valuation, as adjusted further by the requirements of this subsection, shall be utilized in the calculation of Available Local Resources.

(2) The equalized assessed valuation in paragraph (1) shall be adjusted, as applicable, in the following manner:

(a) For the purposes of calculating State aid under this Section, with respect to any part of a school district within a redevelopment project area in respect to which a municipality has adopted tax increment allocation financing pursuant to the Tax Increment Allocation Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11 of the Illinois Municipal Code or the Industrial Jobs Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the Illinois Municipal Code, no part of the current equalized assessed valuation of real property located in any such project area which is attributable to an increase above the total initial equalized assessed valuation of such property shall be used as part of the equalized assessed valuation of the district, until such time as all redevelopment project costs have been paid, as provided in Section 11-74.4-8 of the Tax Increment Allocation Redevelopment Act or in Section 11-74.6-35 of the Industrial Jobs Recovery Law. For the purpose of the

equalized assessed valuation of the district, the total initial equalized assessed valuation or the current equalized assessed valuation, whichever is lower, shall be used until such time as all redevelopment project costs have been paid.

(b) The real property equalized assessed valuation for a school district shall be adjusted by subtracting from the real property value as equalized or assessed by the Department of Revenue for the district an amount computed by dividing the amount of any abatement of taxes under Section 18-170 of the Property Tax Code by 3.00% for a district maintaining grades kindergarten through 12, by 2.30% for a district maintaining grades kindergarten through 8, or by 1.05% for a district maintaining grades 9 through 12 and adjusted by an amount computed by dividing the amount of any abatement of taxes under subsection (a) of Section 18-165 of the Property Tax Code by the same percentage rates for district type as specified in this subparagraph (b).

(3) For the 1999-2000 school year and each school year thereafter, if a school district meets all of the criteria of this subsection (G)(3), the school district's Available Local Resources shall be calculated under subsection (D) using the district's Extension Limitation Equalized Assessed Valuation as calculated under this subsection (G)(3).

For purposes of this subsection (G)(3) the following terms shall have the following meanings:

"Budget Year": The school year for which general State aid is calculated and awarded under subsection (E).

"Base Tax Year": The property tax levy year used to calculate the Budget Year allocation of general State aid.

"Preceding Tax Year": The property tax levy year immediately preceding the Base Tax Year.

"Base Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Base Tax Year multiplied by the limiting rate as calculated by the County Clerk and defined in the Property Tax Extension Limitation Law.

"Preceding Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Preceding Tax Year multiplied by the Operating Tax Rate as defined in subsection (A).

"Extension Limitation Ratio": A numerical ratio, certified by the County Clerk, in which the numerator is the Base Tax Year's Tax Extension and the denominator is the Preceding Tax Year's Tax Extension.

"Operating Tax Rate": The operating tax rate as defined in subsection (A).

If a school district is subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation of that district. For the 1999-2000 school year, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the district's 1996 Equalized Assessed Valuation and the district's Extension Limitation Ratio. For the 2000-2001 school year and each school year thereafter, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the Equalized Assessed Valuation last used in the calculation of general State aid and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of a school district as calculated under this subsection (G)(3) is less than the district's equalized assessed valuation as calculated pursuant to subsections (G)(1) and (G)(2), then for purposes of calculating the district's general State aid for the Budget Year pursuant to subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources under subsection (D).

Partial elementary unit districts created in accordance with Article 11E of this Code shall not be eligible for the adjustment in this subsection (G)(3) until the fifth year following the effective date of the reorganization.

(4) For the purposes of calculating general State aid for the 1999-2000 school year only, if a school district experienced a triennial reassessment on the equalized assessed valuation used in calculating its general State financial aid apportionment for the 1998-1999 school year, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation that would have been used to calculate the district's 1998-1999 general State aid. This amount shall equal the product of the equalized assessed valuation used to calculate general State aid for the 1997-1998 school year and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of the school district as calculated under this paragraph (4) is less than the district's equalized assessed valuation utilized in calculating the district's 1998-1999 general State aid allocation, then for purposes of calculating the

district's general State aid pursuant to paragraph (5) of subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources.

(5) For school districts having a majority of their equalized assessed valuation in any county except Cook, DuPage, Kane, Lake, McHenry, or Will, if the amount of general State aid allocated to the school district for the 1999-2000 school year under the provisions of subsection (E), (H), and (J) of this Section is less than the amount of general State aid allocated to the district for the 1998-1999 school year under these subsections, then the general State aid of the district for the 1999-2000 school year only shall be increased by the difference between these amounts. The total payments made under this paragraph (5) shall not exceed \$14,000,000. Claims shall be prorated if they exceed \$14,000,000.

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant, paid in conjunction with a district's payments of general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section. If the appropriation in any fiscal year for general State aid and supplemental general State aid is insufficient to pay the amounts required under the general State aid and supplemental general State aid calculations, then the State Board of Education shall ensure that each school district receives the full amount due for general State aid and the remainder of the appropriation shall be used for supplemental general State aid, which the State Board of Education shall calculate and pay to eligible districts on a prorated basis.

(1.5) This paragraph (1.5) applies only to those school years preceding the 2003-2004 school year. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, (i) the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, or (ii) a high school district within 2 counties and serving 5 elementary school districts, whose boundaries are coterminous with the high school district, has a percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count and there is a percentage increase in the total low-income eligible pupil count of a majority of the elementary school districts in excess of 50% from the 2 most recent federal censuses, then the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H). The changes made to this paragraph (1) by Public Act 92-28 shall apply to supplemental general State aid grants for school years preceding the 2003-2004 school year that are paid in fiscal year 1999 or thereafter and to any State aid payments made in fiscal year 1994 through fiscal year 1998 pursuant to subsection 1(n) of Section 18-8 of this Code (which was repealed on July 1, 1998), and any high school district that is affected by Public Act 92-28 is entitled to a recomputation of its supplemental general State aid grant or State aid paid in any of those fiscal years. This recomputation shall not be affected by any other funding.

(1.10) This paragraph (1.10) applies to the 2003-2004 school year and each school year thereafter. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall, for each fiscal year, be the low-income eligible pupil count as of July 1 of the immediately preceding fiscal year (as determined by the Department of Human Services based on the number of pupils who are eligible for at least one of the following low income programs: Medicaid, KidCare, TANF, or Food Stamps, excluding pupils who are eligible for services provided by the Department of Children and Family Services, averaged over the 2 immediately preceding fiscal years for fiscal year 2004 and over the 3 immediately preceding fiscal years for each fiscal year thereafter) divided by the Average Daily Attendance of the school district.

(2) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 1998-1999, 1999-2000, and 2000-2001 school years only:

(a) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for any school year shall be \$800 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for the 1998-1999 school year shall be \$1,100 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for the 1998-99 school year shall be \$1,500 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of 60% or more, the grant for the 1998-99 school year shall be \$1,900 multiplied by the low income eligible pupil count.

(e) For the 1999-2000 school year, the per pupil amount specified in subparagraphs (b), (c), and (d) immediately above shall be increased to \$1,243, \$1,600, and \$2,000, respectively.

(f) For the 2000-2001 school year, the per pupil amounts specified in subparagraphs (b), (c), and (d) immediately above shall be \$1,273, \$1,640, and \$2,050, respectively.

(2.5) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2002-2003 school year:

(a) For any school district with a Low Income Concentration Level of less than 10%, the grant for each school year shall be \$355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 10% and less than 20%, the grant for each school year shall be \$675 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for each school year shall be \$1,330 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for each school year shall be \$1,362 multiplied by the low income eligible pupil count.

(e) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for each school year shall be \$1,680 multiplied by the low income eligible pupil count.

(f) For any school district with a Low Income Concentration Level of 60% or more, the grant for each school year shall be \$2,080 multiplied by the low income eligible pupil count.

(2.10) Except as otherwise provided, supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2003-2004 school year and each school year thereafter:

(a) For any school district with a Low Income Concentration Level of 15% or less, the grant for each school year shall be \$355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level greater than 15%, the grant for each school year shall be \$294.25 added to the product of \$2,700 and the square of the Low Income Concentration Level, all multiplied by the low income eligible pupil count.

For the 2003-2004 school year and each school year thereafter through the 2008-2009 ~~2007-2008~~ school year only, the grant shall be no less than the grant for the 2002-2003 school year. For the 2009-2010 ~~2008-2009~~ school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.66. For the 2010-2011 ~~2009-2010~~ school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.33. Notwithstanding the provisions of this paragraph to the contrary, if for any school year supplemental general State aid grants are prorated as provided in paragraph (1) of this subsection (H), then the grants under this paragraph shall be prorated.

For the 2003-2004 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.25 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2004-2005 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.50 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2005-2006 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.75 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year.

(3) School districts with an Average Daily Attendance of more than 1,000 and less than 50,000 that qualify for supplemental general State aid pursuant to this subsection shall submit a plan to the State Board of Education prior to October 30 of each year for the use of the funds resulting from this grant of supplemental general State aid for the improvement of instruction in which priority is given to meeting the education needs of disadvantaged children. Such plan shall be submitted in accordance with rules and



regulations promulgated by the State Board of Education.

(4) School districts with an Average Daily Attendance of 50,000 or more that qualify for supplemental general State aid pursuant to this subsection shall be required to distribute from funds available pursuant to this Section, no less than \$261,000,000 in accordance with the following requirements:

(a) The required amounts shall be distributed to the attendance centers within the district in proportion to the number of pupils enrolled at each attendance center who are eligible to receive free or reduced-price lunches or breakfasts under the federal Child Nutrition Act of 1966 and under the National School Lunch Act during the immediately preceding school year.

(b) The distribution of these portions of supplemental and general State aid among attendance centers according to these requirements shall not be compensated for or contravened by adjustments of the total of other funds appropriated to any attendance centers, and the Board of Education shall utilize funding from one or several sources in order to fully implement this provision annually prior to the opening of school.

(c) Each attendance center shall be provided by the school district a distribution of noncategorical funds and other categorical funds to which an attendance center is entitled under law in order that the general State aid and supplemental general State aid provided by application of this subsection supplements rather than supplants the noncategorical funds and other categorical funds provided by the school district to the attendance centers.

(d) Any funds made available under this subsection that by reason of the provisions of this subsection are not required to be allocated and provided to attendance centers may be used and appropriated by the board of the district for any lawful school purpose.

(e) Funds received by an attendance center pursuant to this subsection shall be used by the attendance center at the discretion of the principal and local school council for programs to improve educational opportunities at qualifying schools through the following programs and services: early childhood education, reduced class size or improved adult to student classroom ratio, enrichment programs, remedial assistance, attendance improvement, and other educationally beneficial expenditures which supplement the regular and basic programs as determined by the State Board of Education. Funds provided shall not be expended for any political or lobbying purposes as defined by board rule.

(f) Each district subject to the provisions of this subdivision (H)(4) shall submit an acceptable plan to meet the educational needs of disadvantaged children, in compliance with the requirements of this paragraph, to the State Board of Education prior to July 15 of each year. This plan shall be consistent with the decisions of local school councils concerning the school expenditure plans developed in accordance with part 4 of Section 34-2.3. The State Board shall approve or reject the plan within 60 days after its submission. If the plan is rejected, the district shall give written notice of intent to modify the plan within 15 days of the notification of rejection and then submit a modified plan within 30 days after the date of the written notice of intent to modify. Districts may amend approved plans pursuant to rules promulgated by the State Board of Education.

Upon notification by the State Board of Education that the district has not submitted a plan prior to July 15 or a modified plan within the time period specified herein, the State aid funds affected by that plan or modified plan shall be withheld by the State Board of Education until a plan or modified plan is submitted.

If the district fails to distribute State aid to attendance centers in accordance with an approved plan, the plan for the following year shall allocate funds, in addition to the funds otherwise required by this subsection, to those attendance centers which were underfunded during the previous year in amounts equal to such underfunding.

For purposes of determining compliance with this subsection in relation to the requirements of attendance center funding, each district subject to the provisions of this subsection shall submit as a separate document by December 1 of each year a report of expenditure data for the prior year in addition to any modification of its current plan. If it is determined that there has been a failure to comply with the expenditure provisions of this subsection regarding contravention or supplanting, the State Superintendent of Education shall, within 60 days of receipt of the report, notify the district and any affected local school council. The district shall within 45 days of receipt of that notification inform the State Superintendent of Education of the remedial or corrective action to be taken, whether by amendment of the current plan, if feasible, or by adjustment in the plan for the following year. Failure to provide the expenditure report or the notification of remedial or corrective action in a timely manner shall result in a withholding of the affected funds.

The State Board of Education shall promulgate rules and regulations to implement the

provisions of this subsection. No funds shall be released under this subdivision (H)(4) to any district that has not submitted a plan that has been approved by the State Board of Education.

(I) (Blank).

(J) Supplementary Grants in Aid.

(1) Notwithstanding any other provisions of this Section, the amount of the aggregate general State aid in combination with supplemental general State aid under this Section for which each school district is eligible shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-98 school year, pursuant to the provisions of that Section as it was then in effect. If a school district qualifies to receive a supplementary payment made under this subsection (J), the amount of the aggregate general State aid in combination with supplemental general State aid under this Section which that district is eligible to receive for each school year shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-1998 school year, pursuant to the provisions of that Section as it was then in effect.

(2) If, as provided in paragraph (1) of this subsection (J), a school district is to receive aggregate general State aid in combination with supplemental general State aid under this Section for the 1998-99 school year and any subsequent school year that in any such school year is less than the amount of the aggregate general State aid entitlement that the district received for the 1997-98 school year, the school district shall also receive, from a separate appropriation made for purposes of this subsection (J), a supplementary payment that is equal to the amount of the difference in the aggregate State aid figures as described in paragraph (1).

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

In calculating the amount to be paid to the governing board of a public university that operates a laboratory school under this Section or to any alternative school that is operated by a regional superintendent of schools, the State Board of Education shall require by rule such reporting requirements as it deems necessary.

As used in this Section, "laboratory school" means a public school which is created and operated by a public university and approved by the State Board of Education. The governing board of a public university which receives funds from the State Board under this subsection (K) may not increase the number of students enrolled in its laboratory school from a single district, if that district is already sending 50 or more students, except under a mutual agreement between the school board of a student's district of residence and the university which operates the laboratory school. A laboratory school may not have more than 1,000 students, excluding students with disabilities in a special education program.

As used in this Section, "alternative school" means a public school which is created and operated by a Regional Superintendent of Schools and approved by the State Board of Education. Such alternative schools may offer courses of instruction for which credit is given in regular school programs, courses to prepare students for the high school equivalency testing program or vocational and occupational training. A regional superintendent of schools may contract with a school district or a public community college district to operate an alternative school. An alternative school serving more than one educational service region may be established by the regional superintendents of schools of the affected educational service regions. An alternative school serving more than one educational service region may be operated under such terms as the regional superintendents of schools of those educational service regions may agree.

Each laboratory and alternative school shall file, on forms provided by the State Superintendent of Education, an annual State aid claim which states the Average Daily Attendance of the school's students by month. The best 3 months' Average Daily Attendance shall be computed for each school. The general State aid entitlement shall be computed by multiplying the applicable Average Daily Attendance by the Foundation Level as determined under this Section.

(L) Payments, Additional Grants in Aid and Other Requirements.

(1) For a school district operating under the financial supervision of an Authority created under Article 34A, the general State aid otherwise payable to that district under this Section, but not the supplemental general State aid, shall be reduced by an amount equal to the budget for the operations of the Authority as certified by the Authority to the State Board of Education, and an amount equal to such reduction shall be paid to the Authority created for such district for its operating expenses in the manner provided in Section 18-11. The remainder of general State school aid for any such district shall be paid in accordance with Article 34A when that Article provides for a disposition other than that provided by this Article.

(2) (Blank).

(3) Summer school. Summer school payments shall be made as provided in Section 18-4.3.

(M) Education Funding Advisory Board.

The Education Funding Advisory Board, hereinafter in this subsection (M) referred to as the "Board", is hereby created. The Board shall consist of 5 members who are appointed by the Governor, by and with the advice and consent of the Senate. The members appointed shall include representatives of education, business, and the general public. One of the members so appointed shall be designated by the Governor at the time the appointment is made as the chairperson of the Board. The initial members of the Board may be appointed any time after the effective date of this amendatory Act of 1997. The regular term of each member of the Board shall be for 4 years from the third Monday of January of the year in which the term of the member's appointment is to commence, except that of the 5 initial members appointed to serve on the Board, the member who is appointed as the chairperson shall serve for a term that commences on the date of his or her appointment and expires on the third Monday of January, 2002, and the remaining 4 members, by lots drawn at the first meeting of the Board that is held after all 5 members are appointed, shall determine 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2001, and 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2000. All members appointed to serve on the Board shall serve until their respective successors are appointed and confirmed. Vacancies shall be filled in the same manner as original appointments. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when he or she shall appoint, by and with the advice and consent of the Senate, a person to fill that membership for the unexpired term. If the Senate is not in session when the initial appointments are made, those appointments shall be made as in the case of vacancies.

The Education Funding Advisory Board shall be deemed established, and the initial members appointed by the Governor to serve as members of the Board shall take office, on the date that the Governor makes his or her appointment of the fifth initial member of the Board, whether those initial members are then serving pursuant to appointment and confirmation or pursuant to temporary appointments that are made by the Governor as in the case of vacancies.

The State Board of Education shall provide such staff assistance to the Education Funding Advisory Board as is reasonably required for the proper performance by the Board of its responsibilities.

For school years after the 2000-2001 school year, the Education Funding Advisory Board, in consultation with the State Board of Education, shall make recommendations as provided in this subsection (M) to the General Assembly for the foundation level under subdivision (B)(3) of this Section and for the supplemental general State aid grant level under subsection (H) of this Section for districts with high concentrations of children from poverty. The recommended foundation level shall be determined based on a methodology which incorporates the basic education expenditures of low-spending schools exhibiting high academic performance. The Education Funding Advisory Board shall make such recommendations to the General Assembly on January 1 of odd numbered years, beginning January 1, 2001.

(N) (Blank).

(O) References.

(1) References in other laws to the various subdivisions of Section 18-8 as that Section existed before its repeal and replacement by this Section 18-8.05 shall be deemed to refer to the corresponding provisions of this Section 18-8.05, to the extent that those references remain applicable.

(2) References in other laws to State Chapter 1 funds shall be deemed to refer to the supplemental general State aid provided under subsection (H) of this Section.

(P) Public Act 93-838 and Public Act 93-808 make inconsistent changes to this Section. Under Section 6 of the Statute on Statutes there is an irreconcilable conflict between Public Act 93-808 and Public Act 93-838. Public Act 93-838, being the last acted upon, is controlling. The text of Public Act 93-838 is the law regardless of the text of Public Act 93-808.

(Source: P.A. 94-69, eff. 7-1-05; 94-438, eff. 8-4-05; 94-835, eff. 6-6-06; 94-1019, eff. 7-10-06; 94-1105, eff. 6-1-07; 95-331, eff. 8-21-07; 95-644, eff. 10-12-07; 95-707, eff. 1-11-08; revised 1-14-08.)

Section 60. The Illinois Public Aid Code is amended by changing Sections 5-5.4, 12-10.7, and 12-10.8 and by adding Section 5-5.26 as follows:

(305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

Sec. 5-5.4. Standards of Payment - Department of Healthcare and Family Services. The Department of Healthcare and Family Services shall develop standards of payment of skilled nursing and intermediate care services in facilities providing such services under this Article which:

(1) Provide for the determination of a facility's payment for skilled nursing and intermediate care services on a prospective basis. The amount of the payment rate for all nursing facilities certified by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities, Long Term Care for Under Age 22 facilities, Skilled Nursing facilities, or Intermediate Care facilities under the medical assistance program shall be prospectively established annually on the basis of historical, financial, and statistical data reflecting actual costs from prior years, which shall be applied to the current rate year and updated for inflation, except that the capital cost element for newly constructed facilities shall be based upon projected budgets. The annually established payment rate shall take effect on July 1 in 1984 and subsequent years. No rate increase and no update for inflation shall be provided on or after July 1, 1994 and before July 1, ~~2009~~ 2008, unless specifically provided for in this Section. The changes made by Public Act 93-841 extending the duration of the prohibition against a rate increase or update for inflation are effective retroactive to July 1, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1998 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1998 shall include an increase of 3% plus \$1.10 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care Facilities for the Developmentally Disabled or Long Term Care for Under Age 22 facilities, the rates taking effect on January 1, 2006 shall include an increase of 3%.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% plus \$3.00 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by \$4.00 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, a new payment methodology must be implemented for the nursing component of the rate effective July 1, 2003. The Department of Public Aid (now Healthcare and Family Services) shall develop the new payment methodology using the Minimum Data Set (MDS) as the instrument to collect information concerning nursing home resident condition necessary to compute the rate. The Department shall develop the new payment methodology to meet the unique needs of Illinois nursing home residents while remaining subject to the appropriations provided by the General Assembly. A transition period from the payment methodology in effect on June 30, 2003 to the payment methodology in effect on July 1, 2003 shall be provided for a period not exceeding 3 years and 184 days after implementation of the new payment methodology as follows:

(A) For a facility that would receive a lower nursing component rate per patient day under the new system than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be held at the level in effect on the date immediately preceding the date that the Department implements the new payment methodology until a higher nursing component rate of reimbursement is achieved by that facility.

(B) For a facility that would receive a higher nursing component rate per patient day under the payment methodology in effect on July 1, 2003 than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be adjusted.

(C) Notwithstanding paragraphs (A) and (B), the nursing component rate per patient day for the facility shall be adjusted subject to appropriations provided by the General Assembly. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as

Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on March 1, 2001 shall include a statewide increase of 7.85%, as defined by the Department.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the numerator of the ratio used by the Department of Healthcare and Family Services to compute the rate payable under this Section using the Minimum Data Set (MDS) methodology shall incorporate the following annual amounts as the additional funds appropriated to the Department specifically to pay for rates based on the MDS nursing component methodology in excess of the funding in effect on December 31, 2006:

- (i) For rates taking effect January 1, 2007, \$60,000,000.
- (ii) For rates taking effect January 1, 2008, \$110,000,000.
- (iii) For rates taking effect July 1, 2008, \$194,000,000.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the support component of the rates taking effect on January 1, 2008 shall be computed using the most recent cost reports on file with the Department of Healthcare and Family Services no later than April 1, 2005, updated for inflation to January 1, 2006.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on April 1, 2002 shall include a statewide increase of 2.0%, as defined by the Department. This increase terminates on July 1, 2002; beginning July 1, 2002 these rates are reduced to the level of the rates in effect on March 31, 2002, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on July 1, 2001 shall be computed using the most recent cost reports on file with the Department of Public Aid no later than April 1, 2000, updated for inflation to January 1, 2001. For rates effective July 1, 2001 only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the Illinois Department shall determine by rule the rates taking effect on July 1, 2002, which shall be 5.9% less than the rates in effect on June 30, 2002.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, if the payment methodologies required under Section 5A-12 and the waiver granted under 42 CFR 433.68 are approved by the United States Centers for Medicare and Medicaid Services, the rates taking effect on July 1, 2004 shall be 3.0% greater than the rates in effect on June 30, 2004. These rates shall take effect only upon approval and implementation of the payment methodologies required under Section 5A-12.

Notwithstanding any other provisions of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on January 1, 2005 shall be 3% more than the rates in effect on December 31, 2004.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, effective July 1, 2008, the per diem support component of the rates effective on January 1, 2008, computed using the most recent cost reports on file with the Department of Healthcare and Family Services no later than April 1, 2005, updated for inflation to January 1, 2006, shall be increased to the amount that would have been derived using standard Department of Healthcare and Family Services methods, procedures, and inflators.

Notwithstanding any other provisions of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as intermediate care facilities that are federally defined as Institutions for Mental Disease, a socio-development component rate equal to 6.6% of the facility's nursing component rate as of January 1, 2006 shall be established and paid effective July 1, 2006. The socio-development component of the rate shall be increased by a factor of 2.53 on the first day of the month that begins at least 45 days after January 11, 2008 (the effective date of Public Act 95-707). The socio-development component of the rate shall be increased by a factor of 3.53 on July 1, 2008, the effective date of this amendatory Act of the 95th General Assembly. The Illinois Department may by rule adjust these socio-development component rates, but in no case may such rates be diminished.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or as long-term care facilities for residents under 22 years of age, the rates taking effect on July 1, 2003 shall include a statewide increase of 4%, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on the first day of the month that begins at least 45 days after the effective date of this amendatory Act of the 95th General Assembly shall include a statewide increase of 2.5%, as defined by the Department.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, effective January 1, 2005, facility rates shall be increased by the difference between (i) a facility's per diem property, liability, and malpractice insurance costs as reported in the cost report filed with the Department of Public Aid and used to establish rates effective July 1, 2001 and (ii) those same costs as reported in the facility's 2002 cost report. These costs shall be passed through to the facility without caps or limitations, except for adjustments required under normal auditing procedures.

Rates established effective each July 1 shall govern payment for services rendered throughout that fiscal year, except that rates established on July 1, 1996 shall be increased by 6.8% for services provided on or after January 1, 1997. Such rates will be based upon the rates calculated for the year beginning July 1, 1990, and for subsequent years thereafter until June 30, 2001 shall be based on the facility cost reports for the facility fiscal year ending at any point in time during the previous calendar year, updated to the midpoint of the rate year. The cost report shall be on file with the Department no later than April 1 of the current rate year. Should the cost report not be on file by April 1, the Department shall base the rate on the latest cost report filed by each skilled care facility and intermediate care facility, updated to the midpoint of the current rate year. In determining rates for services rendered on and after July 1, 1985, fixed time shall not be computed at less than zero. The Department shall not make any alterations of regulations which would reduce any component of the Medicaid rate to a level below what that component would have been utilizing in the rate effective on July 1, 1984.

(2) Shall take into account the actual costs incurred by facilities in providing services for recipients of skilled nursing and intermediate care services under the medical assistance program.

(3) Shall take into account the medical and psycho-social characteristics and needs of the patients.

(4) Shall take into account the actual costs incurred by facilities in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the U.S. Department of Health and Human Services pursuant to Title XIX of the Social Security Act.

The Department of Healthcare and Family Services shall develop precise standards for payments to reimburse nursing facilities for any utilization of appropriate rehabilitative personnel for the provision of rehabilitative services which is authorized by federal regulations, including reimbursement for services provided by qualified therapists or qualified assistants, and which is in accordance with accepted professional practices. Reimbursement also may be made for utilization of other supportive personnel under appropriate supervision.

(Source: P.A. 94-48, eff. 7-1-05; 94-85, eff. 6-28-05; 94-697, eff. 11-21-05; 94-838, eff. 6-6-06; 94-964, eff. 6-28-06; 95-12, eff. 7-2-07; 95-331, eff. 8-21-07; 95-707, eff. 1-11-08.)

(305 ILCS 5/5-5.26 new)

Sec. 5-5.26. Multiple sclerosis; home services; waiver. The Department of Healthcare and Family Services shall apply for a waiver of federal law and regulations to the extent necessary to claim federal financial participation for medical assistance for services provided under the Department of Human Services' Home Services Program for persons with multiple sclerosis who are over 60 years of age and have retirement assets or life insurance assets, or both, that do not exceed a total of \$500,000.

(305 ILCS 5/12-10.7)

Sec. 12-10.7. The Health and Human Services Medicaid Trust Fund.

(a) The Health and Human Services Medicaid Trust Fund shall consist of (i) moneys appropriated or transferred into the Fund, pursuant to statute, (ii) federal financial participation moneys received pursuant to expenditures from the Fund, and (iii) the interest earned on moneys in the Fund.

(b) Subject to appropriation, the moneys in the Fund shall be used by a State agency for such purposes as that agency may, by the appropriation language, be directed.

(c) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon

thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$3,500,000 from the Health and Human Services Medicaid Trust Fund to the Human Services Priority Capital Program Fund.

(d) In addition to any other transfers that may be provided for by law, on July 1, 2008, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$7,000,000 from the Health and Human Services Medicaid Trust Fund to the Human Services Priority Capital Program Fund.

(Source: P.A. 95-707, eff. 1-11-08.)

(305 ILCS 5/12-10.8)

Sec. 12-10.8. Mental health contracts. Subject to appropriations available for these purposes, including, without limitation, the FY08 and FY09 appropriations to the Department for federally defined Institutions for Mental Disease, the Department of Healthcare and Family Services shall enter into a contract for \$1,000,000 with a ~~the~~ provider of community mental health services that has more than 700 beds at over 30 service locations in multiple counties for purposes of supporting the implementation of time-limited resident review and rapid reintegration targeted to residents of federally defined Institutions for Mental Disease.

(Source: P.A. 95-707, eff. 1-11-08.)

Section 70. The Illinois Affordable Housing Act is amended by changing Section 8 as follows:

(310 ILCS 65/8) (from Ch. 67 1/2, par. 1258)

Sec. 8. Uses of Trust Fund.

(a) Subject to annual appropriation to the Funding Agent and subject to the prior dedication, allocation, transfer and use of Trust Fund Moneys as provided in Sections 8(b), 8(c) and 9 of this Act, the Trust Fund may be used to make grants, mortgages, or other loans to acquire, construct, rehabilitate, develop, operate, insure, and retain affordable single-family and multi-family housing in this State for low-income and very low-income households. The majority of monies appropriated to the Trust Fund in any given year are to be used for affordable housing for very low-income households. For the fiscal years 2007, ~~and 2008~~, and 2009 only, the Department of Human Services is authorized to receive appropriations and spend moneys from the Illinois Affordable Housing Trust Fund for the purpose of developing and coordinating public and private resources targeted to meet the affordable housing needs of low-income, very low-income, and special needs households in the State of Illinois.

(b) For each fiscal year commencing with fiscal year 1994, the Program Administrator shall certify from time to time to the Funding Agent, the Comptroller and the State Treasurer amounts, up to an aggregate in any fiscal year of \$10,000,000, of Trust Fund Moneys expected to be used or pledged by the Program Administrator during the fiscal year for the purposes and uses specified in Sections 8(c) and 9 of this Act. Subject to annual appropriation, upon receipt of such certification, the Funding Agent and the Comptroller shall dedicate and the State Treasurer shall transfer not less often than monthly to the Program Administrator or its designated payee, without requisition or further request therefor, all amounts accumulated in the Trust Fund within the State Treasury and not already transferred to the Loan Commitment Account prior to the Funding Agent's receipt of such certification, until the Program Administrator has received the aggregate amount certified by the Program Administrator, to be used solely for the purposes and uses authorized and provided in Sections 8(c) and 9 of this Act. Neither the Comptroller nor the Treasurer shall transfer, dedicate or allocate any of the Trust Fund Moneys transferred or certified for transfer by the Program Administrator as provided above to any other fund, nor shall the Governor authorize any such transfer, dedication or allocation, nor shall any of the Trust Fund Moneys so dedicated, allocated or transferred be used, temporarily or otherwise, for interfund borrowing, or be otherwise used or appropriated, except as expressly authorized and provided in Sections 8(c) and 9 of this Act for the purposes and subject to the priorities, limitations and conditions provided for therein until such obligations, uses and dedications as therein provided, have been satisfied.

(c) Notwithstanding Section 5(b) of this Act, any Trust Fund Moneys transferred to the Program Administrator pursuant to Section 8(b) of this Act, or otherwise obtained, paid to or held by or for the Program Administrator, or pledged pursuant to resolution of the Program Administrator, for Affordable Housing Program Trust Fund Bonds or Notes under the Illinois Housing Development Act, and all proceeds, payments and receipts from investments or use of such moneys, including any residual or additional funds or moneys generated or obtained in connection with any of the foregoing, may be held, pledged, applied or dedicated by the Program Administrator as follows:

(1) as required by the terms of any pledge of or resolution of the Program

Administrator authorized under Section 9 of this Act in connection with Affordable Housing Program

Trust Fund Bonds or Notes issued pursuant to the Illinois Housing Development Act;

(2) to or for costs of issuance and administration and the payments of any principal, interest, premium or other amounts or expenses incurred or accrued in connection with Affordable Housing Program Trust Fund Bonds or Notes, including rate protection contracts and credit support arrangements pertaining thereto, and, provided such expenses, fees and charges are obligations, whether recourse or nonrecourse, and whether financed with or paid from the proceeds of Affordable Housing Program Trust Fund Bonds or Notes, of the developers, mortgagors or other users, the Program Administrator's expenses and servicing, administration and origination fees and charges in connection with any loans, mortgages, or developments funded or financed or expected to be funded or financed, in whole or in part, from the issuance of Affordable Housing Program Trust Fund Bonds or Notes;

(3) to or for costs of issuance and administration and the payments of principal, interest, premium, loan fees, and other amounts or other obligations of the Program Administrator, including rate protection contracts and credit support arrangements pertaining thereto, for loans, commercial paper or other notes or bonds issued by the Program Administrator pursuant to the Illinois Housing Development Act, provided that the proceeds of such loans, commercial paper or other notes or bonds are paid or expended in connection with, or refund or repay, loans, commercial paper or other notes or bonds issued or made in connection with bridge loans or loans for the construction, renovation, redevelopment, restructuring, reorganization of Affordable Housing and related expenses, including development costs, technical assistance, or other amounts to construct, preserve, improve, renovate, rehabilitate, refinance, or assist Affordable Housing, including financially troubled Affordable Housing, permanent or other financing for which has been funded or financed or is expected to be funded or financed in whole or in part by the Program Administrator through the issuance of or use of proceeds from Affordable Housing Program Trust Fund Bonds or Notes;

(4) to or for direct expenditures or reimbursement for development costs, technical assistance, or other amounts to construct, preserve, improve, renovate, rehabilitate, refinance, or assist Affordable Housing, including financially troubled Affordable Housing, permanent or other financing for which has been funded or financed or is expected to be funded or financed in whole or in part by the Program Administrator through the issuance of or use of proceeds from Affordable Housing Program Trust Fund Bonds or Notes; and

(5) for deposit into any residual, sinking, reserve or revolving fund or pool established by the Program Administrator, whether or not pledged to secure Affordable Housing Program Trust Fund Bonds or Notes, to support or be utilized for the issuance, redemption, or payment of the principal, interest, premium or other amounts payable on or with respect to any existing, additional or future Affordable Housing Program Trust Fund Bonds or Notes, or to or for any other expenditure authorized by this Section 8(c).

(d) All or a portion of the Trust Fund Moneys on deposit or to be deposited in the Trust Fund not already certified for transfer or transferred to the Program Administrator pursuant to Section 8(b) of this Act may be used to secure the repayment of Affordable Housing Program Trust Fund Bonds or Notes, or otherwise to supplement or support Affordable Housing funded or financed or intended to be funded or financed, in whole or in part, by Affordable Housing Program Trust Fund Bonds or Notes.

(e) Assisted housing may include housing for special needs populations such as the homeless, single-parent families, the elderly, or the physically and mentally disabled. The Trust Fund shall be used to implement a demonstration congregate housing project for any such special needs population.

(f) Grants from the Trust Fund may include, but are not limited to, rental assistance and security deposit subsidies for low and very low-income households.

(g) The Trust Fund may be used to pay actual and reasonable costs for Commission members to attend Commission meetings, and any litigation costs and expenses, including legal fees, incurred by the Program Administrator in any litigation related to this Act or its action as Program Administrator.

(h) The Trust Fund may be used to make grants for (1) the provision of technical assistance, (2) outreach, and (3) building an organization's capacity to develop affordable housing projects.

(i) Amounts on deposit in the Trust Fund may be used to reimburse the Program Administrator and the Funding Agent for costs incurred in the performance of their duties under this Act, excluding costs and fees of the Program Administrator associated with the Program Escrow to the extent withheld pursuant to paragraph (8) of subsection (b) of Section 5.

(Source: P.A. 94-839, eff. 6-6-06; 95-707, eff. 1-11-08.)

Section 999. Effective date. This Act takes effect July 1, 2008."



AMENDMENT NO. 2. Amend House Bill 3741 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the FY2009 Budget Implementation Act.

Section 5. Purpose. The purpose of this Act is to make the changes in State programs that are necessary to implement the FY2009 budget.

Section 20. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-315 and by adding Section 2310-394 as follows:

(20 ILCS 2310/2310-315) (was 20 ILCS 2310/55.41)

Sec. 2310-315. Prevention and treatment of AIDS. To perform the following in relation to the prevention and treatment of acquired immunodeficiency syndrome (AIDS):

(1) Establish a State AIDS Control Unit within the Department as a separate administrative subdivision, to coordinate all State programs and services relating to the prevention, treatment, and amelioration of AIDS.

(2) Conduct a public information campaign for physicians, hospitals, health facilities, public health departments, law enforcement personnel, public employees, laboratories, and the general public on acquired immunodeficiency syndrome (AIDS) and promote necessary measures to reduce the incidence of AIDS and the mortality from AIDS. This program shall include, but not be limited to, the establishment of a statewide hotline and a State AIDS information clearinghouse that will provide periodic reports and releases to public officials, health professionals, community service organizations, and the general public regarding new developments or procedures concerning prevention and treatment of AIDS.

(3) (Blank).

(4) Establish alternative blood test services that are not operated by a blood bank, plasma center or hospital. The Department shall prescribe by rule minimum criteria, standards and procedures for the establishment and operation of such services, which shall include, but not be limited to requirements for the provision of information, counseling and referral services that ensure appropriate counseling and referral for persons whose blood is tested and shows evidence of exposure to the human immunodeficiency virus (HIV) or other identified causative agent of acquired immunodeficiency syndrome (AIDS).

(5) Establish regional and community service networks of public and private service providers or health care professionals who may be involved in AIDS research, prevention and treatment.

(6) Provide grants to individuals, organizations or facilities to support the following:

(A) Information, referral, and treatment services.

(B) Interdisciplinary workshops for professionals involved in research and treatment.

(C) Establishment and operation of a statewide hotline.

(D) Establishment and operation of alternative testing services.

(E) Research into detection, prevention, and treatment.

(F) Supplementation of other public and private resources.

(G) Implementation by long-term care facilities of Department standards and procedures for the care and treatment of persons with AIDS and the development of adequate numbers and types of placements for those persons.

(7) (Blank).

(8) Accept any gift, donation, bequest, or grant of funds from private or public agencies, including federal funds that may be provided for AIDS control efforts.

(9) Develop and implement, in consultation with the Long-Term Care Facility Advisory Board, standards and procedures for long-term care facilities that provide care and treatment of persons with AIDS, including appropriate infection control procedures. The Department shall work cooperatively with organizations representing those facilities to develop adequate numbers and types of placements for persons with AIDS and shall advise those facilities on proper implementation of its standards and procedures.

(10) The Department shall create and administer a training program for State employees who have a need for understanding matters relating to AIDS in order to deal with or advise the public. The training shall include information on the cause and effects of AIDS, the means of detecting it and preventing its transmission, the availability of related counseling and referral, and other matters that may be appropriate. The training may also be made available to employees of local governments, public service agencies, and private agencies that contract with the State; in those cases the Department may charge a reasonable fee to recover the cost of the training.

(11) Approve tests or testing procedures used in determining exposure to HIV or any other identified causative agent of AIDS.

(12) Provide prescription drug benefits counseling for persons with HIV or AIDS.

(13) Continue to administer the AIDS Drug Assistance Program that provides drugs to prolong the lives of low income Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) infection who are not eligible under Article V of the Illinois Public Aid Code for Medical Assistance, as provided under Title 77, Chapter 1, Subchapter (k), Part 692, Section 692.10 of the Illinois Administrative Code, effective August 1, 2000, except that the financial qualification for that program shall be that the anticipated gross monthly income shall be at or below 500% of the most recent Federal Poverty Guidelines published annually by the United States Department of Health and Human Services for the size of the household.

(Source: P.A. 94-909, eff. 6-23-06.)

(20 ILCS 2310/2310-394 new)

Sec. 2310-394. Multiple sclerosis; home services.

(a) Subject to appropriation, the Department shall create a program of services for persons with multiple sclerosis to help those persons stay in their homes and out of institutions. The Department shall collaborate with consumers to develop a program of services that is consumer directed.

(1) There shall be meaningful consumer participation in all aspects of program design, review, and improvement.

(2) A review committee shall be established, comprised of consumers and other stakeholders. The committee shall meet at least once a year to evaluate the program, including quality assurance data, and shall submit program recommendations to the Department.

(3) Consumers shall have control in the selection, management, and termination of providers.

(4) Providers shall be educated about consumer-directed services and multiple sclerosis.

(b) To be eligible for the program, a person must meet the following requirements:

(1) He or she must have a current diagnosis of multiple sclerosis.

(2) He or she must have applied for benefits under the Home Services Program operated by the Department of Human Services and must have been determined not eligible for benefits under that program because his or her retirement assets or life insurance assets, or both, exceeded the limits applicable to that program.

(3) He or she must have assets not exceeding \$17,500. In determining whether a person's assets meet this requirement, the Department must disregard retirement assets up to a total of \$500,000 and disregard all life insurance assets.

(c) This Section does not create any new entitlement to a service, program, or benefit, but does not affect any entitlement to a service, program, or benefit created by any other law.

Section 30. The I-FLY Act is amended by changing Section 25 as follows:

(20 ILCS 3958/25)

Sec. 25. I-FLY Program.

(a) The Department shall establish the I-FLY Program, in cooperation with the Commission. The Program shall consist of the following components:

(1) air carrier recruitment and retention grants as described in subsection (c); and

(2) planning grants under subsection (d).

The Department may make grants under this Act only to airports that are located completely outside of Cook County.

(b) During any one-year period, an airport may receive a grant for only one of the 2 components specified in subsection (a).

(c) Air carrier recruitment and retention program grants.

(1) An airport may receive an air carrier recruitment and retention program grant from the Department only if:

(A) it is capable of supporting takeoffs and landings by aircraft that have at least 19 passenger seats or have made improvements or commitments to the Department to provide this capability; and

(B) it has a commitment from an air carrier to start or continue air service to the community that the airport serves subject to financial support from the State and from the airport or unit of local government that the airport serves. The commitment must specify that the air carrier would not provide or continue to provide service to the community if financial assistance were not available.

(2) An application for an air carrier recruitment and retention program grant must contain commitments from the airport or the unit of local government in which the airport is located as to the amount of the total project cost, the contribution from the unit of local government or airport, the

method in which the contribution from the airport or unit of local government will be generated, and the requested State contribution.

(3) The air carrier recruitment and retention program grant shall be used to guarantee the financial viability of air carriers providing reasonable air service at the airport. A grant under this subsection (c) to a particular airport may be in only one of the following 3 forms:

(A) A grant may be used to guarantee that an air carrier shall receive an agreed amount of revenue per flight.

(B) A grant may be used to guarantee a reduced or subsidized consumer ticket price.

(C) A grant may be used to guarantee a profit goal established by the air carrier and airport.

(4) During the first year of a grant under this subsection (c), the grant shall pay 80% of the total cost of the guarantee and the airport or unit of local government in which the airport is located shall pay 20% of the total cost of the guarantee. During the second year of a grant under this subsection (c), the grant shall pay ~~50%~~ 80% of the total cost of the guarantee and the airport or the unit of local government in which the airport is located shall pay ~~50%~~ 20% of the total cost of the guarantee.

(5) The total State funding for a grant under this subsection (c) to a particular airport may not exceed \$1,000,000 in any year.

(6) An airport that has received a 2-year grant under this subsection (c) may apply for another grant for an additional 2-year period; however, the Department shall, in determining whether to make a grant for an additional 2-year period, give priority to other airports that have not previously received a grant under this subsection (c). The Department shall also give priority in making grants under this subsection (c) to airports at which the Department determines that a 2-year grant may result in the creation of stable and reliable commercial air service without an additional grant.

(d) Planning grants. An airport may apply for and receive a planning grant to conduct feasibility studies or business plans designed to study the recruitment, retention, or expansion of an air carrier at the airport. To be eligible for a grant under this subsection (d), the airport must have the potential for initial or expanded air service as the Department determines through its evaluation process. The grant shall pay 70% of the total cost of the feasibility studies or business plans and the airport or the unit of local government in which the airport is located shall pay 30% of the total cost of the feasibility studies or business plans. An airport may receive only one planning grant.

(Source: P.A. 93-585, eff. 8-22-03; 94-839, eff. 6-6-06.)

Section 40. The State Finance Act is amended by changing Sections 6z-30, 6z-70, 8.3, and 8g, by renumbering and changing Section 6z-69 as added by Public Act 95-707, and by adding Sections 5.710 and 6z-76 as follows:

(30 ILCS 105/5.710 new)

Sec. 5.710. The Civic Education Trust Fund.

(30 ILCS 105/6z-30)

Sec. 6z-30. University of Illinois Hospital Services Fund.

(a) The University of Illinois Hospital Services Fund is created as a special fund in the State Treasury. The following moneys shall be deposited into the Fund:

(1) As soon as possible after the beginning of each fiscal year (starting in fiscal year 1995), and in no event later than July 30, the State Comptroller and the State Treasurer shall automatically transfer \$44,700,000 from the General Revenue Fund to the University of Illinois Hospital Services Fund.

(2) All intergovernmental transfer payments to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) by the University of Illinois made pursuant to an intergovernmental agreement under subsection (b) or (c) of Section 5A-3 of the Illinois Public Aid Code.

(3) All federal matching funds received by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) as a result of expenditures made by the Department that are attributable to moneys that were deposited in the Fund.

(b) Moneys in the fund may be used by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid), subject to appropriation, to reimburse the University of Illinois Hospital for hospital and pharmacy services, and to reimburse practitioners as defined in Section 5-8 of the Illinois Public Aid Code (305 ILCS 5/5-8) who are employed by the University of Illinois Hospital. The fund may also be used to make monthly transfers to the General Revenue Fund as provided in subsection (c).

(c) The State Comptroller and State Treasurer shall automatically transfer on the last day of each month except June, beginning August 31, 1994, from the University of Illinois Hospital Services Fund to the

General Revenue Fund, an amount determined and certified to the State Comptroller by the Director of Healthcare and Family Services (formerly Director of Public Aid), equal to the amount by which the balance in the Fund exceeds the amount necessary to ensure timely payments to the University of Illinois Hospital.

On June 30, 1995 and each June 30 thereafter, the State Comptroller and State Treasurer shall automatically transfer the entire balance in the University of Illinois Hospital Services Fund to the General Revenue Fund.

(Source: P.A. 95-331, eff. 8-21-07.)

(30 ILCS 105/6z-70)

Sec. 6z-70. The Secretary of State Identification Security and Theft Prevention Fund.

(a) The Secretary of State Identification Security and Theft Prevention Fund is created as a special fund in the State treasury. The Fund shall consist of any fund transfers, grants, fees, or moneys from other sources received for the purpose of funding identification security and theft prevention measures.

(b) All moneys in the Secretary of State Identification Security and Theft Prevention Fund shall be used, subject to appropriation, for any costs related to implementing identification security and theft prevention measures.

(c) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2007, and until June 30, 2008, in addition to any other transfers that may be provided for by law, at the direction of and upon notification of the Secretary of State, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Secretary of State Identification Security and Theft Prevention Fund from the designated funds not exceeding the following totals:

Lobbyist Registration Administration Fund.....	\$100,000
Registered Limited Liability Partnership Fund.....	\$75,000
Securities Investors Education Fund.....	\$500,000
Securities Audit and Enforcement Fund.....	\$5,725,000
Department of Business Services	
Special Operations Fund.....	\$3,000,000
Corporate Franchise Tax Refund Fund.....	\$3,000,000.

(d) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2008, and until June 30, 2009, in addition to any other transfers that may be provided for by law, at the direction of and upon notification of the Secretary of State, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Secretary of State Identification Security and Theft Prevention Fund from the designated funds not exceeding the following totals:

<u>Lobbyist Registration Administration Fund.....</u>	<u>\$100,000</u>
<u>Registered Limited Liability Partnership Fund.....</u>	<u>\$75,000</u>
<u>Securities Investors Education Fund.....</u>	<u>\$500,000</u>
<u>Securities Audit and Enforcement Fund.....</u>	<u>\$5,725,000</u>
<u>Department of Business Services</u>	
<u>Special Operations Fund.....</u>	<u>\$3,000,000</u>
<u>Corporate Franchise Tax Refund Fund.....</u>	<u>\$3,000,000</u>
<u>State Parking Facility Maintenance Fund.....</u>	<u>\$100,000</u>

(Source: P.A. 95-707, eff. 1-11-08.)

(30 ILCS 105/6z-71)

Sec. ~~6z-71~~ ~~6z-69~~. Human Services Priority Capital Program Fund. The Human Services Priority Capital Program Fund is created as a special fund in the State treasury. Subject to appropriation, the Department of Human Services shall use moneys in the Human Services Priority Capital Program Fund to make grants to the Illinois Facilities Fund, a not-for-profit corporation, to make long term below market rate loans to nonprofit human service providers working under contract to the State of Illinois to assist those providers in meeting their capital needs. The loans shall be for the purpose of such capital needs, including but not limited to special use facilities, requirements for serving the disabled, mentally ill, or substance abusers, and medical and technology equipment. Loan repayments shall be deposited into the Human Services Priority Capital Program Fund. Interest income may be used to cover expenses of the program. The Illinois Facilities Fund shall report to the Department of Human Services and the General Assembly by April 1, 2008, and again by April 1, 2009, as to the use and earnings of the program.

(Source: P.A. 95-707, eff. 1-11-08; revised 1-23-08.)

(30 ILCS 105/6z-76 new)

Sec. 6z-76. Civic Education Trust Fund. The Civic Education Trust Fund is created as a special fund in

the State treasury. The Fund may receive any gifts, grants, donations, appropriations, or transfers for use towards the purposes set forth in Section 3-15.17 of the School Code.

(30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

Sec. 8.3. Money in the Road Fund shall, if and when the State of Illinois incurs any bonded indebtedness for the construction of permanent highways, be set aside and used for the purpose of paying and discharging annually the principal and interest on that bonded indebtedness then due and payable, and for no other purpose. The surplus, if any, in the Road Fund after the payment of principal and interest on that bonded indebtedness then annually due shall be used as follows:

first -- to pay the cost of administration of Chapters 2 through 10 of the Illinois Vehicle Code, except the cost of administration of Articles I and II of Chapter 3 of that Code; and  
secondly -- for expenses of the Department of Transportation for construction, reconstruction, improvement, repair, maintenance, operation, and administration of highways in accordance with the provisions of laws relating thereto, or for any purpose related or incident to and connected therewith, including the separation of grades of those highways with railroads and with highways and including the payment of awards made by the Illinois Workers' Compensation Commission under the terms of the Workers' Compensation Act or Workers' Occupational Diseases Act for injury or death of an employee of the Division of Highways in the Department of Transportation; or for the acquisition of land and the erection of buildings for highway purposes, including the acquisition of highway right-of-way or for investigations to determine the reasonably anticipated future highway needs; or for making of surveys, plans, specifications and estimates for and in the construction and maintenance of flight strips and of highways necessary to provide access to military and naval reservations, to defense industries and defense-industry sites, and to the sources of raw materials and for replacing existing highways and highway connections shut off from general public use at military and naval reservations and defense-industry sites, or for the purchase of right-of-way, except that the State shall be reimbursed in full for any expense incurred in building the flight strips; or for the operating and maintaining of highway garages; or for patrolling and policing the public highways and conserving the peace; or for the operating expenses of the Department relating to the administration of public transportation programs; or for any of those purposes or any other purpose that may be provided by law.

Appropriations for any of those purposes are payable from the Road Fund. Appropriations may also be made from the Road Fund for the administrative expenses of any State agency that are related to motor vehicles or arise from the use of motor vehicles.

Beginning with fiscal year 1980 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement;

1. Department of Public Health;
2. Department of Transportation, only with respect to subsidies for one-half fare Student Transportation and Reduced Fare for Elderly;
3. Department of Central Management Services, except for expenditures incurred for group insurance premiums of appropriate personnel;
4. Judicial Systems and Agencies.

Beginning with fiscal year 1981 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Department of State Police, except for expenditures with respect to the Division of Operations;
2. Department of Transportation, only with respect to Intercity Rail Subsidies and Rail Freight Services.

Beginning with fiscal year 1982 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement: Department of Central Management Services, except for awards made by the Illinois Workers' Compensation Commission under the terms of the Workers' Compensation Act or Workers' Occupational Diseases Act for injury or death of an employee of the Division of Highways in the Department of Transportation.

Beginning with fiscal year 1984 and thereafter, no Road Fund monies shall be appropriated to the

following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Department of State Police, except not more than 40% of the funds appropriated for the Division of Operations;
2. State Officers.

Beginning with fiscal year 1984 and thereafter, no Road Fund monies shall be appropriated to any Department or agency of State government for administration, grants, or operations except as provided hereafter; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement. It shall not be lawful to circumvent the above appropriation limitations by governmental reorganization or other methods. Appropriations shall be made from the Road Fund only in accordance with the provisions of this Section.

Money in the Road Fund shall, if and when the State of Illinois incurs any bonded indebtedness for the construction of permanent highways, be set aside and used for the purpose of paying and discharging during each fiscal year the principal and interest on that bonded indebtedness as it becomes due and payable as provided in the Transportation Bond Act, and for no other purpose. The surplus, if any, in the Road Fund after the payment of principal and interest on that bonded indebtedness then annually due shall be used as follows:

first -- to pay the cost of administration of Chapters 2 through 10 of the Illinois Vehicle Code; and

secondly -- no Road Fund monies derived from fees, excises, or license taxes relating to registration, operation and use of vehicles on public highways or to fuels used for the propulsion of those vehicles, shall be appropriated or expended other than for costs of administering the laws imposing those fees, excises, and license taxes, statutory refunds and adjustments allowed thereunder, administrative costs of the Department of Transportation, including, but not limited to, the operating expenses of the Department relating to the administration of public transportation programs, payment of debts and liabilities incurred in construction and reconstruction of public highways and bridges, acquisition of rights-of-way for and the cost of construction, reconstruction, maintenance, repair, and operation of public highways and bridges under the direction and supervision of the State, political subdivision, or municipality collecting those monies, and the costs for patrolling and policing the public highways (by State, political subdivision, or municipality collecting that money) for enforcement of traffic laws. The separation of grades of such highways with railroads and costs associated with protection of at-grade highway and railroad crossing shall also be permissible.

Appropriations for any of such purposes are payable from the Road Fund or the Grade Crossing Protection Fund as provided in Section 8 of the Motor Fuel Tax Law.

Except as provided in this paragraph, beginning with fiscal year 1991 and thereafter, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of its total fiscal year 1990 Road Fund appropriations for those purposes unless otherwise provided in Section 5g of this Act. For fiscal years 2003, 2004, 2005, 2006, and 2007 only, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of \$97,310,000. For fiscal ~~years year~~ 2008 and 2009 only, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of \$106,100,000. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods unless otherwise provided in Section 5g of this Act.

In fiscal year 1994, no Road Fund monies shall be appropriated to the Secretary of State for the purposes of this Section in excess of the total fiscal year 1991 Road Fund appropriations to the Secretary of State for those purposes, plus \$9,800,000. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other method.

Beginning with fiscal year 1995 and thereafter, no Road Fund monies shall be appropriated to the Secretary of State for the purposes of this Section in excess of the total fiscal year 1994 Road Fund appropriations to the Secretary of State for those purposes. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods.

Beginning with fiscal year 2000, total Road Fund appropriations to the Secretary of State for the purposes of this Section shall not exceed the amounts specified for the following fiscal years:

Fiscal Year 2000	\$80,500,000;
Fiscal Year 2001	\$80,500,000;
Fiscal Year 2002	\$80,500,000;

Fiscal Year 2003	\$130,500,000;
Fiscal Year 2004	\$130,500,000;
Fiscal Year 2005	\$130,500,000;
Fiscal Year 2006	\$130,500,000;
Fiscal Year 2007	\$130,500,000;
Fiscal Year 2008	\$130,500,000;
Fiscal Year 2009 <del>and</del>	<u>\$130,500,000;</u>
<u>Fiscal Year 2010 and</u> each year thereafter	\$30,500,000.

It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods.

No new program may be initiated in fiscal year 1991 and thereafter that is not consistent with the limitations imposed by this Section for fiscal year 1984 and thereafter, insofar as appropriation of Road Fund monies is concerned.

Nothing in this Section prohibits transfers from the Road Fund to the State Construction Account Fund under Section 5e of this Act; nor to the General Revenue Fund, as authorized by this amendatory Act of the 93rd General Assembly.

The additional amounts authorized for expenditure in this Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91 shall be repaid to the Road Fund from the General Revenue Fund in the next succeeding fiscal year that the General Revenue Fund has a positive budgetary balance, as determined by generally accepted accounting principles applicable to government.

The additional amounts authorized for expenditure by the Secretary of State and the Department of State Police in this Section by this amendatory Act of the 94th General Assembly shall be repaid to the Road Fund from the General Revenue Fund in the next succeeding fiscal year that the General Revenue Fund has a positive budgetary balance, as determined by generally accepted accounting principles applicable to government.

(Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-707, eff. 1-11-08.)

(30 ILCS 105/8g)

Sec. 8g. Fund transfers.

(a) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$10,000,000 from the General Revenue Fund to the Motor Vehicle License Plate Fund created by Senate Bill 1028 of the 91st General Assembly.

(b) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$25,000,000 from the General Revenue Fund to the Fund for Illinois' Future created by Senate Bill 1066 of the 91st General Assembly.

(c) In addition to any other transfers that may be provided for by law, on August 30 of each fiscal year's license period, the Illinois Liquor Control Commission shall direct and the State Comptroller and State Treasurer shall transfer from the General Revenue Fund to the Youth Alcoholism and Substance Abuse Prevention Fund an amount equal to the number of retail liquor licenses issued for that fiscal year multiplied by \$50.

(d) The payments to programs required under subsection (d) of Section 28.1 of the Horse Racing Act of 1975 shall be made, pursuant to appropriation, from the special funds referred to in the statutes cited in that subsection, rather than directly from the General Revenue Fund.

Beginning January 1, 2000, on the first day of each month, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from the General Revenue Fund to each of the special funds from which payments are to be made under Section 28.1(d) of the Horse Racing Act of 1975 an amount equal to 1/12 of the annual amount required for those payments from that special fund, which annual amount shall not exceed the annual amount for those payments from that special fund for the calendar year 1998. The special funds to which transfers shall be made under this subsection (d) include, but are not necessarily limited to, the Agricultural Premium Fund; the Metropolitan Exposition Auditorium and Office Building Fund; the Fair and Exposition Fund; the Standardbred Breeders Fund; the Thoroughbred Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

(e) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$15,000,000 from the General Revenue Fund to the Fund for Illinois' Future.

(f) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$70,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(f-1) In fiscal year 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$160,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(g) In addition to any other transfers that may be provided for by law, on July 1, 2001, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(h) In each of fiscal years 2002 through 2004, but not thereafter, in addition to any other transfers that may be provided for by law, the State Comptroller shall direct and the State Treasurer shall transfer \$5,000,000 from the General Revenue Fund to the Tourism Promotion Fund.

(i) On or after July 1, 2001 and until May 1, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2002.

(i-1) On or after July 1, 2002 and until May 1, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2003.

(j) On or after July 1, 2001 and no later than June 30, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

From the General Revenue Fund.....	\$8,450,000
From the Public Utility Fund.....	1,700,000
From the Transportation Regulatory Fund.....	2,650,000
From the Title III Social Security and Employment Fund.....	3,700,000
From the Professions Indirect Cost Fund.....	4,050,000
From the Underground Storage Tank Fund.....	550,000
From the Agricultural Premium Fund.....	750,000
From the State Pensions Fund.....	200,000
From the Road Fund.....	2,000,000
From the Health Facilities Planning Fund.....	1,000,000
From the Savings and Residential Finance Regulatory Fund.....	130,800
From the Appraisal Administration Fund.....	28,600
From the Pawnbroker Regulation Fund.....	3,600
From the Auction Regulation Administration Fund.....	35,800
From the Bank and Trust Company Fund.....	634,800
From the Real Estate License Administration Fund.....	313,600

(k) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 92nd General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.



(k-1) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-2) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-3) On or after July 1, 2002 and no later than June 30, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

Appraisal Administration Fund.....	\$150,000
General Revenue Fund.....	10,440,000
Savings and Residential Finance Regulatory Fund.....	200,000
State Pensions Fund.....	100,000
Bank and Trust Company Fund.....	100,000
Professions Indirect Cost Fund.....	3,400,000
Public Utility Fund.....	2,081,200
Real Estate License Administration Fund.....	150,000
Title III Social Security and Employment Fund.....	1,000,000
Transportation Regulatory Fund.....	3,052,100
Underground Storage Tank Fund.....	50,000

(l) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$3,000,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(m) In addition to any other transfers that may be provided for by law, on July 1, 2002 and on the effective date of this amendatory Act of the 93rd General Assembly, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(n) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$6,800,000 from the General Revenue Fund to the DHS Recoveries Trust Fund.

(o) On or after July 1, 2003, and no later than June 30, 2004, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Vehicle Inspection Fund:

From the Underground Storage Tank Fund .....	\$35,000,000.
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(p) On or after July 1, 2003 and until May 1, 2004, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2004.

(q) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$5,000,000 from the General Revenue Fund to the Illinois Military Family Relief Fund.

(r) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,922,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(s) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$4,800,000 from the Statewide Economic Development Fund to the General Revenue Fund.

(t) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$50,000,000 from the General Revenue Fund to the Budget Stabilization Fund.

(u) On or after July 1, 2004 and until May 1, 2005, in addition to any other transfers that may be

provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2005.

(v) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(w) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$6,445,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(x) In addition to any other transfers that may be provided for by law, on January 15, 2005, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer to the General Revenue Fund the following sums:

From the State Crime Laboratory Fund, \$200,000;

From the State Police Wireless Service Emergency Fund, \$200,000;

From the State Offender DNA Identification System Fund, \$800,000; and

From the State Police Whistleblower Reward and Protection Fund, \$500,000.

(y) Notwithstanding any other provision of law to the contrary, in addition to any other transfers that may be provided for by law on June 30, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the designated funds into the General Revenue Fund and any future deposits that would otherwise be made into these funds must instead be made into the General Revenue Fund:

(1) the Keep Illinois Beautiful Fund;

(2) the Metropolitan Fair and Exposition Authority Reconstruction Fund;

(3) the New Technology Recovery Fund;

(4) the Illinois Rural Bond Bank Trust Fund;

(5) the ISBE School Bus Driver Permit Fund;

(6) the Solid Waste Management Revolving Loan Fund;

(7) the State Postsecondary Review Program Fund;

(8) the Tourism Attraction Development Matching Grant Fund;

(9) the Patent and Copyright Fund;

(10) the Credit Enhancement Development Fund;

(11) the Community Mental Health and Developmental Disabilities Services Provider Participation Fee Trust Fund;

(12) the Nursing Home Grant Assistance Fund;

(13) the By-product Material Safety Fund;

(14) the Illinois Student Assistance Commission Higher EdNet Fund;

(15) the DORS State Project Fund;

(16) the School Technology Revolving Fund;

(17) the Energy Assistance Contribution Fund;

(18) the Illinois Building Commission Revolving Fund;

(19) the Illinois Aquaculture Development Fund;

(20) the Homelessness Prevention Fund;

(21) the DCFS Refugee Assistance Fund;

(22) the Illinois Century Network Special Purposes Fund; and

(23) the Build Illinois Purposes Fund.

(z) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(aa) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$9,000,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(bb) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum

of \$6,803,600 from the General Revenue Fund to the Securities Audit and Enforcement Fund.

(cc) In addition to any other transfers that may be provided for by law, on or after July 1, 2005 and until May 1, 2006, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2006.

(dd) In addition to any other transfers that may be provided for by law, on April 1, 2005, or as soon thereafter as may be practical, at the direction of the Director of Public Aid (now Director of Healthcare and Family Services), the State Comptroller shall direct and the State Treasurer shall transfer from the Public Aid Recoveries Trust Fund amounts not to exceed \$14,000,000 to the Community Mental Health Medicaid Trust Fund.

(ee) Notwithstanding any other provision of law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the Illinois Civic Center Bond Fund to the Illinois Civic Center Bond Retirement and Interest Fund.

(ff) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until June 30, 2007, at the direction of and upon notification from the Director of the Governor's Office of Management and Budget, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$1,900,000 from the General Revenue Fund to the Illinois Capital Revolving Loan Fund.

(gg) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until May 1, 2007, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2007.

(hh) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until June 30, 2007, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts from the Illinois Affordable Housing Trust Fund to the designated funds not exceeding the following amounts:

DCFS Children's Services Fund.....	\$2,200,000
Department of Corrections Reimbursement and Education Fund.....	\$1,500,000
Supplemental Low-Income Energy Assistance Fund.....	\$75,000

(ii) In addition to any other transfers that may be provided for by law, on or before August 31, 2006, the Governor and the State Comptroller may agree to transfer the surplus cash balance from the General Revenue Fund to the Budget Stabilization Fund and the Pension Stabilization Fund in equal proportions. The determination of the amount of the surplus cash balance shall be made by the Governor, with the concurrence of the State Comptroller, after taking into account the June 30, 2006 balances in the general funds and the actual or estimated spending from the general funds during the lapse period. Notwithstanding the foregoing, the maximum amount that may be transferred under this subsection (ii) is \$50,000,000.

(jj) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$8,250,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(kk) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,400,000 from the General Revenue Fund to the Violence Prevention Fund.

(ll) In addition to any other transfers that may be provided for by law, on the first day of each calendar quarter of the fiscal year beginning July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer from the General Revenue Fund amounts equal to one-fourth of \$20,000,000 to the Renewable Energy Resources Trust Fund.

(mm) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,320,000 from the General Revenue Fund to the I-FLY Fund.

(nn) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$3,000,000 from the General Revenue Fund to the African-American HIV/AIDS Response Fund.

(oo) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until June 30, 2007, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts identified as net receipts from the sale of all or part of the Illinois Student Assistance Commission loan portfolio from the Student Loan Operating Fund to the General Revenue Fund. The maximum amount that may be transferred pursuant to this Section is \$38,800,000. In addition, no transfer may be made pursuant to this Section that would have the effect of reducing the available balance in the Student Loan Operating Fund to an amount less than the amount remaining unexpended and unreserved from the total appropriations from the Fund estimated to be expended for the fiscal year. The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practical after receiving the direction to transfer from the Governor.

(pp) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$2,000,000 from the General Revenue Fund to the Illinois Veterans Assistance Fund.

(qq) In addition to any other transfers that may be provided for by law, on and after July 1, 2007 and until May 1, 2008, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2008.

(rr) In addition to any other transfers that may be provided for by law, on and after July 1, 2007 and until June 30, 2008, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts from the Illinois Affordable Housing Trust Fund to the designated funds not exceeding the following amounts:

DCFS Children's Services Fund.....	\$2,200,000
Department of Corrections Reimbursement and Education Fund.....	\$1,500,000
Supplemental Low-Income Energy Assistance Fund.....	\$75,000

(ss) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$8,250,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(tt) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,400,000 from the General Revenue Fund to the Violence Prevention Fund.

(uu) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,320,000 from the General Revenue Fund to the I-FLY Fund.

(vv) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$3,000,000 from the General Revenue Fund to the African-American HIV/AIDS Response Fund.

(ww) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$3,500,000 from the General Revenue Fund to the Predatory Lending Database Program Fund.

(xx) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$5,000,000 from the General Revenue Fund to the Digital Divide Elimination Fund.

(yy) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$4,000,000 from the General Revenue Fund to the Digital Divide Elimination Infrastructure Fund.

(zz) In addition to any other transfers that may be provided for by law, on July 1, 2008, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$5,000,000 from the General Revenue Fund to the Digital Divide Elimination Fund.

(aaa) In addition to any other transfers that may be provided for by law, on and after July 1, 2008 and

until May 1, 2009, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2009.

(bbb) In addition to any other transfers that may be provided for by law, on and after July 1, 2008 and until June 30, 2009, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts from the Illinois Affordable Housing Trust Fund to the designated funds not exceeding the following amounts:

<u>DCFS Children's Services Fund.....</u>	<u>\$2,200,000</u>
<u>Department of Corrections Reimbursement</u>	
<u>and Education Fund.....</u>	<u>\$1,500,000</u>
<u>Supplemental Low-Income Energy</u>	
<u>Assistance Fund.....</u>	<u>\$75,000</u>

(ccc) In addition to any other transfers that may be provided for by law, on July 1, 2008, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$7,450,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(ddd) In addition to any other transfers that may be provided for by law, on July 1, 2008, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,400,000 from the General Revenue Fund to the Violence Prevention Fund.

(eee) In addition to any other transfers that may be provided for by law, on July 1, 2008, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$150,000 from the General Revenue Fund to the Civic Education Trust Fund.

(Source: P.A. 94-58, eff. 6-17-05; 94-91, eff. 7-1-05; 94-816, eff. 5-30-06; 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-707, eff. 1-11-08.)

Section 45. The Illinois Income Tax Act is amended by changing Section 901 as follows:

(35 ILCS 5/901) (from Ch. 120, par. 9-901)

Sec. 901. Collection Authority.

(a) In general.

The Department shall collect the taxes imposed by this Act. The Department shall collect certified past due child support amounts under Section 2505-650 of the Department of Revenue Law (20 ILCS 2505/2505-650). Except as provided in subsections (c) and (e) of this Section, money collected pursuant to subsections (a) and (b) of Section 201 of this Act shall be paid into the General Revenue Fund in the State treasury; money collected pursuant to subsections (c) and (d) of Section 201 of this Act shall be paid into the Personal Property Tax Replacement Fund, a special fund in the State Treasury; and money collected under Section 2505-650 of the Department of Revenue Law (20 ILCS 2505/2505-650) shall be paid into the Child Support Enforcement Trust Fund, a special fund outside the State Treasury, or to the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code, as directed by the Department of Healthcare and Family Services.

(b) Local Governmental Distributive Fund.

Beginning August 1, 1969, and continuing through June 30, 1994, the Treasurer shall transfer each month from the General Revenue Fund to a special fund in the State treasury, to be known as the "Local Government Distributive Fund", an amount equal to 1/12 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act during the preceding month. Beginning July 1, 1994, and continuing through June 30, 1995, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to 1/11 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act during the preceding month. Beginning July 1, 1995, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to the net of (i) 1/10 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of the Illinois Income Tax Act during the preceding month (ii) minus, beginning July 1, 2003 and ending June 30, 2004, \$6,666,666, and beginning July 1, 2004, zero. Net revenue realized for a month shall be defined as the revenue from the tax imposed by subsections (a) and (b) of Section 201 of this Act which is deposited in the General Revenue Fund, the Educational Assistance Fund and the Income Tax Surcharge Local Government Distributive Fund during the month minus the amount paid out of the General Revenue Fund in State warrants during that same month as refunds to taxpayers for overpayment of liability under the tax imposed by subsections (a) and (b)

of Section 201 of this Act.

(c) Deposits Into Income Tax Refund Fund.

(1) Beginning on January 1, 1989 and thereafter, the Department shall deposit a percentage of the amounts collected pursuant to subsections (a) and (b)(1), (2), and (3), of Section 201 of this Act into a fund in the State treasury known as the Income Tax Refund Fund. The Department shall deposit 6% of such amounts during the period beginning January 1, 1989 and ending on June 30, 1989. Beginning with State fiscal year 1990 and for each fiscal year thereafter, the percentage deposited into the Income Tax Refund Fund during a fiscal year shall be the Annual Percentage. For fiscal years 1999 through 2001, the Annual Percentage shall be 7.1%. For fiscal year 2003, the Annual Percentage shall be 8%. For fiscal year 2004, the Annual Percentage shall be 11.7%. Upon the effective date of this amendatory Act of the 93rd General Assembly, the Annual Percentage shall be 10% for fiscal year 2005. For fiscal year 2006, the Annual Percentage shall be 9.75%. For fiscal year 2007, the Annual Percentage shall be 9.75%. For fiscal year 2008, the Annual Percentage shall be 7.75%. For fiscal year 2009, the Annual Percentage shall be 9.75%. For all other fiscal years, the Annual Percentage shall be calculated as a fraction, the numerator of which shall be the amount of refunds approved for payment by the Department during the preceding fiscal year as a result of overpayment of tax liability under subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act plus the amount of such refunds remaining approved but unpaid at the end of the preceding fiscal year, minus the amounts transferred into the Income Tax Refund Fund from the Tobacco Settlement Recovery Fund, and the denominator of which shall be the amounts which will be collected pursuant to subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act during the preceding fiscal year; except that in State fiscal year 2002, the Annual Percentage shall in no event exceed 7.6%. The Director of Revenue shall certify the Annual Percentage to the Comptroller on the last business day of the fiscal year immediately preceding the fiscal year for which it is to be effective.

(2) Beginning on January 1, 1989 and thereafter, the Department shall deposit a percentage of the amounts collected pursuant to subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act into a fund in the State treasury known as the Income Tax Refund Fund. The Department shall deposit 18% of such amounts during the period beginning January 1, 1989 and ending on June 30, 1989. Beginning with State fiscal year 1990 and for each fiscal year thereafter, the percentage deposited into the Income Tax Refund Fund during a fiscal year shall be the Annual Percentage. For fiscal years 1999, 2000, and 2001, the Annual Percentage shall be 19%. For fiscal year 2003, the Annual Percentage shall be 27%. For fiscal year 2004, the Annual Percentage shall be 32%. Upon the effective date of this amendatory Act of the 93rd General Assembly, the Annual Percentage shall be 24% for fiscal year 2005. For fiscal year 2006, the Annual Percentage shall be 20%. For fiscal year 2007, the Annual Percentage shall be 17.5%. For fiscal year 2008, the Annual Percentage shall be 15.5%. For fiscal year 2009, the Annual Percentage shall be 17.5%. For all other fiscal years, the Annual Percentage shall be calculated as a fraction, the numerator of which shall be the amount of refunds approved for payment by the Department during the preceding fiscal year as a result of overpayment of tax liability under subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act plus the amount of such refunds remaining approved but unpaid at the end of the preceding fiscal year, and the denominator of which shall be the amounts which will be collected pursuant to subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act during the preceding fiscal year; except that in State fiscal year 2002, the Annual Percentage shall in no event exceed 23%. The Director of Revenue shall certify the Annual Percentage to the Comptroller on the last business day of the fiscal year immediately preceding the fiscal year for which it is to be effective.

(3) The Comptroller shall order transferred and the Treasurer shall transfer from the Tobacco Settlement Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000 in January, 2001, (ii) \$35,000,000 in January, 2002, and (iii) \$35,000,000 in January, 2003.

(d) Expenditures from Income Tax Refund Fund.

(1) Beginning January 1, 1989, money in the Income Tax Refund Fund shall be expended exclusively for the purpose of paying refunds resulting from overpayment of tax liability under Section 201 of this Act, for paying rebates under Section 208.1 in the event that the amounts in the Homeowners' Tax Relief Fund are insufficient for that purpose, and for making transfers pursuant to this subsection (d).

(2) The Director shall order payment of refunds resulting from overpayment of tax liability under Section 201 of this Act from the Income Tax Refund Fund only to the extent that amounts collected pursuant to Section 201 of this Act and transfers pursuant to this subsection (d) and item (3) of

subsection (c) have been deposited and retained in the Fund.

(3) As soon as possible after the end of each fiscal year, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Income Tax Refund Fund to the Personal Property Tax Replacement Fund an amount, certified by the Director to the Comptroller, equal to the excess of the amount collected pursuant to subsections (c) and (d) of Section 201 of this Act deposited into the Income Tax Refund Fund during the fiscal year over the amount of refunds resulting from overpayment of tax liability under subsections (c) and (d) of Section 201 of this Act paid from the Income Tax Refund Fund during the fiscal year.

(4) As soon as possible after the end of each fiscal year, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Personal Property Tax Replacement Fund to the Income Tax Refund Fund an amount, certified by the Director to the Comptroller, equal to the excess of the amount of refunds resulting from overpayment of tax liability under subsections (c) and (d) of Section 201 of this Act paid from the Income Tax Refund Fund during the fiscal year over the amount collected pursuant to subsections (c) and (d) of Section 201 of this Act deposited into the Income Tax Refund Fund during the fiscal year.

(4.5) As soon as possible after the end of fiscal year 1999 and of each fiscal year thereafter, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Income Tax Refund Fund to the General Revenue Fund any surplus remaining in the Income Tax Refund Fund as of the end of such fiscal year; excluding for fiscal years 2000, 2001, and 2002 amounts attributable to transfers under item (3) of subsection (c) less refunds resulting from the earned income tax credit.

(5) This Act shall constitute an irrevocable and continuing appropriation from the Income Tax Refund Fund for the purpose of paying refunds upon the order of the Director in accordance with the provisions of this Section.

(e) Deposits into the Education Assistance Fund and the Income Tax Surcharge Local Government Distributive Fund.

On July 1, 1991, and thereafter, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 7.3% into the Education Assistance Fund in the State Treasury. Beginning July 1, 1991, and continuing through January 31, 1993, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 3.0% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury. Beginning February 1, 1993 and continuing through June 30, 1993, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 4.4% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury. Beginning July 1, 1993, and continuing through June 30, 1994, of the amounts collected under subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 1.475% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury.

(Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-707, eff. 1-11-08.)

Section 47. The Motor Fuel Tax Law is amended by changing Section 8 as follows:

(35 ILCS 505/8) (from Ch. 120, par. 424)

Sec. 8. Except as provided in Section 8a, subdivision (h)(1) of Section 12a, Section 13a.6, and items 13, 14, 15, and 16 of Section 15, all money received by the Department under this Act, including payments made to the Department by member jurisdictions participating in the International Fuel Tax Agreement, shall be deposited in a special fund in the State treasury, to be known as the "Motor Fuel Tax Fund", and shall be used as follows:

(a) 2 1/2 cents per gallon of the tax collected on special fuel under paragraph (b) of Section 2 and Section 13a of this Act shall be transferred to the State Construction Account Fund in the State Treasury;

(b) \$420,000 shall be transferred each month to the State Boating Act Fund to be used by the Department of Natural Resources for the purposes specified in Article X of the Boat Registration and Safety Act;

(c) \$2,250,000 shall be transferred each month to the Grade Crossing Protection Fund to be used as follows: not less than \$6,000,000 each fiscal year shall be used for the construction or reconstruction of rail highway grade separation structures; \$2,250,000 in fiscal year 2004 and each fiscal year thereafter shall be transferred to the Transportation Regulatory Fund and shall be accounted for as part of the rail carrier portion of such funds and shall be used to pay the cost of administration of the Illinois Commerce Commission's railroad safety program in connection with its duties under subsection (3) of Section

18c-7401 of the Illinois Vehicle Code, with the remainder to be used by the Department of Transportation upon order of the Illinois Commerce Commission, to pay that part of the cost apportioned by such Commission to the State to cover the interest of the public in the use of highways, roads, streets, or pedestrian walkways in the county highway system, township and district road system, or municipal street system as defined in the Illinois Highway Code, as the same may from time to time be amended, for separation of grades, for installation, construction or reconstruction of crossing protection or reconstruction, alteration, relocation including construction or improvement of any existing highway necessary for access to property or improvement of any grade crossing including the necessary highway approaches thereto of any railroad across the highway or public road, or for the installation, construction, reconstruction, or maintenance of a pedestrian walkway over or under a railroad right-of-way, as provided for in and in accordance with Section 18c-7401 of the Illinois Vehicle Code. The Commission shall not order more than \$2,000,000 per year in Grade Crossing Protection Fund moneys for pedestrian walkways. In entering orders for projects for which payments from the Grade Crossing Protection Fund will be made, the Commission shall account for expenditures authorized by the orders on a cash rather than an accrual basis. For purposes of this requirement an "accrual basis" assumes that the total cost of the project is expended in the fiscal year in which the order is entered, while a "cash basis" allocates the cost of the project among fiscal years as expenditures are actually made. To meet the requirements of this subsection, the Illinois Commerce Commission shall develop annual and 5-year project plans of rail crossing capital improvements that will be paid for with moneys from the Grade Crossing Protection Fund. The annual project plan shall identify projects for the succeeding fiscal year and the 5-year project plan shall identify projects for the 5 directly succeeding fiscal years. The Commission shall submit the annual and 5-year project plans for this Fund to the Governor, the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives on the first Wednesday in April of each year;

(d) of the amount remaining after allocations provided for in subsections (a), (b) and (c), a sufficient amount shall be reserved to pay all of the following:

(1) the costs of the Department of Revenue in administering this Act;

(2) the costs of the Department of Transportation in performing its duties imposed by the Illinois Highway Code for supervising the use of motor fuel tax funds apportioned to municipalities, counties and road districts;

(3) refunds provided for in Section 13 of this Act and under the terms of the International Fuel Tax Agreement referenced in Section 14a;

(4) from October 1, 1985 until June 30, 1994, the administration of the Vehicle Emissions Inspection Law, which amount shall be certified monthly by the Environmental Protection Agency to the State Comptroller and shall promptly be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund to the Vehicle Inspection Fund, and for the period July 1, 1994 through June 30, 2000, one-twelfth of \$25,000,000 each month, for the period July 1, 2000 through June 30, 2003, one-twelfth of \$30,000,000 each month, and \$15,000,000 on July 1, 2003, and \$15,000,000 on January 1, 2004, and \$15,000,000 on each July 1 and October 1, or as soon thereafter as may be practical, during the period July 1, 2004 through June 30, 2009 ~~2008~~, for the administration of the Vehicle Emissions Inspection Law of 2005 ~~1995~~, to be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund into the Vehicle Inspection Fund;

(5) amounts ordered paid by the Court of Claims; and

(6) payment of motor fuel use taxes due to member jurisdictions under the terms of the International Fuel Tax Agreement. The Department shall certify these amounts to the Comptroller by the 15th day of each month; the Comptroller shall cause orders to be drawn for such amounts, and the Treasurer shall administer those amounts on or before the last day of each month;

(e) after allocations for the purposes set forth in subsections (a), (b), (c) and (d), the remaining amount shall be apportioned as follows:

(1) Until January 1, 2000, 58.4%, and beginning January 1, 2000, 45.6% shall be deposited as follows:

(A) 37% into the State Construction Account Fund, and

(B) 63% into the Road Fund, \$1,250,000 of which shall be reserved each month for the Department of Transportation to be used in accordance with the provisions of Sections 6-901 through 6-906 of the Illinois Highway Code;

(2) Until January 1, 2000, 41.6%, and beginning January 1, 2000, 54.4% shall be transferred to the Department of Transportation to be distributed as follows:



- (A) 49.10% to the municipalities of the State,
- (B) 16.74% to the counties of the State having 1,000,000 or more inhabitants,
- (C) 18.27% to the counties of the State having less than 1,000,000 inhabitants,
- (D) 15.89% to the road districts of the State.

As soon as may be after the first day of each month the Department of Transportation shall allot to each municipality its share of the amount apportioned to the several municipalities which shall be in proportion to the population of such municipalities as determined by the last preceding municipal census if conducted by the Federal Government or Federal census. If territory is annexed to any municipality subsequent to the time of the last preceding census the corporate authorities of such municipality may cause a census to be taken of such annexed territory and the population so ascertained for such territory shall be added to the population of the municipality as determined by the last preceding census for the purpose of determining the allotment for that municipality. If the population of any municipality was not determined by the last Federal census preceding any apportionment, the apportionment to such municipality shall be in accordance with any census taken by such municipality. Any municipal census used in accordance with this Section shall be certified to the Department of Transportation by the clerk of such municipality, and the accuracy thereof shall be subject to approval of the Department which may make such corrections as it ascertains to be necessary.

As soon as may be after the first day of each month the Department of Transportation shall allot to each county its share of the amount apportioned to the several counties of the State as herein provided. Each allotment to the several counties having less than 1,000,000 inhabitants shall be in proportion to the amount of motor vehicle license fees received from the residents of such counties, respectively, during the preceding calendar year. The Secretary of State shall, on or before April 15 of each year, transmit to the Department of Transportation a full and complete report showing the amount of motor vehicle license fees received from the residents of each county, respectively, during the preceding calendar year. The Department of Transportation shall, each month, use for allotment purposes the last such report received from the Secretary of State.

As soon as may be after the first day of each month, the Department of Transportation shall allot to the several counties their share of the amount apportioned for the use of road districts. The allotment shall be apportioned among the several counties in the State in the proportion which the total mileage of township or district roads in the respective counties bears to the total mileage of all township and district roads in the State. Funds allotted to the respective counties for the use of road districts therein shall be allocated to the several road districts in the county in the proportion which the total mileage of such township or district roads in the respective road districts bears to the total mileage of all such township or district roads in the county. After July 1 of any year, no allocation shall be made for any road district unless it levied a tax for road and bridge purposes in an amount which will require the extension of such tax against the taxable property in any such road district at a rate of not less than either .08% of the value thereof, based upon the assessment for the year immediately prior to the year in which such tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less. If any road district has levied a special tax for road purposes pursuant to Sections 6-601, 6-602 and 6-603 of the Illinois Highway Code, and such tax was levied in an amount which would require extension at a rate of not less than .08% of the value of the taxable property thereof, as equalized or assessed by the Department of Revenue, or, in DuPage County, an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less, such levy shall, however, be deemed a proper compliance with this Section and shall qualify such road district for an allotment under this Section. If a township has transferred to the road and bridge fund money which, when added to the amount of any tax levy of the road district would be the equivalent of a tax levy requiring extension at a rate of at least .08%, or, in DuPage County, an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less, such transfer, together with any such tax levy, shall be deemed a proper compliance with this Section and shall qualify the road district for an allotment under this Section.

In counties in which a property tax extension limitation is imposed under the Property Tax Extension Limitation Law, road districts may retain their entitlement to a motor fuel tax allotment if, at the time the property tax extension limitation was imposed, the road district was levying a road and bridge tax at a rate sufficient to entitle it to a motor fuel tax allotment and continues to levy the maximum allowable amount after the imposition of the property tax extension limitation. Any road district may in all circumstances retain its entitlement to a motor fuel tax allotment if it levied a road and bridge tax in an amount that will require the extension of the tax against the taxable property in the road district at a rate of not less than

0.08% of the assessed value of the property, based upon the assessment for the year immediately preceding the year in which the tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less.

As used in this Section the term "road district" means any road district, including a county unit road district, provided for by the Illinois Highway Code; and the term "township or district road" means any road in the township and district road system as defined in the Illinois Highway Code. For the purposes of this Section, "road district" also includes park districts, forest preserve districts and conservation districts organized under Illinois law and "township or district road" also includes such roads as are maintained by park districts, forest preserve districts and conservation districts. The Department of Transportation shall determine the mileage of all township and district roads for the purposes of making allotments and allocations of motor fuel tax funds for use in road districts.

Payment of motor fuel tax moneys to municipalities and counties shall be made as soon as possible after the allotment is made. The treasurer of the municipality or county may invest these funds until their use is required and the interest earned by these investments shall be limited to the same uses as the principal funds.

(Source: P.A. 93-32, eff. 6-20-03; 93-839, eff. 7-30-04; 94-839, eff. 6-6-06; revised 1-30-08.)

Section 50. The School Code is amended by changing Sections 2-3.131, 14-13.01, and 18-8.05 as follows:

(105 ILCS 5/2-3.131)

Sec. 2-3.131. Transitional assistance payments.

(a) If the amount that the State Board of Education will pay to a school district from fiscal year 2004 appropriations, as estimated by the State Board of Education on April 1, 2004, is less than the amount that the State Board of Education paid to the school district from fiscal year 2003 appropriations, then, subject to appropriation, the State Board of Education shall make a fiscal year 2004 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2004 appropriations and the amount paid from fiscal year 2003 appropriations.

(b) If the amount that the State Board of Education will pay to a school district from fiscal year 2005 appropriations, as estimated by the State Board of Education on April 1, 2005, is less than the amount that the State Board of Education paid to the school district from fiscal year 2004 appropriations, then the State Board of Education shall make a fiscal year 2005 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2005 appropriations and the amount paid from fiscal year 2004 appropriations.

(c) If the amount that the State Board of Education will pay to a school district from fiscal year 2006 appropriations, as estimated by the State Board of Education on April 1, 2006, is less than the amount that the State Board of Education paid to the school district from fiscal year 2005 appropriations, then the State Board of Education shall make a fiscal year 2006 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2006 appropriations and the amount paid from fiscal year 2005 appropriations.

(d) If the amount that the State Board of Education will pay to a school district from fiscal year 2007 appropriations, as estimated by the State Board of Education on April 1, 2007, is less than the amount that the State Board of Education paid to the school district from fiscal year 2006 appropriations, then the State Board of Education, subject to appropriation, shall make a fiscal year 2007 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2007 appropriations and the amount paid from fiscal year 2006 appropriations.

(e) Subject to appropriation, beginning on July 1, 2007, the State Board of Education shall adjust prior year information for the transitional assistance calculations under this Section in the event of the creation or reorganization of any school district pursuant to Article 11E of this Code, the dissolution of an entire district and the annexation of all of its territory to one or more other districts pursuant to Article 7 of this Code, or a boundary change whereby the enrollment of the annexing district increases by 90% or more as a result of annexing territory detached from another district pursuant to Article 7 of this Code.

(f) If the amount that the State Board of Education will pay to a school district from fiscal year 2008 appropriations, as estimated by the State Board of Education on April 1, 2008, is less than the amount that the State Board of Education paid to the school district from fiscal year 2007 appropriations, then the State Board of Education, subject to appropriation, shall make a fiscal year 2008 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2008 appropriations and the amount paid from fiscal year 2007 appropriations.

(g) If the amount that the State Board of Education will pay to a school district from fiscal year 2009 appropriations, as estimated by the State Board of Education on April 1, 2009, is less than the amount that the State Board of Education paid to the school district from fiscal year 2008 appropriations, then the State Board of Education, subject to appropriation, shall make a fiscal year 2009 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2009 appropriations and the amount paid from fiscal year 2008 appropriations.

(Source: P.A. 94-69, eff. 7-1-05; 94-835, eff. 6-6-06; 95-331, eff. 8-21-07; 95-707, eff. 1-11-08.)

(105 ILCS 5/14-13.01) (from Ch. 122, par. 14-13.01)

Sec. 14-13.01. Reimbursement payable by State; Amounts. Reimbursement for furnishing special educational facilities in a recognized school to the type of children defined in Section 14-1.02 shall be paid to the school districts in accordance with Section 14-12.01 for each school year ending June 30 by the State Comptroller out of any money in the treasury appropriated for such purposes on the presentation of vouchers by the State Board of Education.

The reimbursement shall be limited to funds expended for construction and maintenance of special education facilities designed and utilized to house instructional programs, diagnostic services, other special education services for children with disabilities and reimbursement as provided in Section 14-13.01. There shall be no reimbursement for construction and maintenance of any administrative facility separated from special education facilities designed and utilized to house instructional programs, diagnostic services and other special education services for children with disabilities.

(a) For children who have not been identified as eligible for special education and for eligible children with physical disabilities, including all eligible children whose placement has been determined under Section 14-8.02 in hospital or home instruction, 1/2 of the teacher's salary but not more than \$1,000 annually per child or \$8,000 per teacher for the 1985-1986 school year through the 2005-2006 school year, ~~and \$1,000 per child or \$9,000 per teacher for the 2006-2007 school year~~, and \$1,000 per child or \$10,000 per teacher for the 2007-2008 school year and for each school year thereafter, whichever is less. Children to be included in any reimbursement under this paragraph must regularly receive a minimum of one hour of instruction each school day, or in lieu thereof of a minimum of 5 hours of instruction in each school week in order to qualify for full reimbursement under this Section. If the attending physician for such a child has certified that the child should not receive as many as 5 hours of instruction in a school week, however, reimbursement under this paragraph on account of that child shall be computed proportionate to the actual hours of instruction per week for that child divided by 5.

(b) For children described in Section 14-1.02, 4/5 of the cost of transportation for each such child, whom the State Superintendent of Education determined in advance requires special transportation service in order to take advantage of special educational facilities. Transportation costs shall be determined in the same fashion as provided in Section 29-5. For purposes of this subsection (b), the dates for processing claims specified in Section 29-5 shall apply.

(c) For each professional worker excluding those included in subparagraphs (a), (d), (e), and (f) of this Section, the annual sum of \$8,000 for the 1985-1986 school year through the 2005-2006 school year, ~~and \$9,000 for the 2006-2007 school year~~, and \$10,000 for the 2007-2008 school year and for each school year thereafter.

(d) For one full time qualified director of the special education program of each school district which maintains a fully approved program of special education the annual sum of \$8,000 for the 1985-1986 school year through the 2005-2006 school year, ~~and \$9,000 for the 2006-2007 school year~~, and \$10,000 for the 2007-2008 school year and for each school year thereafter. Districts participating in a joint agreement special education program shall not receive such reimbursement if reimbursement is made for a director of the joint agreement program.

(e) For each school psychologist as defined in Section 14-1.09 the annual sum of \$8,000 for the 1985-1986 school year through the 2005-2006 school year, ~~and \$9,000 for the 2006-2007 school year~~, and \$10,000 for the 2007-2008 school year and for each school year thereafter.

(f) For each qualified teacher working in a fully approved program for children of preschool age who are deaf or hard-of-hearing the annual sum of \$8,000 for the 1985-1986 school year through the 2005-2006 school year, ~~and \$9,000 for the 2006-2007 school year~~, and \$10,000 for the 2007-2008 school year and for each school year thereafter.

(g) For readers, working with blind or partially seeing children 1/2 of their salary but not more than \$400 annually per child. Readers may be employed to assist such children and shall not be required to be certified but prior to employment shall meet standards set up by the State Board of Education.

(h) For necessary non-certified employees working in any class or program for children defined in this

Article, 1/2 of the salary paid or \$2,800 annually per employee through the 2005-2006 school year, ~~and~~ \$3,500 per employee for the 2006-2007 school year, and \$4,000 per employee for the 2007-2008 school year and for each school year thereafter, whichever is less.

The State Board of Education shall set standards and prescribe rules for determining the allocation of reimbursement under this section on less than a full time basis and for less than a school year.

When any school district eligible for reimbursement under this Section operates a school or program approved by the State Superintendent of Education for a number of days in excess of the adopted school calendar but not to exceed 235 school days, such reimbursement shall be increased by 1/180 of the amount or rate paid hereunder for each day such school is operated in excess of 180 days per calendar year.

Notwithstanding any other provision of law, any school district receiving a payment under this Section or under Section 14-7.02, 14-7.02b, or 29-5 of this Code may classify all or a portion of the funds that it receives in a particular fiscal year or from general State aid pursuant to Section 18-8.05 of this Code as funds received in connection with any funding program for which it is entitled to receive funds from the State in that fiscal year (including, without limitation, any funding program referenced in this Section), regardless of the source or timing of the receipt. The district may not classify more funds as funds received in connection with the funding program than the district is entitled to receive in that fiscal year for that program. Any classification by a district must be made by a resolution of its board of education. The resolution must identify the amount of any payments or general State aid to be classified under this paragraph and must specify the funding program to which the funds are to be treated as received in connection therewith. This resolution is controlling as to the classification of funds referenced therein. A certified copy of the resolution must be sent to the State Superintendent of Education. The resolution shall still take effect even though a copy of the resolution has not been sent to the State Superintendent of Education in a timely manner. No classification under this paragraph by a district shall affect the total amount or timing of money the district is entitled to receive under this Code. No classification under this paragraph by a district shall in any way relieve the district from or affect any requirements that otherwise would apply with respect to that funding program, including any accounting of funds by source, reporting expenditures by original source and purpose, reporting requirements, or requirements of providing services. (Source: P.A. 95-415, eff. 8-24-07; 95-707, eff. 1-11-08.)

(105 ILCS 5/18-8.05)

Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years.

(A) General Provisions.

(1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.

(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.

(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:

(a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.

(b) School district claims filed under this Section are subject to Sections 18-9 and 18-12, except as otherwise provided in this Section.

(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.

(d) (Blank).

(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is authorized to make expenditures by law.

School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:

(a) "Average Daily Attendance": A count of pupil attendance in school, averaged as provided for in subsection (C) and utilized in deriving per pupil financial support levels.

(b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection (D).

(c) "Corporate Personal Property Replacement Taxes": Funds paid to local school districts pursuant to "An Act in relation to the abolition of ad valorem personal property tax and the replacement of revenues lost thereby, and amending and repealing certain Acts and parts of Acts in connection therewith", certified August 14, 1979, as amended (Public Act 81-1st S.S.-1).

(d) "Foundation Level": A prescribed level of per pupil financial support as provided for in subsection (B).

(e) "Operating Tax Rate": All school district property taxes extended for all purposes, except Bond and Interest, Summer School, Rent, Capital Improvement, and Vocational Education Building purposes.

(B) Foundation Level.

(1) The Foundation Level is a figure established by the State representing the minimum level of per pupil financial support that should be available to provide for the basic education of each pupil in Average Daily Attendance. As set forth in this Section, each school district is assumed to exert a sufficient local taxing effort such that, in combination with the aggregate of general State financial aid provided the district, an aggregate of State and local resources are available to meet the basic education needs of pupils in the district.

(2) For the 1998-1999 school year, the Foundation Level of support is \$4,225. For the 1999-2000 school year, the Foundation Level of support is \$4,325. For the 2000-2001 school year, the Foundation Level of support is \$4,425. For the 2001-2002 school year and 2002-2003 school year, the Foundation Level of support is \$4,560. For the 2003-2004 school year, the Foundation Level of support is \$4,810. For the 2004-2005 school year, the Foundation Level of support is \$4,964. For the 2005-2006 school year, the Foundation Level of support is \$5,164. For the 2006-2007 school year, the Foundation Level of support is \$5,334. For the 2007-2008 school year, the Foundation Level of support is \$5,734.

(3) For the 2008-2009 ~~2007-2008~~ school year and each school year thereafter, the Foundation Level of support is \$6,034 ~~\$5,734~~ or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

(1) For purposes of calculating general State aid pursuant to subsection (E), an Average Daily Attendance figure shall be utilized. The Average Daily Attendance figure for formula calculation purposes shall be the monthly average of the actual number of pupils in attendance of each school district, as further averaged for the best 3 months of pupil attendance for each school district. In compiling the figures for the number of pupils in attendance, school districts and the State Board of Education shall, for purposes of general State aid funding, conform attendance figures to the requirements of subsection (F).

(2) The Average Daily Attendance figures utilized in subsection (E) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated or the average of the attendance data for the 3 preceding school years, whichever is greater. The Average Daily Attendance figures utilized in subsection (H) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated.

(D) Available Local Resources.

(1) For purposes of calculating general State aid pursuant to subsection (E), a representation of Available Local Resources per pupil, as that term is defined and determined in this subsection, shall be utilized.

Available Local Resources per pupil shall include a calculated dollar amount representing local school district revenues from local property taxes and from Corporate Personal Property Replacement Taxes, expressed on the basis of pupils in Average Daily Attendance. Calculation of Available Local Resources shall exclude any tax amnesty funds received as a result of Public Act 93-26.

(2) In determining a school district's revenue from local property taxes, the State Board of Education shall utilize the equalized assessed valuation of all taxable property of each school district as of September 30 of the previous year. The equalized assessed valuation utilized shall be obtained and determined as provided in subsection (G).

(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

For partial elementary unit districts created pursuant to Article 11E of this Code, local property tax revenues per pupil shall be calculated as the product of the equalized assessed valuation for property within the elementary and high school classification of the partial elementary unit district multiplied by 2.06% and divided by the Average Daily Attendance figure for grades kindergarten through 8, plus the product of the equalized assessed valuation for property within the high school only classification of the partial elementary unit district multiplied by 0.94% and divided by the Average Daily Attendance figure for grades 9 through 12.

(4) The Corporate Personal Property Replacement Taxes paid to each school district during the calendar year 2 years before the calendar year in which a school year begins, divided by the Average Daily Attendance figure for that district, shall be added to the local property tax revenues per pupil as derived by the application of the immediately preceding paragraph (3). The sum of these per pupil figures for each school district shall constitute Available Local Resources as that term is utilized in subsection (E) in the calculation of general State aid.

(E) Computation of General State Aid.

(1) For each school year, the amount of general State aid allotted to a school district shall be computed by the State Board of Education as provided in this subsection.

(2) For any school district for which Available Local Resources per pupil is less than the product of 0.93 times the Foundation Level, general State aid for that district shall be calculated as an amount equal to the Foundation Level minus Available Local Resources, multiplied by the Average Daily Attendance of the school district.

(3) For any school district for which Available Local Resources per pupil is equal to or greater than the product of 0.93 times the Foundation Level and less than the product of 1.75 times the Foundation Level, the general State aid per pupil shall be a decimal proportion of the Foundation Level derived using a linear algorithm. Under this linear algorithm, the calculated general State aid per pupil shall decline in direct linear fashion from 0.07 times the Foundation Level for a school district with Available Local Resources equal to the product of 0.93 times the Foundation Level, to 0.05 times the Foundation Level for a school district with Available Local Resources equal to the product of 1.75 times the Foundation Level. The allocation of general State aid for school districts subject to this paragraph 3 shall be the calculated general State aid per pupil figure multiplied by the Average Daily Attendance of the school district.

(4) For any school district for which Available Local Resources per pupil equals or exceeds the product of 1.75 times the Foundation Level, the general State aid for the school district shall be calculated as the product of \$218 multiplied by the Average Daily Attendance of the school district.

(5) The amount of general State aid allocated to a school district for the 1999-2000 school year meeting the requirements set forth in paragraph (4) of subsection (G) shall be increased by an amount equal to the general State aid that would have been received by the district for the 1998-1999 school year by utilizing the Extension Limitation Equalized Assessed Valuation as calculated in paragraph (4) of subsection (G) less the general State aid allotted for the 1998-1999 school year. This amount shall be deemed a one time increase, and shall not affect any future general State aid allocations.

(F) Compilation of Average Daily Attendance.

(1) Each school district shall, by July 1 of each year, submit to the State Board of Education, on forms prescribed by the State Board of Education, attendance figures for the school year that began in the

preceding calendar year. The attendance information so transmitted shall identify the average daily attendance figures for each month of the school year. Beginning with the general State aid claim form for the 2002-2003 school year, districts shall calculate Average Daily Attendance as provided in subdivisions (a), (b), and (c) of this paragraph (1).

(a) In districts that do not hold year-round classes, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(b) In districts in which all buildings hold year-round classes, days of attendance in July and August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(c) In districts in which some buildings, but not all, hold year-round classes, for the non-year-round buildings, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May. The average daily attendance for the year-round buildings shall be computed as provided in subdivision (b) of this paragraph (1). To calculate the Average Daily Attendance for the district, the average daily attendance for the year-round buildings shall be multiplied by the days in session for the non-year-round buildings for each month and added to the monthly attendance of the non-year-round buildings.

Except as otherwise provided in this Section, days of attendance by pupils shall be counted only for sessions of not less than 5 clock hours of school work per day under direct supervision of: (i) teachers, or (ii) non-teaching personnel or volunteer personnel when engaging in non-teaching duties and supervising in those instances specified in subsection (a) of Section 10-22.34 and paragraph 10 of Section 34-18, with pupils of legal school age and in kindergarten and grades 1 through 12.

Days of attendance by tuition pupils shall be accredited only to the districts that pay the tuition to a recognized school.

(2) Days of attendance by pupils of less than 5 clock hours of school shall be subject to the following provisions in the compilation of Average Daily Attendance.

(a) Pupils regularly enrolled in a public school for only a part of the school day may be counted on the basis of 1/6 day for every class hour of instruction of 40 minutes or more attended pursuant to such enrollment, unless a pupil is enrolled in a block-schedule format of 80 minutes or more of instruction, in which case the pupil may be counted on the basis of the proportion of minutes of school work completed each day to the minimum number of minutes that school work is required to be held that day.

(b) Days of attendance may be less than 5 clock hours on the opening and closing of the school term, and upon the first day of pupil attendance, if preceded by a day or days utilized as an institute or teachers' workshop.

(c) A session of 4 or more clock hours may be counted as a day of attendance upon certification by the regional superintendent, and approved by the State Superintendent of Education to the extent that the district has been forced to use daily multiple sessions.

(d) A session of 3 or more clock hours may be counted as a day of attendance (1) when the remainder of the school day or at least 2 hours in the evening of that day is utilized for an in-service training program for teachers, up to a maximum of 5 days per school year of which a maximum of 4 days of such 5 days may be used for parent-teacher conferences, provided a district conducts an in-service training program for teachers which has been approved by the State Superintendent of Education; or, in lieu of 4 such days, 2 full days may be used, in which event each such day may be counted as a day of attendance; and (2) when days in addition to those provided in item (1) are scheduled by a school pursuant to its school improvement plan adopted under Article 34 or its revised or amended school improvement plan adopted under Article 2, provided that (i) such sessions of 3 or more clock hours are scheduled to occur at regular intervals, (ii) the remainder of the school days in which such sessions occur are utilized for in-service training programs or other staff development activities for teachers, and (iii) a sufficient number of minutes of school work under the direct supervision of teachers are added to the school days between such regularly scheduled sessions to accumulate not less than the number of minutes by which such sessions of 3 or more clock hours fall short of 5 clock hours. Any full days used for the purposes of this paragraph shall not be considered for computing average daily attendance. Days scheduled for in-service training programs, staff development activities, or parent-teacher conferences may be scheduled separately for different grade levels and different attendance centers of the district.

(e) A session of not less than one clock hour of teaching hospitalized or homebound pupils on-site or by telephone to the classroom may be counted as 1/2 day of attendance, however these

pupils must receive 4 or more clock hours of instruction to be counted for a full day of attendance.

(f) A session of at least 4 clock hours may be counted as a day of attendance for first grade pupils, and pupils in full day kindergartens, and a session of 2 or more hours may be counted as 1/2 day of attendance by pupils in kindergartens which provide only 1/2 day of attendance.

(g) For children with disabilities who are below the age of 6 years and who cannot attend 2 or more clock hours because of their disability or immaturity, a session of not less than one clock hour may be counted as 1/2 day of attendance; however for such children whose educational needs so require a session of 4 or more clock hours may be counted as a full day of attendance.

(h) A recognized kindergarten which provides for only 1/2 day of attendance by each pupil shall not have more than 1/2 day of attendance counted in any one day. However, kindergartens may count 2 1/2 days of attendance in any 5 consecutive school days. When a pupil attends such a kindergarten for 2 half days on any one school day, the pupil shall have the following day as a day absent from school, unless the school district obtains permission in writing from the State Superintendent of Education. Attendance at kindergartens which provide for a full day of attendance by each pupil shall be counted the same as attendance by first grade pupils. Only the first year of attendance in one kindergarten shall be counted, except in case of children who entered the kindergarten in their fifth year whose educational development requires a second year of kindergarten as determined under the rules and regulations of the State Board of Education.

(i) On the days when the Prairie State Achievement Examination is administered under subsection (c) of Section 2-3.64 of this Code, the day of attendance for a pupil whose school day must be shortened to accommodate required testing procedures may be less than 5 clock hours and shall be counted towards the 176 days of actual pupil attendance required under Section 10-19 of this Code, provided that a sufficient number of minutes of school work in excess of 5 clock hours are first completed on other school days to compensate for the loss of school work on the examination days.

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D), the State Board of Education shall secure from the Department of Revenue the value as equalized or assessed by the Department of Revenue of all taxable property of every school district, together with (i) the applicable tax rate used in extending taxes for the funds of the district as of September 30 of the previous year and (ii) the limiting rate for all school districts subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law.

The Department of Revenue shall add to the equalized assessed value of all taxable property of each school district situated entirely or partially within a county that is or was subject to the provisions of Section 15-176 or 15-177 of the Property Tax Code (a) an amount equal to the total amount by which the homestead exemption allowed under Section 15-176 or 15-177 of the Property Tax Code for real property situated in that school district exceeds the total amount that would have been allowed in that school district if the maximum reduction under Section 15-176 was (i) \$4,500 in Cook County or \$3,500 in all other counties in tax year 2003 or (ii) \$5,000 in all counties in tax year 2004 and thereafter and (b) an amount equal to the aggregate amount for the taxable year of all additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of \$30,000 or less. The county clerk of any county that is or was subject to the provisions of Section 15-176 or 15-177 of the Property Tax Code shall annually calculate and certify to the Department of Revenue for each school district all homestead exemption amounts under Section 15-176 or 15-177 of the Property Tax Code and all amounts of additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of \$30,000 or less. It is the intent of this paragraph that if the general homestead exemption for a parcel of property is determined under Section 15-176 or 15-177 of the Property Tax Code rather than Section 15-175, then the calculation of Available Local Resources shall not be affected by the difference, if any, between the amount of the general homestead exemption allowed for that parcel of property under Section 15-176 or 15-177 of the Property Tax Code and the amount that would have been allowed had the general homestead exemption for that parcel of property been determined under Section 15-175 of the Property Tax Code. It is further the intent of this paragraph that if additional exemptions are allowed under Section 15-175 of the Property Tax Code for owners with a household income of less than \$30,000, then the calculation of Available Local Resources shall not be affected by the difference, if any, because of those additional exemptions.

This equalized assessed valuation, as adjusted further by the requirements of this subsection, shall be utilized in the calculation of Available Local Resources.

(2) The equalized assessed valuation in paragraph (1) shall be adjusted, as applicable, in the following



manner:

(a) For the purposes of calculating State aid under this Section, with respect to any part of a school district within a redevelopment project area in respect to which a municipality has adopted tax increment allocation financing pursuant to the Tax Increment Allocation Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11 of the Illinois Municipal Code or the Industrial Jobs Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the Illinois Municipal Code, no part of the current equalized assessed valuation of real property located in any such project area which is attributable to an increase above the total initial equalized assessed valuation of such property shall be used as part of the equalized assessed valuation of the district, until such time as all redevelopment project costs have been paid, as provided in Section 11-74.4-8 of the Tax Increment Allocation Redevelopment Act or in Section 11-74.6-35 of the Industrial Jobs Recovery Law. For the purpose of the equalized assessed valuation of the district, the total initial equalized assessed valuation or the current equalized assessed valuation, whichever is lower, shall be used until such time as all redevelopment project costs have been paid.

(b) The real property equalized assessed valuation for a school district shall be adjusted by subtracting from the real property value as equalized or assessed by the Department of Revenue for the district an amount computed by dividing the amount of any abatement of taxes under Section 18-170 of the Property Tax Code by 3.00% for a district maintaining grades kindergarten through 12, by 2.30% for a district maintaining grades kindergarten through 8, or by 1.05% for a district maintaining grades 9 through 12 and adjusted by an amount computed by dividing the amount of any abatement of taxes under subsection (a) of Section 18-165 of the Property Tax Code by the same percentage rates for district type as specified in this subparagraph (b).

(3) For the 1999-2000 school year and each school year thereafter, if a school district meets all of the criteria of this subsection (G)(3), the school district's Available Local Resources shall be calculated under subsection (D) using the district's Extension Limitation Equalized Assessed Valuation as calculated under this subsection (G)(3).

For purposes of this subsection (G)(3) the following terms shall have the following meanings:

"Budget Year": The school year for which general State aid is calculated and awarded under subsection (E).

"Base Tax Year": The property tax levy year used to calculate the Budget Year allocation of general State aid.

"Preceding Tax Year": The property tax levy year immediately preceding the Base Tax Year.

"Base Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Base Tax Year multiplied by the limiting rate as calculated by the County Clerk and defined in the Property Tax Extension Limitation Law.

"Preceding Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Preceding Tax Year multiplied by the Operating Tax Rate as defined in subsection (A).

"Extension Limitation Ratio": A numerical ratio, certified by the County Clerk, in which the numerator is the Base Tax Year's Tax Extension and the denominator is the Preceding Tax Year's Tax Extension.

"Operating Tax Rate": The operating tax rate as defined in subsection (A).

If a school district is subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation of that district. For the 1999-2000 school year, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the district's 1996 Equalized Assessed Valuation and the district's Extension Limitation Ratio. For the 2000-2001 school year and each school year thereafter, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the Equalized Assessed Valuation last used in the calculation of general State aid and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of a school district as calculated under this subsection (G)(3) is less than the district's equalized assessed valuation as calculated pursuant to subsections (G)(1) and (G)(2), then for purposes of calculating the district's general State aid for the Budget Year pursuant to subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources under subsection (D).

Partial elementary unit districts created in accordance with Article 11E of this Code shall not be eligible

for the adjustment in this subsection (G)(3) until the fifth year following the effective date of the reorganization.

(4) For the purposes of calculating general State aid for the 1999-2000 school year only, if a school district experienced a triennial reassessment on the equalized assessed valuation used in calculating its general State financial aid apportionment for the 1998-1999 school year, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation that would have been used to calculate the district's 1998-1999 general State aid. This amount shall equal the product of the equalized assessed valuation used to calculate general State aid for the 1997-1998 school year and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of the school district as calculated under this paragraph (4) is less than the district's equalized assessed valuation utilized in calculating the district's 1998-1999 general State aid allocation, then for purposes of calculating the district's general State aid pursuant to paragraph (5) of subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources.

(5) For school districts having a majority of their equalized assessed valuation in any county except Cook, DuPage, Kane, Lake, McHenry, or Will, if the amount of general State aid allocated to the school district for the 1999-2000 school year under the provisions of subsection (E), (H), and (J) of this Section is less than the amount of general State aid allocated to the district for the 1998-1999 school year under these subsections, then the general State aid of the district for the 1999-2000 school year only shall be increased by the difference between these amounts. The total payments made under this paragraph (5) shall not exceed \$14,000,000. Claims shall be prorated if they exceed \$14,000,000.

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant, paid in conjunction with a district's payments of general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section. If the appropriation in any fiscal year for general State aid and supplemental general State aid is insufficient to pay the amounts required under the general State aid and supplemental general State aid calculations, then the State Board of Education shall ensure that each school district receives the full amount due for general State aid and the remainder of the appropriation shall be used for supplemental general State aid, which the State Board of Education shall calculate and pay to eligible districts on a prorated basis.

(1.5) This paragraph (1.5) applies only to those school years preceding the 2003-2004 school year. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, (i) the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, or (ii) a high school district within 2 counties and serving 5 elementary school districts, whose boundaries are coterminous with the high school district, has a percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count and there is a percentage increase in the total low-income eligible pupil count of a majority of the elementary school districts in excess of 50% from the 2 most recent federal censuses, then the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H). The changes made to this paragraph (1) by Public Act 92-28 shall apply to supplemental general State aid grants for school years preceding the 2003-2004 school year that are paid in fiscal year 1999 or thereafter and to any State aid payments made in fiscal year 1994 through fiscal year 1998 pursuant to subsection 1(n) of Section 18-8 of this Code (which was repealed on July 1, 1998), and any high school district that is affected by Public Act 92-28 is entitled to a recomputation of its supplemental general State aid grant or State aid paid in any of those fiscal years. This recomputation shall not be affected by any other funding.

(1.10) This paragraph (1.10) applies to the 2003-2004 school year and each school year thereafter. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall, for each fiscal year, be the low-income eligible pupil count as of July 1 of the immediately preceding fiscal year (as determined by the Department of Human Services based on the number of pupils who are eligible for at least one of the following low income programs: Medicaid, KidCare, TANF, or Food Stamps, excluding pupils who are

eligible for services provided by the Department of Children and Family Services, averaged over the 2 immediately preceding fiscal years for fiscal year 2004 and over the 3 immediately preceding fiscal years for each fiscal year thereafter) divided by the Average Daily Attendance of the school district.

(2) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 1998-1999, 1999-2000, and 2000-2001 school years only:

(a) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for any school year shall be \$800 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for the 1998-1999 school year shall be \$1,100 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for the 1998-99 school year shall be \$1,500 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of 60% or more, the grant for the 1998-99 school year shall be \$1,900 multiplied by the low income eligible pupil count.

(e) For the 1999-2000 school year, the per pupil amount specified in subparagraphs (b), (c), and (d) immediately above shall be increased to \$1,243, \$1,600, and \$2,000, respectively.

(f) For the 2000-2001 school year, the per pupil amounts specified in subparagraphs (b), (c), and (d) immediately above shall be \$1,273, \$1,640, and \$2,050, respectively.

(2.5) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2002-2003 school year:

(a) For any school district with a Low Income Concentration Level of less than 10%, the grant for each school year shall be \$355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 10% and less than 20%, the grant for each school year shall be \$675 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for each school year shall be \$1,330 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for each school year shall be \$1,362 multiplied by the low income eligible pupil count.

(e) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for each school year shall be \$1,680 multiplied by the low income eligible pupil count.

(f) For any school district with a Low Income Concentration Level of 60% or more, the grant for each school year shall be \$2,080 multiplied by the low income eligible pupil count.

(2.10) Except as otherwise provided, supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2003-2004 school year and each school year thereafter:

(a) For any school district with a Low Income Concentration Level of 15% or less, the grant for each school year shall be \$355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level greater than 15%, the grant for each school year shall be \$294.25 added to the product of \$2,700 and the square of the Low Income Concentration Level, all multiplied by the low income eligible pupil count.

For the 2003-2004 school year and each school year thereafter through the 2008-2009 ~~2007-2008~~ school year only, the grant shall be no less than the grant for the 2002-2003 school year. For the 2009-2010 ~~2008-2009~~ school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.66. For the 2010-2011 ~~2009-2010~~ school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.33. Notwithstanding the provisions of this paragraph to the contrary, if for any school year supplemental general State aid grants are prorated as provided in paragraph (1) of this subsection (H), then the grants under this paragraph shall be prorated.

For the 2003-2004 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.25 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2004-2005 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.50 multiplied by

the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2005-2006 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.75 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year.

(3) School districts with an Average Daily Attendance of more than 1,000 and less than 50,000 that qualify for supplemental general State aid pursuant to this subsection shall submit a plan to the State Board of Education prior to October 30 of each year for the use of the funds resulting from this grant of supplemental general State aid for the improvement of instruction in which priority is given to meeting the education needs of disadvantaged children. Such plan shall be submitted in accordance with rules and regulations promulgated by the State Board of Education.

(4) School districts with an Average Daily Attendance of 50,000 or more that qualify for supplemental general State aid pursuant to this subsection shall be required to distribute from funds available pursuant to this Section, no less than \$261,000,000 in accordance with the following requirements:

(a) The required amounts shall be distributed to the attendance centers within the district in proportion to the number of pupils enrolled at each attendance center who are eligible to receive free or reduced-price lunches or breakfasts under the federal Child Nutrition Act of 1966 and under the National School Lunch Act during the immediately preceding school year.

(b) The distribution of these portions of supplemental and general State aid among attendance centers according to these requirements shall not be compensated for or contravened by adjustments of the total of other funds appropriated to any attendance centers, and the Board of Education shall utilize funding from one or several sources in order to fully implement this provision annually prior to the opening of school.

(c) Each attendance center shall be provided by the school district a distribution of noncategorical funds and other categorical funds to which an attendance center is entitled under law in order that the general State aid and supplemental general State aid provided by application of this subsection supplements rather than supplants the noncategorical funds and other categorical funds provided by the school district to the attendance centers.

(d) Any funds made available under this subsection that by reason of the provisions of this subsection are not required to be allocated and provided to attendance centers may be used and appropriated by the board of the district for any lawful school purpose.

(e) Funds received by an attendance center pursuant to this subsection shall be used by the attendance center at the discretion of the principal and local school council for programs to improve educational opportunities at qualifying schools through the following programs and services: early childhood education, reduced class size or improved adult to student classroom ratio, enrichment programs, remedial assistance, attendance improvement, and other educationally beneficial expenditures which supplement the regular and basic programs as determined by the State Board of Education. Funds provided shall not be expended for any political or lobbying purposes as defined by board rule.

(f) Each district subject to the provisions of this subdivision (H)(4) shall submit an acceptable plan to meet the educational needs of disadvantaged children, in compliance with the requirements of this paragraph, to the State Board of Education prior to July 15 of each year. This plan shall be consistent with the decisions of local school councils concerning the school expenditure plans developed in accordance with part 4 of Section 34-2.3. The State Board shall approve or reject the plan within 60 days after its submission. If the plan is rejected, the district shall give written notice of intent to modify the plan within 15 days of the notification of rejection and then submit a modified plan within 30 days after the date of the written notice of intent to modify. Districts may amend approved plans pursuant to rules promulgated by the State Board of Education.

Upon notification by the State Board of Education that the district has not submitted a plan prior to July 15 or a modified plan within the time period specified herein, the State aid funds affected by that plan or modified plan shall be withheld by the State Board of Education until a plan or modified plan is submitted.

If the district fails to distribute State aid to attendance centers in accordance with an approved plan, the plan for the following year shall allocate funds, in addition to the funds otherwise required by this subsection, to those attendance centers which were underfunded during the previous year in amounts equal to such underfunding.

For purposes of determining compliance with this subsection in relation to the

requirements of attendance center funding, each district subject to the provisions of this subsection shall submit as a separate document by December 1 of each year a report of expenditure data for the prior year in addition to any modification of its current plan. If it is determined that there has been a failure to comply with the expenditure provisions of this subsection regarding contravention or supplanting, the State Superintendent of Education shall, within 60 days of receipt of the report, notify the district and any affected local school council. The district shall within 45 days of receipt of that notification inform the State Superintendent of Education of the remedial or corrective action to be taken, whether by amendment of the current plan, if feasible, or by adjustment in the plan for the following year. Failure to provide the expenditure report or the notification of remedial or corrective action in a timely manner shall result in a withholding of the affected funds.

The State Board of Education shall promulgate rules and regulations to implement the provisions of this subsection. No funds shall be released under this subdivision (H)(4) to any district that has not submitted a plan that has been approved by the State Board of Education.

(I) (Blank).

(J) Supplementary Grants in Aid.

(1) Notwithstanding any other provisions of this Section, the amount of the aggregate general State aid in combination with supplemental general State aid under this Section for which each school district is eligible shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-98 school year, pursuant to the provisions of that Section as it was then in effect. If a school district qualifies to receive a supplementary payment made under this subsection (J), the amount of the aggregate general State aid in combination with supplemental general State aid under this Section which that district is eligible to receive for each school year shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-1998 school year, pursuant to the provisions of that Section as it was then in effect.

(2) If, as provided in paragraph (1) of this subsection (J), a school district is to receive aggregate general State aid in combination with supplemental general State aid under this Section for the 1998-99 school year and any subsequent school year that in any such school year is less than the amount of the aggregate general State aid entitlement that the district received for the 1997-98 school year, the school district shall also receive, from a separate appropriation made for purposes of this subsection (J), a supplementary payment that is equal to the amount of the difference in the aggregate State aid figures as described in paragraph (1).

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

In calculating the amount to be paid to the governing board of a public university that operates a laboratory school under this Section or to any alternative school that is operated by a regional superintendent of schools, the State Board of Education shall require by rule such reporting requirements as it deems necessary.

As used in this Section, "laboratory school" means a public school which is created and operated by a public university and approved by the State Board of Education. The governing board of a public university which receives funds from the State Board under this subsection (K) may not increase the number of students enrolled in its laboratory school from a single district, if that district is already sending 50 or more students, except under a mutual agreement between the school board of a student's district of residence and the university which operates the laboratory school. A laboratory school may not have more than 1,000 students, excluding students with disabilities in a special education program.

As used in this Section, "alternative school" means a public school which is created and operated by a Regional Superintendent of Schools and approved by the State Board of Education. Such alternative schools may offer courses of instruction for which credit is given in regular school programs, courses to prepare students for the high school equivalency testing program or vocational and occupational training. A regional superintendent of schools may contract with a school district or a public community college district to operate an alternative school. An alternative school serving more than one educational service region may be established by the regional superintendents of schools of the affected educational service regions. An alternative school serving more than one educational service region may be operated under such terms as the regional superintendents of schools of those educational service regions may agree.

Each laboratory and alternative school shall file, on forms provided by the State Superintendent of Education, an annual State aid claim which states the Average Daily Attendance of the school's students by

month. The best 3 months' Average Daily Attendance shall be computed for each school. The general State aid entitlement shall be computed by multiplying the applicable Average Daily Attendance by the Foundation Level as determined under this Section.

(L) Payments, Additional Grants in Aid and Other Requirements.

(1) For a school district operating under the financial supervision of an Authority created under Article 34A, the general State aid otherwise payable to that district under this Section, but not the supplemental general State aid, shall be reduced by an amount equal to the budget for the operations of the Authority as certified by the Authority to the State Board of Education, and an amount equal to such reduction shall be paid to the Authority created for such district for its operating expenses in the manner provided in Section 18-11. The remainder of general State school aid for any such district shall be paid in accordance with Article 34A when that Article provides for a disposition other than that provided by this Article.

(2) (Blank).

(3) Summer school. Summer school payments shall be made as provided in Section 18-4.3.

(M) Education Funding Advisory Board.

The Education Funding Advisory Board, hereinafter in this subsection (M) referred to as the "Board", is hereby created. The Board shall consist of 5 members who are appointed by the Governor, by and with the advice and consent of the Senate. The members appointed shall include representatives of education, business, and the general public. One of the members so appointed shall be designated by the Governor at the time the appointment is made as the chairperson of the Board. The initial members of the Board may be appointed any time after the effective date of this amendatory Act of 1997. The regular term of each member of the Board shall be for 4 years from the third Monday of January of the year in which the term of the member's appointment is to commence, except that of the 5 initial members appointed to serve on the Board, the member who is appointed as the chairperson shall serve for a term that commences on the date of his or her appointment and expires on the third Monday of January, 2002, and the remaining 4 members, by lots drawn at the first meeting of the Board that is held after all 5 members are appointed, shall determine 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2001, and 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2000. All members appointed to serve on the Board shall serve until their respective successors are appointed and confirmed. Vacancies shall be filled in the same manner as original appointments. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when he or she shall appoint, by and with the advice and consent of the Senate, a person to fill that membership for the unexpired term. If the Senate is not in session when the initial appointments are made, those appointments shall be made as in the case of vacancies.

The Education Funding Advisory Board shall be deemed established, and the initial members appointed by the Governor to serve as members of the Board shall take office, on the date that the Governor makes his or her appointment of the fifth initial member of the Board, whether those initial members are then serving pursuant to appointment and confirmation or pursuant to temporary appointments that are made by the Governor as in the case of vacancies.

The State Board of Education shall provide such staff assistance to the Education Funding Advisory Board as is reasonably required for the proper performance by the Board of its responsibilities.

For school years after the 2000-2001 school year, the Education Funding Advisory Board, in consultation with the State Board of Education, shall make recommendations as provided in this subsection (M) to the General Assembly for the foundation level under subdivision (B)(3) of this Section and for the supplemental general State aid grant level under subsection (H) of this Section for districts with high concentrations of children from poverty. The recommended foundation level shall be determined based on a methodology which incorporates the basic education expenditures of low-spending schools exhibiting high academic performance. The Education Funding Advisory Board shall make such recommendations to the General Assembly on January 1 of odd numbered years, beginning January 1, 2001.

(N) (Blank).

(O) References.

(1) References in other laws to the various subdivisions of Section 18-8 as that Section existed before its repeal and replacement by this Section 18-8.05 shall be deemed to refer to the corresponding provisions of this Section 18-8.05, to the extent that those references remain applicable.

(2) References in other laws to State Chapter 1 funds shall be deemed to refer to the supplemental general State aid provided under subsection (H) of this Section.

(P) Public Act 93-838 and Public Act 93-808 make inconsistent changes to this Section. Under Section 6 of

the Statute on Statutes there is an irreconcilable conflict between Public Act 93-808 and Public Act 93-838. Public Act 93-838, being the last acted upon, is controlling. The text of Public Act 93-838 is the law regardless of the text of Public Act 93-808.

(Source: P.A. 94-69, eff. 7-1-05; 94-438, eff. 8-4-05; 94-835, eff. 6-6-06; 94-1019, eff. 7-10-06; 94-1105, eff. 6-1-07; 95-331, eff. 8-21-07; 95-644, eff. 10-12-07; 95-707, eff. 1-11-08; revised 1-14-08.)

Section 60. The Illinois Public Aid Code is amended by changing Sections 5-5.4, 12-10.7, and 12-10.8 and by adding Section 5-5.26 as follows:

(305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

Sec. 5-5.4. Standards of Payment - Department of Healthcare and Family Services. The Department of Healthcare and Family Services shall develop standards of payment of skilled nursing and intermediate care services in facilities providing such services under this Article which:

(1) Provide for the determination of a facility's payment for skilled nursing and intermediate care services on a prospective basis. The amount of the payment rate for all nursing facilities certified by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities, Long Term Care for Under Age 22 facilities, Skilled Nursing facilities, or Intermediate Care facilities under the medical assistance program shall be prospectively established annually on the basis of historical, financial, and statistical data reflecting actual costs from prior years, which shall be applied to the current rate year and updated for inflation, except that the capital cost element for newly constructed facilities shall be based upon projected budgets. The annually established payment rate shall take effect on July 1 in 1984 and subsequent years. No rate increase and no update for inflation shall be provided on or after July 1, 1994 and before July 1, ~~2009~~ 2008, unless specifically provided for in this Section. The changes made by Public Act 93-841 extending the duration of the prohibition against a rate increase or update for inflation are effective retroactive to July 1, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1998 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1998 shall include an increase of 3% plus \$1.10 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care Facilities for the Developmentally Disabled or Long Term Care for Under Age 22 facilities, the rates taking effect on January 1, 2006 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care Facilities for the Developmentally Disabled or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 2008 shall include an increase sufficient to provide a \$0.50 per hour wage increase for non-executive staff.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% plus \$3.00 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by \$4.00 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, a new payment methodology must be implemented for the nursing component of the rate effective July 1, 2003. The Department of Public Aid (now Healthcare and Family Services) shall develop the new payment methodology using the Minimum Data Set (MDS) as the instrument to collect information concerning nursing home resident condition necessary to compute the rate. The Department shall develop the new payment methodology to meet the unique needs of Illinois nursing home residents while remaining subject to the appropriations provided by the General Assembly. A transition period from the payment methodology in effect on June 30, 2003 to the payment methodology in effect on July 1, 2003 shall be provided for a period not exceeding 3 years and 184 days after

implementation of the new payment methodology as follows:

(A) For a facility that would receive a lower nursing component rate per patient day under the new system than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be held at the level in effect on the date immediately preceding the date that the Department implements the new payment methodology until a higher nursing component rate of reimbursement is achieved by that facility.

(B) For a facility that would receive a higher nursing component rate per patient day under the payment methodology in effect on July 1, 2003 than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be adjusted.

(C) Notwithstanding paragraphs (A) and (B), the nursing component rate per patient day for the facility shall be adjusted subject to appropriations provided by the General Assembly.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on March 1, 2001 shall include a statewide increase of 7.85%, as defined by the Department.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the numerator of the ratio used by the Department of Healthcare and Family Services to compute the rate payable under this Section using the Minimum Data Set (MDS) methodology shall incorporate the following annual amounts as the additional funds appropriated to the Department specifically to pay for rates based on the MDS nursing component methodology in excess of the funding in effect on December 31, 2006:

(i) For rates taking effect January 1, 2007, \$60,000,000.

(ii) For rates taking effect January 1, 2008, \$110,000,000.

(iii) For rates taking effect July 1, 2008, \$194,000,000.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the support component of the rates taking effect on January 1, 2008 shall be computed using the most recent cost reports on file with the Department of Healthcare and Family Services no later than April 1, 2005, updated for inflation to January 1, 2006.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on April 1, 2002 shall include a statewide increase of 2.0%, as defined by the Department. This increase terminates on July 1, 2002; beginning July 1, 2002 these rates are reduced to the level of the rates in effect on March 31, 2002, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on July 1, 2001 shall be computed using the most recent cost reports on file with the Department of Public Aid no later than April 1, 2000, updated for inflation to January 1, 2001. For rates effective July 1, 2001 only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the Illinois Department shall determine by rule the rates taking effect on July 1, 2002, which shall be 5.9% less than the rates in effect on June 30, 2002.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, if the payment methodologies required under Section 5A-12 and the waiver granted under 42 CFR 433.68 are approved by the United States Centers for Medicare and Medicaid Services, the rates taking effect on July 1, 2004 shall be 3.0% greater than the rates in effect on June 30, 2004. These rates shall take effect only upon approval and implementation of the payment methodologies required under Section 5A-12.

Notwithstanding any other provisions of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on January 1, 2005 shall be 3% more than the rates in effect on December 31, 2004.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities,



effective July 1, 2008, the per diem support component of the rates effective on January 1, 2008, computed using the most recent cost reports on file with the Department of Healthcare and Family Services no later than April 1, 2005, updated for inflation to January 1, 2006, shall be increased to the amount that would have been derived using standard Department of Healthcare and Family Services methods, procedures, and inflators.

Notwithstanding any other provisions of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as intermediate care facilities that are federally defined as Institutions for Mental Disease, a socio-development component rate equal to 6.6% of the facility's nursing component rate as of January 1, 2006 shall be established and paid effective July 1, 2006. The socio-development component of the rate shall be increased by a factor of 2.53 on the first day of the month that begins at least 45 days after January 11, 2008 (the effective date of Public Act 95-707). The socio-development component of the rate shall be increased by a factor of 3.53 on July 1, 2008, the effective date of this amendatory Act of the 95th General Assembly. The Illinois Department may by rule adjust these socio-development component rates, but in no case may such rates be diminished.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or as long-term care facilities for residents under 22 years of age, the rates taking effect on July 1, 2003 shall include a statewide increase of 4%, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on the first day of the month that begins at least 45 days after the effective date of this amendatory Act of the 95th General Assembly shall include a statewide increase of 2.5%, as defined by the Department.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, effective January 1, 2005, facility rates shall be increased by the difference between (i) a facility's per diem property, liability, and malpractice insurance costs as reported in the cost report filed with the Department of Public Aid and used to establish rates effective July 1, 2001 and (ii) those same costs as reported in the facility's 2002 cost report. These costs shall be passed through to the facility without caps or limitations, except for adjustments required under normal auditing procedures.

Rates established effective each July 1 shall govern payment for services rendered throughout that fiscal year, except that rates established on July 1, 1996 shall be increased by 6.8% for services provided on or after January 1, 1997. Such rates will be based upon the rates calculated for the year beginning July 1, 1990, and for subsequent years thereafter until June 30, 2001 shall be based on the facility cost reports for the facility fiscal year ending at any point in time during the previous calendar year, updated to the midpoint of the rate year. The cost report shall be on file with the Department no later than April 1 of the current rate year. Should the cost report not be on file by April 1, the Department shall base the rate on the latest cost report filed by each skilled care facility and intermediate care facility, updated to the midpoint of the current rate year. In determining rates for services rendered on and after July 1, 1985, fixed time shall not be computed at less than zero. The Department shall not make any alterations of regulations which would reduce any component of the Medicaid rate to a level below what that component would have been utilizing in the rate effective on July 1, 1984.

(2) Shall take into account the actual costs incurred by facilities in providing services for recipients of skilled nursing and intermediate care services under the medical assistance program.

(3) Shall take into account the medical and psycho-social characteristics and needs of the patients.

(4) Shall take into account the actual costs incurred by facilities in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the U.S. Department of Health and Human Services pursuant to Title XIX of the Social Security Act.

The Department of Healthcare and Family Services shall develop precise standards for payments to reimburse nursing facilities for any utilization of appropriate rehabilitative personnel for the provision of rehabilitative services which is authorized by federal regulations, including reimbursement for services provided by qualified therapists or qualified assistants, and which is in accordance with accepted professional practices. Reimbursement also may be made for utilization of other supportive personnel under appropriate supervision.

(Source: P.A. 94-48, eff. 7-1-05; 94-85, eff. 6-28-05; 94-697, eff. 11-21-05; 94-838, eff. 6-6-06; 94-964, eff. 6-28-06; 95-12, eff. 7-2-07; 95-331, eff. 8-21-07; 95-707, eff. 1-11-08.)

(305 ILCS 5/5-5.26 new)

Sec. 5-5.26. Multiple sclerosis; home services; waiver. The Department of Healthcare and Family Services shall apply for a waiver of federal law and regulations to the extent necessary to claim federal financial participation for medical assistance for services provided under the Department of Human Services' Home Services Program for persons with multiple sclerosis who are over 60 years of age and have retirement assets or life insurance assets, or both, that do not exceed a total of \$500,000.

(305 ILCS 5/12-10.7)

Sec. 12-10.7. The Health and Human Services Medicaid Trust Fund.

(a) The Health and Human Services Medicaid Trust Fund shall consist of (i) moneys appropriated or transferred into the Fund, pursuant to statute, (ii) federal financial participation moneys received pursuant to expenditures from the Fund, and (iii) the interest earned on moneys in the Fund.

(b) Subject to appropriation, the moneys in the Fund shall be used by a State agency for such purposes as that agency may, by the appropriation language, be directed.

(c) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$3,500,000 from the Health and Human Services Medicaid Trust Fund to the Human Services Priority Capital Program Fund.

(d) In addition to any other transfers that may be provided for by law, on July 1, 2008, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$7,000,000 from the Health and Human Services Medicaid Trust Fund to the Human Services Priority Capital Program Fund.

(Source: P.A. 95-707, eff. 1-11-08.)

(305 ILCS 5/12-10.8)

Sec. 12-10.8. Mental health contracts. Subject to appropriations available for these purposes, including, without limitation, the FY08 and FY09 appropriations to the Department for federally defined Institutions for Mental Disease, the Department of Healthcare and Family Services shall enter into a contract for \$1,000,000 with ~~a~~ the provider of community mental health services that has more than 700 beds at over 30 service locations in multiple counties for purposes of supporting the implementation of time-limited resident review and rapid reintegration targeted to residents of federally defined Institutions for Mental Disease.

(Source: P.A. 95-707, eff. 1-11-08.)

Section 70. The Illinois Affordable Housing Act is amended by changing Section 8 as follows:

(310 ILCS 65/8) (from Ch. 67 1/2, par. 1258)

Sec. 8. Uses of Trust Fund.

(a) Subject to annual appropriation to the Funding Agent and subject to the prior dedication, allocation, transfer and use of Trust Fund Moneys as provided in Sections 8(b), 8(c) and 9 of this Act, the Trust Fund may be used to make grants, mortgages, or other loans to acquire, construct, rehabilitate, develop, operate, insure, and retain affordable single-family and multi-family housing in this State for low-income and very low-income households. The majority of monies appropriated to the Trust Fund in any given year are to be used for affordable housing for very low-income households. For the fiscal years 2007, ~~and 2008~~ and 2009 only, the Department of Human Services is authorized to receive appropriations and spend moneys from the Illinois Affordable Housing Trust Fund for the purpose of developing and coordinating public and private resources targeted to meet the affordable housing needs of low-income, very low-income, and special needs households in the State of Illinois.

(b) For each fiscal year commencing with fiscal year 1994, the Program Administrator shall certify from time to time to the Funding Agent, the Comptroller and the State Treasurer amounts, up to an aggregate in any fiscal year of \$10,000,000, of Trust Fund Moneys expected to be used or pledged by the Program Administrator during the fiscal year for the purposes and uses specified in Sections 8(c) and 9 of this Act. Subject to annual appropriation, upon receipt of such certification, the Funding Agent and the Comptroller shall dedicate and the State Treasurer shall transfer not less often than monthly to the Program Administrator or its designated payee, without requisition or further request therefor, all amounts accumulated in the Trust Fund within the State Treasury and not already transferred to the Loan Commitment Account prior to the Funding Agent's receipt of such certification, until the Program Administrator has received the aggregate amount certified by the Program Administrator, to be used solely for the purposes and uses authorized and provided in Sections 8(c) and 9 of this Act. Neither the Comptroller nor the Treasurer shall transfer, dedicate or allocate any of the Trust Fund Moneys transferred or certified for transfer by the Program Administrator as provided above to any other fund, nor shall the

Governor authorize any such transfer, dedication or allocation, nor shall any of the Trust Fund Moneys so dedicated, allocated or transferred be used, temporarily or otherwise, for interfund borrowing, or be otherwise used or appropriated, except as expressly authorized and provided in Sections 8(c) and 9 of this Act for the purposes and subject to the priorities, limitations and conditions provided for therein until such obligations, uses and dedications as therein provided, have been satisfied.

(c) Notwithstanding Section 5(b) of this Act, any Trust Fund Moneys transferred to the Program Administrator pursuant to Section 8(b) of this Act, or otherwise obtained, paid to or held by or for the Program Administrator, or pledged pursuant to resolution of the Program Administrator, for Affordable Housing Program Trust Fund Bonds or Notes under the Illinois Housing Development Act, and all proceeds, payments and receipts from investments or use of such moneys, including any residual or additional funds or moneys generated or obtained in connection with any of the foregoing, may be held, pledged, applied or dedicated by the Program Administrator as follows:

(1) as required by the terms of any pledge of or resolution of the Program

Administrator authorized under Section 9 of this Act in connection with Affordable Housing Program Trust Fund Bonds or Notes issued pursuant to the Illinois Housing Development Act;

(2) to or for costs of issuance and administration and the payments of any principal, interest, premium or other amounts or expenses incurred or accrued in connection with Affordable Housing Program Trust Fund Bonds or Notes, including rate protection contracts and credit support arrangements pertaining thereto, and, provided such expenses, fees and charges are obligations, whether recourse or nonrecourse, and whether financed with or paid from the proceeds of Affordable Housing Program Trust Fund Bonds or Notes, of the developers, mortgagors or other users, the Program Administrator's expenses and servicing, administration and origination fees and charges in connection with any loans, mortgages, or developments funded or financed or expected to be funded or financed, in whole or in part, from the issuance of Affordable Housing Program Trust Fund Bonds or Notes;

(3) to or for costs of issuance and administration and the payments of principal, interest, premium, loan fees, and other amounts or other obligations of the Program Administrator, including rate protection contracts and credit support arrangements pertaining thereto, for loans, commercial paper or other notes or bonds issued by the Program Administrator pursuant to the Illinois Housing Development Act, provided that the proceeds of such loans, commercial paper or other notes or bonds are paid or expended in connection with, or refund or repay, loans, commercial paper or other notes or bonds issued or made in connection with bridge loans or loans for the construction, renovation, redevelopment, restructuring, reorganization of Affordable Housing and related expenses, including development costs, technical assistance, or other amounts to construct, preserve, improve, renovate, rehabilitate, refinance, or assist Affordable Housing, including financially troubled Affordable Housing, permanent or other financing for which has been funded or financed or is expected to be funded or financed in whole or in part by the Program Administrator through the issuance of or use of proceeds from Affordable Housing Program Trust Fund Bonds or Notes;

(4) to or for direct expenditures or reimbursement for development costs, technical assistance, or other amounts to construct, preserve, improve, renovate, rehabilitate, refinance, or assist Affordable Housing, including financially troubled Affordable Housing, permanent or other financing for which has been funded or financed or is expected to be funded or financed in whole or in part by the Program Administrator through the issuance of or use of proceeds from Affordable Housing Program Trust Fund Bonds or Notes; and

(5) for deposit into any residual, sinking, reserve or revolving fund or pool established by the Program Administrator, whether or not pledged to secure Affordable Housing Program Trust Fund Bonds or Notes, to support or be utilized for the issuance, redemption, or payment of the principal, interest, premium or other amounts payable on or with respect to any existing, additional or future Affordable Housing Program Trust Fund Bonds or Notes, or to or for any other expenditure authorized by this Section 8(c).

(d) All or a portion of the Trust Fund Moneys on deposit or to be deposited in the Trust Fund not already certified for transfer or transferred to the Program Administrator pursuant to Section 8(b) of this Act may be used to secure the repayment of Affordable Housing Program Trust Fund Bonds or Notes, or otherwise to supplement or support Affordable Housing funded or financed or intended to be funded or financed, in whole or in part, by Affordable Housing Program Trust Fund Bonds or Notes.

(e) Assisted housing may include housing for special needs populations such as the homeless, single-parent families, the elderly, or the physically and mentally disabled. The Trust Fund shall be used to implement a demonstration congregate housing project for any such special needs population.

(f) Grants from the Trust Fund may include, but are not limited to, rental assistance and security deposit subsidies for low and very low-income households.

(g) The Trust Fund may be used to pay actual and reasonable costs for Commission members to attend Commission meetings, and any litigation costs and expenses, including legal fees, incurred by the Program Administrator in any litigation related to this Act or its action as Program Administrator.

(h) The Trust Fund may be used to make grants for (1) the provision of technical assistance, (2) outreach, and (3) building an organization's capacity to develop affordable housing projects.

(i) Amounts on deposit in the Trust Fund may be used to reimburse the Program Administrator and the Funding Agent for costs incurred in the performance of their duties under this Act, excluding costs and fees of the Program Administrator associated with the Program Escrow to the extent withheld pursuant to paragraph (8) of subsection (b) of Section 5.

(Source: P.A. 94-839, eff. 6-6-06; 95-707, eff. 1-11-08.)

Section 999. Effective date. This Act takes effect July 1, 2008."

The foregoing motions prevailed and Amendments numbered 1 and 2 were adopted.

Representative Hannig moved to table Floor amendment No. 1.  
The motion prevailed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

#### **HOUSE BILL ON THIRD READING**

The following bill and any amendments adopted thereto were reproduced. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Madigan, HOUSE BILL 3741 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: 62, Yeas; 46, Nays; 1, Answering Present.  
(ROLL CALL 35)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

#### **HOUSE BILL ON SECOND READING**

HOUSE BILL 3742. Having been read by title a second time on May 19, 2008, and held on the order of Second Reading, the same was again taken up.

Representative Hannig offered and withdrew Amendment No. 1.

Representative Hannig offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 3742 by replacing everything after the enacting clause with the following:

##### **"ARTICLE 1. SHORT TITLE; PURPOSE**

Section 1-1. Short title. This Act may be cited as the FY2009 Budget Implementation (Finance) Act.

Section 1-5. Purpose. It is the purpose of this Act to make changes in State programs that are necessary to implement the Governor's Fiscal Year 2009 budget recommendations concerning finance.

##### **ARTICLE 5. AMENDATORY PROVISIONS**

Section 5-20. The State Finance Act is amended by changing Sections 6z-63, 6z-64, and 13.2 as follows: (30 ILCS 105/6z-63)

Sec. 6z-63. The Professional Services Fund.

(a) The Professional Services Fund is created as a revolving fund in the State treasury. The following moneys shall be deposited into the Fund:

- (1) amounts authorized for transfer to the Fund from the General Revenue Fund and other State funds (except for funds classified by the Comptroller as federal trust funds or State trust funds) pursuant to State law or Executive Order;
- (2) federal funds received by the Department of Central Management Services (the "Department") as a result of expenditures from the Fund;
- (3) interest earned on moneys in the Fund; and
- (4) receipts or inter-fund transfers resulting from billings issued by the Department to State agencies for the cost of professional services rendered by the Department that are not compensated through the specific fund transfers authorized by this Section.

(b) Moneys in the Fund may be used by the Department for reimbursement or payment for:

- (1) providing professional services to State agencies or other State entities;
- (2) rendering other services to State agencies at the Governor's direction or to other State entities upon agreement between the Director of Central Management Services and the appropriate official or governing body of the other State entity; or
- (3) providing for payment of administrative and other expenses incurred by the Department in providing professional services.

(c) State agencies or other State entities may direct the Comptroller to process inter-fund transfers or make payment through the voucher and warrant process to the Professional Services Fund in satisfaction of billings issued under subsection (a) of this Section.

(d) Reconciliation. For the fiscal year beginning on July 1, 2004 only, the Director of Central Management Services (the "Director") shall order that each State agency's payments and transfers made to the Fund be reconciled with actual Fund costs for professional services provided by the Department on no less than an annual basis. The Director may require reports from State agencies as deemed necessary to perform this reconciliation.

(e) The following amounts are authorized for transfer into the Professional Services Fund for the fiscal year beginning July 1, 2004:

General Revenue Fund .....	\$5,440,431
Road Fund .....	\$814,468
Motor Fuel Tax Fund.....	\$263,500
Child Support Administrative Fund .....	\$234,013
Professions Indirect Cost Fund.....	\$276,800
Capital Development Board Revolving Fund.....	\$207,610
Bank & Trust Company Fund .....	\$200,214
State Lottery Fund .....	\$193,691
Insurance Producer Administration Fund.....	\$174,672
Insurance Financial Regulation Fund .....	\$168,327
Illinois Clean Water Fund.....	\$124,675
Clean Air Act (CAA) Permit Fund .....	\$91,803
Statistical Services Revolving Fund .....	\$90,959
Financial Institution Fund.....	\$109,428
Horse Racing Fund .....	\$71,127
Health Insurance Reserve Fund .....	\$66,577
Solid Waste Management Fund.....	\$61,081
Guardianship and Advocacy Fund .....	\$1,068
Agricultural Premium Fund.....	\$493
Wildlife and Fish Fund .....	\$247
Radiation Protection Fund .....	\$33,277
Nuclear Safety Emergency Preparedness Fund .....	\$25,652
Tourism Promotion Fund .....	\$6,814

All of these transfers shall be made on July 1, 2004, or as soon thereafter as practical. These transfers shall be made notwithstanding any other provision of State law to the contrary.

(e-5) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2005 and through June 30, 2006, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Director of Central Management Services, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Professional Services Fund from the designated

funds not exceeding the following totals:

Food and Drug Safety Fund.....	\$3,249
Financial Institution Fund.....	\$12,942
General Professions Dedicated Fund.....	\$8,579
Illinois Department of Agriculture	
Laboratory Services Revolving Fund.....	\$1,963
Illinois Veterans' Rehabilitation Fund.....	\$11,275
State Boating Act Fund.....	\$27,000
State Parks Fund.....	\$22,007
Agricultural Premium Fund.....	\$59,483
Fire Prevention Fund.....	\$29,862
Mental Health Fund.....	\$78,213
Illinois State Pharmacy Disciplinary Fund.....	\$2,744
Radiation Protection Fund.....	\$16,034
Solid Waste Management Fund.....	\$37,669
Illinois Gaming Law Enforcement Fund.....	\$7,260
Subtitle D Management Fund.....	\$4,659
Illinois State Medical Disciplinary Fund.....	\$8,602
Department of Children and	
Family Services Training Fund.....	\$29,906
Facility Licensing Fund.....	\$1,083
Youth Alcoholism and Substance	
Abuse Prevention Fund.....	\$2,783
Plugging and Restoration Fund.....	\$1,105
State Crime Laboratory Fund.....	\$1,353
Motor Vehicle Theft Prevention Trust Fund.....	\$9,190
Weights and Measures Fund.....	\$4,932
Solid Waste Management Revolving	
Loan Fund.....	\$2,735
Illinois School Asbestos Abatement Fund.....	\$2,166
Violence Prevention Fund.....	\$5,176
Capital Development Board Revolving Fund.....	\$14,777
DCFS Children's Services Fund.....	\$1,256,594
State Police DUI Fund.....	\$1,434
Illinois Health Facilities Planning Fund.....	\$3,191
Emergency Public Health Fund.....	\$7,996
Fair and Exposition Fund.....	\$3,732
Nursing Dedicated and Professional Fund.....	\$5,792
Optometric Licensing and Disciplinary Board Fund.....	\$1,032
Underground Resources Conservation Enforcement Fund.....	\$1,221
State Rail Freight Loan Repayment Fund.....	\$6,434
Drunk and Drugged Driving Prevention Fund.....	\$5,473
Illinois Affordable Housing Trust Fund.....	\$118,222
Community Water Supply Laboratory Fund.....	\$10,021
Used Tire Management Fund.....	\$17,524
Natural Areas Acquisition Fund.....	\$15,501
Open Space Lands Acquisition	
and Development Fund.....	\$49,105
Working Capital Revolving Fund.....	\$126,344
State Garage Revolving Fund.....	\$92,513
Statistical Services Revolving Fund.....	\$181,949
Paper and Printing Revolving Fund.....	\$3,632
Air Transportation Revolving Fund.....	\$1,969
Communications Revolving Fund.....	\$304,278
Environmental Laboratory Certification Fund.....	\$1,357
Public Health Laboratory Services Revolving Fund.....	\$5,892
Provider Inquiry Trust Fund.....	\$1,742

Lead Poisoning Screening, Prevention, and Abatement Fund .....	\$8,200
Drug Treatment Fund .....	\$14,028
Feed Control Fund .....	\$2,472
Plumbing Licensure and Program Fund .....	\$3,521
Insurance Premium Tax Refund Fund .....	\$7,872
Tax Compliance and Administration Fund .....	\$5,416
Appraisal Administration Fund .....	\$2,924
Trauma Center Fund .....	\$40,139
Alternate Fuels Fund .....	\$1,467
Illinois State Fair Fund .....	\$13,844
State Asset Forfeiture Fund .....	\$8,210
Federal Asset Forfeiture Fund .....	\$6,471
Department of Corrections Reimbursement and Education Fund .....	\$78,965
Health Facility Plan Review Fund .....	\$3,444
LEADS Maintenance Fund .....	\$6,075
State Offender DNA Identification System Fund .....	\$1,712
Illinois Historic Sites Fund .....	\$4,511
Public Pension Regulation Fund .....	\$2,313
Workforce, Technology, and Economic Development Fund .....	\$5,357
Renewable Energy Resources Trust Fund .....	\$29,920
Energy Efficiency Trust Fund .....	\$8,368
Pesticide Control Fund .....	\$6,687
Conservation 2000 Fund .....	\$30,764
Wireless Carrier Reimbursement Fund .....	\$91,024
International Tourism Fund .....	\$13,057
Public Transportation Fund .....	\$701,837
Horse Racing Fund .....	\$18,589
Death Certificate Surcharge Fund .....	\$1,901
State Police Wireless Service Emergency Fund .....	\$1,012
Downstate Public Transportation Fund .....	\$112,085
Motor Carrier Safety Inspection Fund .....	\$6,543
State Police Whistleblower Reward and Protection Fund .....	\$1,894
Illinois Standardbred Breeders Fund .....	\$4,412
Illinois Thoroughbred Breeders Fund .....	\$6,635
Illinois Clean Water Fund .....	\$17,579
Independent Academic Medical Center Fund .....	\$5,611
Child Support Administrative Fund .....	\$432,527
Corporate Headquarters Relocation Assistance Fund .....	\$4,047
Local Initiative Fund .....	\$58,762
Tourism Promotion Fund .....	\$88,072
Digital Divide Elimination Fund .....	\$11,593
Presidential Library and Museum Operating Fund .....	\$4,624
Metro-East Public Transportation Fund .....	\$47,787
Medical Special Purposes Trust Fund .....	\$11,779
Dram Shop Fund .....	\$11,317
Illinois State Dental Disciplinary Fund .....	\$1,986
Hazardous Waste Research Fund .....	\$1,333
Real Estate License Administration Fund .....	\$10,886
Traffic and Criminal Conviction	

Surcharge Fund.....	\$44,798
Criminal Justice Information Systems Trust Fund .....	\$5,693
Design Professionals Administration and Investigation Fund .....	\$2,036
State Surplus Property Revolving Fund .....	\$6,829
Illinois Forestry Development Fund.....	\$7,012
State Police Services Fund .....	\$47,072
Youth Drug Abuse Prevention Fund .....	\$1,299
Metabolic Screening and Treatment Fund.....	\$15,947
Insurance Producer Administration Fund.....	\$30,870
Coal Technology Development Assistance Fund.....	\$43,692
Rail Freight Loan Repayment Fund .....	\$1,016
Low-Level Radioactive Waste Facility Development and Operation Fund.....	\$1,989
Environmental Protection Permit and Inspection Fund .....	\$32,125
Park and Conservation Fund.....	\$41,038
Local Tourism Fund .....	\$34,492
Illinois Capital Revolving Loan Fund .....	\$10,624
Illinois Equity Fund.....	\$1,929
Large Business Attraction Fund .....	\$5,554
Illinois Beach Marina Fund .....	\$5,053
International and Promotional Fund .....	\$1,466
Public Infrastructure Construction Loan Revolving Fund .....	\$3,111
Insurance Financial Regulation Fund .....	\$42,575
Total .....	\$4,975,487

(e-7) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2006 and through June 30, 2007, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Director of Central Management Services, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Professional Services Fund from the designated funds not exceeding the following totals:

Food and Drug Safety Fund.....	\$3,300
Financial Institution Fund.....	\$13,000
General Professions Dedicated Fund.....	\$8,600
Illinois Department of Agriculture Laboratory Services Revolving Fund .....	\$2,000
Illinois Veterans' Rehabilitation Fund .....	\$11,300
State Boating Act Fund .....	\$27,200
State Parks Fund.....	\$22,100
Agricultural Premium Fund.....	\$59,800
Fire Prevention Fund.....	\$30,000
Mental Health Fund.....	\$78,700
Illinois State Pharmacy Disciplinary Fund .....	\$2,800
Radiation Protection Fund.....	\$16,100
Solid Waste Management Fund.....	\$37,900
Illinois Gaming Law Enforcement Fund .....	\$7,300
Subtitle D Management Fund.....	\$4,700
Illinois State Medical Disciplinary Fund .....	\$8,700
Facility Licensing Fund.....	\$1,100
Youth Alcoholism and Substance Abuse Prevention Fund .....	\$2,800
Plugging and Restoration Fund .....	\$1,100
State Crime Laboratory Fund .....	\$1,400
Motor Vehicle Theft Prevention Trust Fund .....	\$9,200
Weights and Measures Fund.....	\$5,000
Illinois School Asbestos Abatement Fund.....	\$2,200



Violence Prevention Fund .....	\$5,200
Capital Development Board Revolving Fund.....	\$14,900
DCFS Children's Services Fund .....	\$1,294,000
State Police DUI Fund .....	\$1,400
Illinois Health Facilities Planning Fund .....	\$3,200
Emergency Public Health Fund .....	\$8,000
Fair and Exposition Fund .....	\$3,800
Nursing Dedicated and Professional Fund .....	\$5,800
Optometric Licensing and Disciplinary Board Fund .....	\$1,000
Underground Resources Conservation	
Enforcement Fund .....	\$1,200
State Rail Freight Loan Repayment Fund .....	\$6,500
Drunk and Drugged Driving Prevention Fund .....	\$5,500
Illinois Affordable Housing Trust Fund .....	\$118,900
Community Water Supply Laboratory Fund .....	\$10,100
Used Tire Management Fund .....	\$17,600
Natural Areas Acquisition Fund .....	\$15,600
Open Space Lands Acquisition	
and Development Fund.....	\$49,400
Working Capital Revolving Fund.....	\$127,100
State Garage Revolving Fund.....	\$93,100
Statistical Services Revolving Fund .....	\$183,000
Paper and Printing Revolving Fund.....	\$3,700
Air Transportation Revolving Fund.....	\$2,000
Communications Revolving Fund .....	\$306,100
Environmental Laboratory Certification Fund .....	\$1,400
Public Health Laboratory Services	
Revolving Fund .....	\$5,900
Provider Inquiry Trust Fund .....	\$1,800
Lead Poisoning Screening, Prevention,	
and Abatement Fund.....	\$8,200
Drug Treatment Fund .....	\$14,100
Feed Control Fund.....	\$2,500
Plumbing Licensure and Program Fund .....	\$3,500
Insurance Premium Tax Refund Fund .....	\$7,900
Tax Compliance and Administration Fund.....	\$5,400
Appraisal Administration Fund .....	\$2,900
Trauma Center Fund.....	\$40,400
Alternate Fuels Fund .....	\$1,500
Illinois State Fair Fund .....	\$13,900
State Asset Forfeiture Fund .....	\$8,300
Department of Corrections	
Reimbursement and Education Fund.....	\$79,400
Health Facility Plan Review Fund.....	\$3,500
LEADS Maintenance Fund .....	\$6,100
State Offender DNA Identification System Fund.....	\$1,700
Illinois Historic Sites Fund .....	\$4,500
Public Pension Regulation Fund.....	\$2,300
Workforce, Technology, and Economic	
Development Fund .....	\$5,400
Renewable Energy Resources Trust Fund .....	\$30,100
Energy Efficiency Trust Fund .....	\$8,400
Pesticide Control Fund .....	\$6,700
Conservation 2000 Fund.....	\$30,900
Wireless Carrier Reimbursement Fund .....	\$91,600
International Tourism Fund .....	\$13,100
Public Transportation Fund .....	\$705,900

Horse Racing Fund .....	\$18,700
Death Certificate Surcharge Fund .....	\$1,900
State Police Wireless Service Emergency Fund .....	\$1,000
Downstate Public Transportation Fund .....	\$112,700
Motor Carrier Safety Inspection Fund .....	\$6,600
State Police Whistleblower Reward and Protection Fund .....	\$1,900
Illinois Standardbred Breeders Fund .....	\$4,400
Illinois Thoroughbred Breeders Fund .....	\$6,700
Illinois Clean Water Fund .....	\$17,700
Child Support Administrative Fund .....	\$435,100
Tourism Promotion Fund .....	\$88,600
Digital Divide Elimination Fund .....	\$11,700
Presidential Library and Museum Operating Fund .....	\$4,700
Metro-East Public Transportation Fund .....	\$48,100
Medical Special Purposes Trust Fund .....	\$11,800
Dram Shop Fund .....	\$11,400
Illinois State Dental Disciplinary Fund .....	\$2,000
Hazardous Waste Research Fund .....	\$1,300
Real Estate License Administration Fund .....	\$10,900
Traffic and Criminal Conviction Surcharge Fund .....	\$45,100
Criminal Justice Information Systems Trust Fund .....	\$5,700
Design Professionals Administration and Investigation Fund .....	\$2,000
State Surplus Property Revolving Fund .....	\$6,900
State Police Services Fund .....	\$47,300
Youth Drug Abuse Prevention Fund .....	\$1,300
Metabolic Screening and Treatment Fund .....	\$16,000
Insurance Producer Administration Fund .....	\$31,100
Coal Technology Development Assistance Fund .....	\$43,900
Low-Level Radioactive Waste Facility Development and Operation Fund .....	\$2,000
Environmental Protection Permit and Inspection Fund .....	\$32,300
Park and Conservation Fund .....	\$41,300
Local Tourism Fund .....	\$34,700
Illinois Capital Revolving Loan Fund .....	\$10,700
Illinois Equity Fund .....	\$1,900
Large Business Attraction Fund .....	\$5,600
Illinois Beach Marina Fund .....	\$5,100
International and Promotional Fund .....	\$1,500
Public Infrastructure Construction Loan Revolving Fund .....	\$3,100
Insurance Financial Regulation Fund .....	\$42,800
Total .....	\$4,918,200

(e-10) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, on the first day of each calendar quarter of the fiscal year beginning July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from each designated fund into the Professional Services Fund amounts equal to one-fourth of each of the following totals:

General Revenue Fund .....	\$4,440,000
Road Fund .....	\$5,324,411
Total .....	\$9,764,411

(e-15) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, the State Comptroller shall direct and the State Treasurer shall transfer from the funds specified into the Professional Services Fund according to the schedule specified herein as follows:

General Revenue Fund .....	\$4,466,000
Road Fund .....	\$5,355,500
Total .....	\$9,821,500

One-fourth of the specified amount shall be transferred on each of July 1 and October 1, 2006, or as soon as may be practical thereafter, and one-half of the specified amount shall be transferred on January 1, 2007, or as soon as may be practical thereafter.

(e-20) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2008 and through June 30, 2009, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Director of Central Management Services, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Professional Services Fund from the designated funds not exceeding the following totals:

<u>Grade Crossing Protection Fund.....</u>	<u>\$14,900</u>
<u>Financial Institution Fund.....</u>	<u>\$2,100</u>
<u>General Professions Dedicated Fund.....</u>	<u>\$2,000</u>
<u>Illinois Veterans' Rehabilitation Fund.....</u>	<u>\$2,600</u>
<u>State Boating Act Fund .....</u>	<u>\$6,700</u>
<u>State Parks Fund.....</u>	<u>\$7,300</u>
<u>Agricultural Premium Fund.....</u>	<u>\$14,900</u>
<u>Fire Prevention Fund.....</u>	<u>\$11,400</u>
<u>Mental Health Fund.....</u>	<u>\$8,500</u>
<u>Illinois State Pharmacy Disciplinary Fund.....</u>	<u>\$1,800</u>
<u>Radiation Protection Fund.....</u>	<u>\$3,200</u>
<u>Solid Waste Management Fund.....</u>	<u>\$12,200</u>
<u>Illinois Gaming Law Enforcement Fund.....</u>	<u>\$1,400</u>
<u>Subtitle D Management Fund.....</u>	<u>\$1,400</u>
<u>Illinois State Medical Disciplinary Fund.....</u>	<u>\$2,100</u>
<u>Weights and Measures Fund.....</u>	<u>\$1,600</u>
<u>Violence Prevention Fund.....</u>	<u>\$1,100</u>
<u>Capital Development Board Revolving Fund.....</u>	<u>\$2,800</u>
<u>DCFS Children's Services Fund.....</u>	<u>\$293,500</u>
<u>Illinois Health Facilities Planning Fund.....</u>	<u>\$1,000</u>
<u>Emergency Public Health Fund.....</u>	<u>\$1,900</u>
<u>Nursing Dedicated and Professional Fund.....</u>	<u>\$1,500</u>
<u>State Rail Freight Loan Repayment Fund.....</u>	<u>\$1,400</u>
<u>Drunk and Drugged Driving Prevention Fund.....</u>	<u>\$1,100</u>
<u>Community Water Supply Laboratory Fund.....</u>	<u>\$1,400</u>
<u>Used Tire Management Fund.....</u>	<u>\$3,000</u>
<u>Natural Areas Acquisition Fund.....</u>	<u>\$8,600</u>
<u>Open Space Lands Acquisition</u>	
<u>    and Development Fund.....</u>	<u>\$9,900</u>
<u>Working Capital Revolving Fund.....</u>	<u>\$23,500</u>
<u>State Garage Revolving Fund.....</u>	<u>\$23,400</u>
<u>Statistical Services Revolving Fund.....</u>	<u>\$81,200</u>
<u>Communications Revolving Fund.....</u>	<u>\$77,400</u>
<u>Facilities Management Revolving Fund.....</u>	<u>\$117,100</u>
<u>Public Health Laboratory Services</u>	
<u>    Revolving Fund.....</u>	<u>\$900</u>
<u>Lead Poisoning Screening, Prevention,</u>	
<u>    and Abatement Fund.....</u>	<u>\$1,800</u>
<u>Drug Treatment Fund.....</u>	<u>\$2,200</u>
<u>Tax Compliance and Administration Fund.....</u>	<u>\$1,300</u>
<u>Trauma Center Fund.....</u>	<u>\$5,800</u>
<u>Illinois State Fair Fund.....</u>	<u>\$3,300</u>
<u>Department of Corrections Reimbursement</u>	
<u>    and Education Fund.....</u>	<u>\$27,600</u>
<u>Illinois Historic Sites Fund.....</u>	<u>\$1,300</u>
<u>Pesticide Control Fund.....</u>	<u>\$1,800</u>

Partners for Conservation Fund.....	\$6,100
International Tourism Fund.....	\$3,200
Public Transportation Fund.....	\$183,000
Horse Racing Fund.....	\$4,200
Downstate Public Transportation Fund.....	\$42,500
Motor Carrier Safety Inspection Fund.....	\$1,200
Illinois Standardbred Breeders Fund.....	\$900
Illinois Thoroughbred Breeders Fund.....	\$1,400
Illinois Clean Water Fund.....	\$4,700
Child Support Administrative Fund.....	\$97,500
Tourism Promotion Fund.....	\$22,500
Digital Divide Elimination Fund.....	\$2,700
Presidential Library and Museum Operating Fund.....	\$6,500
Metro-East Public Transportation Fund.....	\$5,800
Medical Special Purposes Trust Fund.....	\$1,300
Dram Shop Fund.....	\$2,400
Cycle Rider Safety Training Fund.....	\$1,700
State Police Services Fund.....	\$11,400
Metabolic Screening and Treatment Fund.....	\$5,200
Insurance Producer Administration Fund.....	\$4,200
Coal Technology Development Assistance Fund.....	\$13,800
Environmental Protection Permit and Inspection Fund.....	\$7,000
Park and Conservation Fund.....	\$9,200
Local Tourism Fund.....	\$7,500
Illinois Capital Revolving Loan Fund.....	\$2,100
Large Business Attraction Fund.....	\$1,500
Adeline Jay Geo-Karis Illinois Beach Marina Fund.....	\$1,100
Insurance Financial Regulation Fund.....	\$6,000
<b>Total</b> .....	<b>\$1,246,500</b>

(e-25) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, the State Comptroller shall direct and the State Treasurer shall transfer from the funds specified into the Professional Services Fund according to the schedule specified herein as follows:

General Revenue Fund.....	\$9,157,700
Road Fund.....	\$1,415,800
<b>Total</b> .....	<b>\$10,573,500</b>

One-fourth of the specified amount shall be transferred on each of July 1 and October 1, 2008, or as soon as may be practical thereafter, and one-half of the specified amount shall be transferred on January 1, 2009, or as soon as may be practical thereafter.

(f) The term "professional services" means services rendered on behalf of State agencies and other State entities pursuant to Section 405-293 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois.

(Source: P.A. 93-839, eff. 7-30-04; 94-91, eff. 7-1-05; 94-839, eff. 6-6-06.)

(30 ILCS 105/6z-64)

Sec. 6z-64. The Workers' Compensation Revolving Fund.

(a) The Workers' Compensation Revolving Fund is created as a revolving fund in the State treasury. The following moneys shall be deposited into the Fund:

- (1) amounts authorized for transfer to the Fund from the General Revenue Fund and other State funds (except for funds classified by the Comptroller as federal trust funds or State trust funds) pursuant to State law or Executive Order;
- (2) federal funds received by the Department of Central Management Services (the "Department") as a result of expenditures from the Fund;
- (3) interest earned on moneys in the Fund;
- (4) receipts or inter-fund transfers resulting from billings issued by the Department to State agencies and universities for the cost of workers' compensation services rendered by the

Department that are not compensated through the specific fund transfers authorized by this Section, if any;

(5) amounts received from a State agency or university for workers' compensation payments for temporary total disability, as provided in Section 405-105 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois; and

(6) amounts recovered through subrogation in workers' compensation and workers' occupational disease cases.

(b) Moneys in the Fund may be used by the Department for reimbursement or payment for:

(1) providing workers' compensation services to State agencies and State universities;

or

(2) providing for payment of administrative and other expenses incurred by the Department in providing workers' compensation services.

(c) State agencies may direct the Comptroller to process inter-fund transfers or make payment through the voucher and warrant process to the Workers' Compensation Revolving Fund in satisfaction of billings issued under subsection (a) of this Section.

(d) Reconciliation. For the fiscal year beginning on July 1, 2004 only, the Director of Central Management Services (the "Director") shall order that each State agency's payments and transfers made to the Fund be reconciled with actual Fund costs for workers' compensation services provided by the Department and attributable to the State agency and relevant fund on no less than an annual basis. The Director may require reports from State agencies as deemed necessary to perform this reconciliation.

(d-5) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2005 and until June 30, 2006, in addition to any other transfers that may be provided for by law, at the direction of and upon notification of the Director of Central Management Services, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Workers' Compensation Revolving Fund from the designated funds not exceeding the following totals:

Mental Health Fund.....	\$17,694,000
Statistical Services Revolving Fund .....	\$1,252,600
Department of Corrections Reimbursement and Education Fund .....	\$1,198,600
Communications Revolving Fund .....	\$535,400
Child Support Administrative Fund .....	\$441,900
Health Insurance Reserve Fund.....	\$238,900
Fire Prevention Fund.....	\$234,100
Park and Conservation Fund.....	\$142,000
Motor Fuel Tax Fund.....	\$132,800
Illinois Workers' Compensation Commission Operations Fund .....	\$123,900
State Boating Act Fund .....	\$112,300
Public Utility Fund .....	\$106,500
State Lottery Fund.....	\$101,300
Traffic and Criminal Conviction Surcharge Fund.....	\$88,500
State Surplus Property Revolving Fund .....	\$82,700
Natural Areas Acquisition Fund .....	\$65,600
Securities Audit and Enforcement Fund.....	\$65,200
Agricultural Premium Fund.....	\$63,400
Capital Development Fund.....	\$57,500
State Gaming Fund.....	\$54,300
Underground Storage Tank Fund .....	\$53,700
Illinois State Medical Disciplinary Fund .....	\$53,000
Personal Property Tax Replacement Fund .....	\$53,000
General Professions Dedicated Fund.....	\$51,900
Total	\$23,003,100

(d-10) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, on the first day of each calendar quarter of the fiscal year beginning July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct

and the State Treasurer shall transfer from each designated fund into the Workers' Compensation Revolving Fund amounts equal to one-fourth of each of the following totals:

General Revenue Fund .....	\$34,000,000
Road Fund .....	\$25,987,000
Total .....	\$59,987,000

(d-12) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, on the effective date of this amendatory Act of the 94th General Assembly, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from each designated fund into the Workers' Compensation Revolving Fund the following amounts:

General Revenue Fund .....	\$10,000,000
Road Fund .....	
.....	\$5,000,000
Total .....	\$15,000,000

(d-15) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from each designated fund into the Workers' Compensation Revolving Fund the following amounts:

General Revenue Fund .....	\$44,028,200
Road Fund .....	
.....	\$28,084,000
Total .....	\$72,112,200

(d-20) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2006 and until June 30, 2007, in addition to any other transfers that may be provided for by law, at the direction of and upon notification of the Director of Central Management Services, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Workers' Compensation Revolving Fund from the designated funds not exceeding the following totals:

Mental Health Fund.....	\$19,121,800
Statistical Services Revolving Fund .....	\$1,353,700
Department of Corrections Reimbursement and Education Fund .....	\$1,295,300
Communications Revolving Fund .....	\$578,600
Child Support Administrative Fund .....	\$477,600
Health Insurance Reserve Fund .....	\$258,200
Fire Prevention Fund .....	\$253,000
Park and Conservation Fund.....	\$153,500
Motor Fuel Tax Fund.....	\$143,500
Illinois Workers' Compensation Commission Operations Fund .....	\$133,900
State Boating Act Fund .....	\$121,400
Public Utility Fund .....	\$115,100
State Lottery Fund .....	\$109,500
Traffic and Criminal Conviction Surcharge Fund .....	\$95,700
State Surplus Property Revolving Fund .....	\$89,400
Natural Areas Acquisition Fund .....	\$70,800
Securities Audit and Enforcement Fund .....	\$70,400
Agricultural Premium Fund .....	\$68,500
State Gaming Fund .....	\$58,600
Underground Storage Tank Fund .....	\$58,000
Illinois State Medical Disciplinary Fund .....	\$57,200
Personal Property Tax Replacement Fund .....	\$57,200
General Professions Dedicated Fund .....	\$56,100
Total .....	\$24,797,000

(d-25) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, on July 1, 2008, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from each designated fund into the Workers' Compensation Revolving Fund the following amounts:

General Revenue Fund .....	\$55,000,000
Road Fund .....	\$40,555,600
Total .....	\$95,555,600

(d-30) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2007 and until June 30, 2008, in addition to any other transfers that may be provided for by law, at the direction of and upon notification of the Director of Central Management Services, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Workers' Compensation Revolving Fund from the designated funds not exceeding the following totals:

Food and Drug Safety Fund.....	\$6,600
Teacher Certificate Fee Revolving Fund.....	\$8,000
Transportation Regulatory Fund.....	\$8,800
Financial Institution Fund.....	\$43,400
General Professions Dedicated Fund.....	\$40,100
<u>Illinois Department of Agriculture</u>	
Laboratory Services Revolving Fund.....	\$6,100
Illinois Veterans' Rehabilitation Fund.....	\$104,300
State Boating Act Fund.....	\$228,800
State Parks Fund.....	\$131,000
Lobbyist Registration Administration Fund.....	\$14,300
Agricultural Premium Fund.....	\$157,300
Fire Prevention Fund.....	\$333,000
Mental Health Fund.....	\$139,000
Illinois State Pharmacy Disciplinary Fund.....	\$9,800
Public Utility Fund.....	\$28,300
Radiation Protection Fund.....	\$14,600
Firearm Owner's Notification Fund.....	\$3,200
Solid Waste Management Fund.....	\$39,800
Illinois Gaming Law Enforcement Fund.....	\$19,000
Subtitle D Management Fund.....	\$5,900
Illinois State Medical Disciplinary Fund.....	\$44,300
Facility Licensing Fund.....	\$7,500
Plugging and Restoration Fund.....	\$9,200
Explosives Regulatory Fund.....	\$3,300
Aggregate Operations Regulatory Fund.....	\$7,600
Coal Mining Regulatory Fund.....	\$7,000
<u>Registered Certified Public Accountants'</u>	
Administration and Disciplinary Fund.....	\$2,500
Weights and Measures Fund.....	\$91,900
<u>Division of Corporations Registered</u>	
Limited Liability Partnership Fund.....	\$4,200
Illinois School Asbestos Abatement Fund.....	\$10,700
Secretary of State Special License Plate Fund.....	\$26,600
Capital Development Board Revolving Fund.....	\$28,600
DCFS Children's Services Fund.....	\$76,300
Asbestos Abatement Fund.....	\$11,200
Illinois Health Facilities Planning Fund.....	\$32,900
Emergency Public Health Fund.....	\$6,500
Nursing Dedicated and Professional Fund.....	\$15,600
<u>Optometric Licensing and Disciplinary</u>	
Board Fund.....	\$5,000
<u>Underground Resources Conservation</u>	
Enforcement Fund.....	\$16,300
Mandatory Arbitration Fund.....	\$25,100
Drunk and Drugged Driving Prevention Fund.....	\$33,000
Long Term Care Monitor/Receiver Fund.....	\$4,900
Community Water Supply Laboratory Fund.....	\$3,000
Securities Investors Education Fund.....	\$3,200

Used Tire Management Fund .....	\$25,900
Natural Areas Acquisition Fund .....	\$133,000
Open Space Lands Acquisition and Development Fund .....	\$36,600
Working Capital Revolving Fund .....	\$522,100
State Garage Revolving Fund .....	\$1,071,000
Statistical Services Revolving Fund .....	\$5,584,200
Communications Revolving Fund .....	\$2,009,600
Facilities Management Revolving Fund .....	\$2,499,700
Professional Services Fund .....	\$583,900
Motor Vehicle Review Board Fund .....	\$15,400
Public Health Laboratory Services Revolving Fund .....	\$5,400
Lead Poisoning Screening, Prevention, and Abatement Fund .....	\$18,700
Securities Audit and Enforcement Fund .....	\$206,900
Department of Business Services Special Operations Fund .....	\$105,600
Feed Control Fund .....	\$42,300
Plumbing Licensure and Program Fund .....	\$34,800
Tax Compliance and Administration Fund .....	\$28,300
Appraisal Administration Fund .....	\$4,200
Small Business Environmental Assistance Fund .....	\$2,300
Illinois State Fair Fund .....	\$48,700
Secretary of State Special Services Fund .....	\$194,400
Department of Corrections Reimbursement and Education Fund .....	\$45,900
Health Facility Plan Review Fund .....	\$21,000
Illinois Historic Sites Fund .....	\$10,800
Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund .....	\$7,700
Public Pension Regulation Fund .....	\$9,100
Illinois Charity Bureau Fund .....	\$8,400
Renewable Energy Resources Trust Fund .....	\$7,900
Energy Efficiency Trust Fund .....	\$4,200
Pesticide Control Fund .....	\$85,900
Attorney General Whistleblower Reward and Protection Fund .....	\$9,500
Partners for Conservation Fund .....	\$48,100
Capital Litigation Trust Fund .....	\$7,900
Motor Vehicle License Plate Fund .....	\$59,200
Horse Racing Fund .....	\$20,100
Death Certificate Surcharge Fund .....	\$12,500
Motor Carrier Safety Inspection Fund .....	\$53,400
Illinois Thoroughbred Breeders Fund .....	\$15,500
Illinois Clean Water Fund .....	\$18,700
Secretary of State DUI Administration Fund .....	\$16,900
Child Support Administrative Fund .....	\$1,393,000
Tourism Promotion Fund .....	\$38,400
IMSA Income Fund .....	\$6,600
Presidential Library and Museum Operating Fund .....	\$117,200
Medical Special Purposes Trust Fund .....	\$15,000
Dram Shop Fund .....	\$47,900
Illinois State Dental Disciplinary Fund .....	\$8,100
Cycle Rider Safety Training Fund .....	\$10,600
Traffic and Criminal Conviction Surcharge Fund .....	\$15,600



<u>Design Professionals Administration</u>	
<u>and Investigation Fund</u> .....	\$6,700
<u>State Police Services Fund</u> .....	\$296,800
<u>Metabolic Screening and Treatment Fund</u> .....	\$85,400
<u>Insurance Producer Administration Fund</u> .....	\$81,900
<u>Coal Technology Development Assistance Fund</u> .....	\$12,200
<u>Violent Crime Victims Assistance Fund</u> .....	\$7,500
<u>Hearing Instrument Dispenser Examining</u>	
<u>and Disciplinary Fund</u> .....	\$1,900
<u>Environmental Protection Permit and</u>	
<u>Inspection Fund</u> .....	\$33,500
<u>Park and Conservation Fund</u> .....	\$277,700
<u>Local Tourism Fund</u> .....	\$2,800
<u>Illinois Capital Revolving Loan Fund</u> .....	\$9,500
<u>Large Business Attraction Fund</u> .....	\$2,100
<u>Adeline Jay Geo-Karis Illinois Beach</u>	
<u>Marina Fund</u> .....	\$35,100
<u>Insurance Financial Regulation Fund</u> .....	\$124,400
<u>Total</u> .....	\$114,081,200

(e) The term "workers' compensation services" means services, claims expenses, and related administrative costs incurred in performing the duties under Sections 405-105 and 405-411 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois. (Source: P.A. 93-839, eff. 7-30-04; 94-91, eff. 7-1-05; 94-839, eff. 6-6-06.)

(30 ILCS 105/13.2) (from Ch. 127, par. 149.2)

Sec. 13.2. Transfers among line item appropriations.

(a) Transfers among line item appropriations from the same treasury fund for the objects specified in this Section may be made in the manner provided in this Section when the balance remaining in one or more such line item appropriations is insufficient for the purpose for which the appropriation was made.

(a-1) No transfers may be made from one agency to another agency, nor may transfers be made from one institution of higher education to another institution of higher education.

(a-2) Except as otherwise provided in this Section, transfers may be made only among the objects of expenditure enumerated in this Section, except that no funds may be transferred from any appropriation for personal services, from any appropriation for State contributions to the State Employees' Retirement System, from any separate appropriation for employee retirement contributions paid by the employer, nor from any appropriation for State contribution for employee group insurance. During State fiscal year 2005, an agency may transfer amounts among its appropriations within the same treasury fund for personal services, employee retirement contributions paid by employer, and State Contributions to retirement systems; notwithstanding and in addition to the transfers authorized in subsection (c) of this Section, the fiscal year 2005 transfers authorized in this sentence may be made in an amount not to exceed 2% of the aggregate amount appropriated to an agency within the same treasury fund. During State fiscal ~~years year~~ 2007 ~~and~~ 2009, the Departments of Children and Family Services, Corrections, Human Services, and Juvenile Justice may transfer amounts among their respective appropriations within the same treasury fund for personal services, employee retirement contributions paid by employer, and State contributions to retirement systems. Notwithstanding, and in addition to, the transfers authorized in subsection (c) of this Section, these transfers may be made in an amount not to exceed 2% of the aggregate amount appropriated to an agency within the same treasury fund.

(a-3) Further, if an agency receives a separate appropriation for employee retirement contributions paid by the employer, any transfer by that agency into an appropriation for personal services must be accompanied by a corresponding transfer into the appropriation for employee retirement contributions paid by the employer, in an amount sufficient to meet the employer share of the employee contributions required to be remitted to the retirement system.

(b) In addition to the general transfer authority provided under subsection (c), the following agencies have the specific transfer authority granted in this subsection:

The Department of Healthcare and Family Services is authorized to make transfers representing savings attributable to not increasing grants due to the births of additional children from line items for payments of cash grants to line items for payments for employment and social services for the purposes outlined in subsection (f) of Section 4-2 of the Illinois Public Aid Code.

The Department of Children and Family Services is authorized to make transfers not exceeding 2% of the aggregate amount appropriated to it within the same treasury fund for the following line items among these same line items: Foster Home and Specialized Foster Care and Prevention, Institutions and Group Homes and Prevention, and Purchase of Adoption and Guardianship Services.

The Department on Aging is authorized to make transfers not exceeding 2% of the aggregate amount appropriated to it within the same treasury fund for the following Community Care Program line items among these same line items: Community Care Program services and Comprehensive Care Coordination ~~Homemaker and Senior Companion Services, Alternative Senior Services, Case Coordination Units, and Adult Day Care Services.~~

The State Treasurer is authorized to make transfers among line item appropriations from the Capital Litigation Trust Fund, with respect to costs incurred in fiscal years 2002 and 2003 only, when the balance remaining in one or more such line item appropriations is insufficient for the purpose for which the appropriation was made, provided that no such transfer may be made unless the amount transferred is no longer required for the purpose for which that appropriation was made.

The State Board of Education is authorized to make transfers from line item appropriations within the same treasury fund for General State Aid and General State Aid - Hold Harmless, provided that no such transfer may be made unless the amount transferred is no longer required for the purpose for which that appropriation was made, to the line item appropriation for Transitional Assistance when the balance remaining in such line item appropriation is insufficient for the purpose for which the appropriation was made.

The State Board of Education is authorized to make transfers between the following line item appropriations within the same treasury fund: Disabled Student Services/Materials (Section 14-13.01 of the School Code), Disabled Student Transportation Reimbursement (Section 14-13.01 of the School Code), Disabled Student Tuition - Private Tuition (Section 14-7.02 of the School Code), Extraordinary Special Education (Section 14-7.02b of the School Code), Reimbursement for Free Lunch/Breakfast Program, Summer School Payments (Section 18-4.3 of the School Code), and Transportation - Regular/Vocational Reimbursement (Section 29-5 of the School Code). Such transfers shall be made only when the balance remaining in one or more such line item appropriations is insufficient for the purpose for which the appropriation was made and provided that no such transfer may be made unless the amount transferred is no longer required for the purpose for which that appropriation was made.

(c) The sum of such transfers for an agency in a fiscal year shall not exceed 2% of the aggregate amount appropriated to it within the same treasury fund for the following objects: Personal Services; Extra Help; Student and Inmate Compensation; State Contributions to Retirement Systems; State Contributions to Social Security; State Contribution for Employee Group Insurance; Contractual Services; Travel; Commodities; Printing; Equipment; Electronic Data Processing; Operation of Automotive Equipment; Telecommunications Services; Travel and Allowance for Committed, Paroled and Discharged Prisoners; Library Books; Federal Matching Grants for Student Loans; Refunds; Workers' Compensation, Occupational Disease, and Tort Claims; and, in appropriations to institutions of higher education, Awards and Grants. Notwithstanding the above, any amounts appropriated for payment of workers' compensation claims to an agency to which the authority to evaluate, administer and pay such claims has been delegated by the Department of Central Management Services may be transferred to any other expenditure object where such amounts exceed the amount necessary for the payment of such claims.

(c-1) Special provisions for State fiscal year 2003. Notwithstanding any other provision of this Section to the contrary, for State fiscal year 2003 only, transfers among line item appropriations to an agency from the same treasury fund may be made provided that the sum of such transfers for an agency in State fiscal year 2003 shall not exceed 3% of the aggregate amount appropriated to that State agency for State fiscal year 2003 for the following objects: personal services, except that no transfer may be approved which reduces the aggregate appropriations for personal services within an agency; extra help; student and inmate compensation; State contributions to retirement systems; State contributions to social security; State contributions for employee group insurance; contractual services; travel; commodities; printing; equipment; electronic data processing; operation of automotive equipment; telecommunications services; travel and allowance for committed, paroled, and discharged prisoners; library books; federal matching grants for student loans; refunds; workers' compensation, occupational disease, and tort claims; and, in appropriations to institutions of higher education, awards and grants.

(c-2) Special provisions for State fiscal year 2005. Notwithstanding subsections (a), (a-2), and (c), for State fiscal year 2005 only, transfers may be made among any line item appropriations from the same or any other treasury fund for any objects or purposes, without limitation, when the balance remaining in one

or more such line item appropriations is insufficient for the purpose for which the appropriation was made, provided that the sum of those transfers by a State agency shall not exceed 4% of the aggregate amount appropriated to that State agency for fiscal year 2005.

(d) Transfers among appropriations made to agencies of the Legislative and Judicial departments and to the constitutionally elected officers in the Executive branch require the approval of the officer authorized in Section 10 of this Act to approve and certify vouchers. Transfers among appropriations made to the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the Illinois Mathematics and Science Academy and the Board of Higher Education require the approval of the Board of Higher Education and the Governor. Transfers among appropriations to all other agencies require the approval of the Governor.

The officer responsible for approval shall certify that the transfer is necessary to carry out the programs and purposes for which the appropriations were made by the General Assembly and shall transmit to the State Comptroller a certified copy of the approval which shall set forth the specific amounts transferred so that the Comptroller may change his records accordingly. The Comptroller shall furnish the Governor with information copies of all transfers approved for agencies of the Legislative and Judicial departments and transfers approved by the constitutionally elected officials of the Executive branch other than the Governor, showing the amounts transferred and indicating the dates such changes were entered on the Comptroller's records.

(e) The State Board of Education, in consultation with the State Comptroller, may transfer line item appropriations for General State Aid from the Common School Fund to the Education Assistance Fund. (Source: P.A. 94-839, eff. 6-6-06; 95-707, eff. 1-11-08.)

Section 5-55. The Fire Investigation Act is amended by changing Section 13.1 as follows:

(425 ILCS 25/13.1) (from Ch. 127 1/2, par. 17.1)

Sec. 13.1. (a) There shall be a special fund in the State Treasury known as the Fire Prevention Fund.

(b) The following moneys shall be deposited into the Fund:

- (1) Moneys received by the Department of Insurance under Section 12 of this Act.
- (2) All fees and reimbursements received by the Office of the State Fire Marshal.
- (3) All receipts from boiler and pressure vessel certification, as provided in Section 13 of the Boiler and Pressure Vessel Safety Act.
- (4) Such other moneys as may be provided by law.

(c) The moneys in the Fire Prevention Fund shall be used, subject to appropriation, for the following purposes:

(1) Of the moneys deposited into the fund under Section 12 of this Act, 12.5% shall be available for the maintenance of the Illinois Fire Service Institute and the expenses, facilities, and structures incident thereto, and for making transfers into the General Obligation Bond Retirement and Interest Fund for debt service requirements on bonds issued by the State of Illinois after January 1, 1986 for the purpose of constructing a training facility for use by the Institute.

(2) Of the moneys deposited into the Fund under Section 12 of this Act, 10% shall be available for the maintenance of the Chicago Fire Department Training Program and the expenses, facilities and structures incident thereto, in addition to any moneys payable from the Fund to the City of Chicago pursuant to the Illinois Fire Protection Training Act.

(3) For making payments to local governmental agencies and individuals pursuant to Section 10 of the Illinois Fire Protection Training Act.

(4) For the maintenance and operation of the Office of the State Fire Marshal, and the expenses incident thereto.

(5) For the Department of Public Health to develop and administer Emergency Medical Services testing programs and for other Emergency Medical Services related expenses.

~~(6) For any other purpose authorized by law.~~

(c-5) As soon as possible after the effective date of this amendatory Act of the 95th General Assembly, the Comptroller shall order the transfer and the Treasurer shall transfer \$2,000,000 from the Fire Prevention Fund to the Fire Service and Small Equipment Fund, \$9,000,000 from the Fire Prevention Fund to the Fire Truck Revolving Loan Fund, and \$4,000,000 from the Fire Prevention Fund to the Ambulance Revolving Loan Fund. Beginning on July 1, 2008, each month, or as soon as practical thereafter, an amount equal to \$2 from each fine received shall be transferred from the Fire Prevention Fund to the Fire Service and Small Equipment Fund, an amount equal to \$1.50 from each fine received shall be transferred from the Fire

Prevention Fund to the Fire Truck Revolving Loan Fund, and an amount equal to \$4 from each fine received shall be transferred from the Fire Prevention Fund to the Ambulance Revolving Loan Fund. These moneys shall be transferred from the moneys deposited into the Fire Prevention Fund pursuant to Public Act 95-154, together with any other moneys as may be necessary to carry out this mandate.

(d) Any portion of the Fire Prevention Fund remaining unexpended at the end of any fiscal year which is not needed for the maintenance and expenses of the Office of the State Fire Marshal or the maintenance and expenses of the Illinois Fire Service Institute, shall remain in the Fire Prevention Fund for the exclusive and restricted uses provided in subsections (c) and (c-5) of this Section.

(e) The Office of the State Fire Marshal shall keep on file an itemized statement of all expenses incurred which are payable from the Fund, other than expenses incurred by the Illinois Fire Service Institute, and shall approve all vouchers issued therefor before they are submitted to the State Comptroller for payment. Such vouchers shall be allowed and paid in the same manner as other claims against the State.

(Source: P.A. 95-717, eff. 4-8-08.)

#### ARTICLE 15. ALTERNATIVE RETIREMENT CANCELLATION PAYMENT

Section 15-5. The Illinois Pension Code is amended by changing Section 14-108.6 as follows:

(40 ILCS 5/14-108.6)

Sec. 14-108.6. Alternative retirement cancellation payment.

(a) To be eligible for the alternative retirement cancellation payment provided in this Section, a person must:

(1) be a member of this System who, as of June 1, ~~2008~~ ~~2006~~, was (i) in active payroll status as an employee in a position listed in subsection (b) of this Section and continuously employed in a position listed in subsection (b) on and after January 1, ~~2008~~ ~~2006~~ and (ii) an active contributor to this System with respect to that employment;

(2) have not previously received any retirement annuity under this Article;

(3) in the case of persons employed in a position title listed under paragraph (1) of subsection (b), be among the first 500 persons to file with the Board on or before August 31, ~~2008~~ ~~2006~~ a written application requesting the alternative retirement cancellation payment provided in this Section;

(4) in the case of persons employed in a position title listed under paragraph (2) of subsection (b), have received written authorization from the director or other head of his or her department and filed that authorization with the system on or before August 1, ~~2008~~ ~~2006~~;

(5) if there is a QILDRO in effect against the person, file with the Board the written consent of all alternate payees under the QILDRO to the election of an alternative retirement cancellation payment under this Section; and

(6) terminate employment under this Article within one month after approval of the person's application requesting the alternative retirement cancellation payment, but in no event later than September 30, ~~2008~~ ~~2006~~.

(b)(1) Position titles eligible for the alternative retirement cancellation payment provided in this Section are:

911 Analyst III; Brickmason; Account Clerk I and II; Budget Analyst I and II; Account Technician I and II; Budget Operations Director; Accountant; Budget Principal; Accountant Advanced; Building Services Worker; Accountant Supervisor; Building/Grounds Laborer; Accounting Fiscal Administrative Career Trainee; Building/Grounds Lead 1 and 2; Accounts Payable Processing Analyst; Building/Grounds Maintenance Worker; Accounts Payable Specialist; Building/Grounds Supervisor; Accounts Processing Analyst; Bureau Chief; Actuarial Assistant; Business Administrative Specialist; Administrative and Technology Director; Business Analyst I through IV; Administrative Assistant I through III; Business Manager; Administrative Clerk; Buyer; Administrative Coordinator; Buyer Assistant; Administrator; Capital Budget Analyst I and II; Administrator of Capital Programs; Capital Budget Director; Administrator of Construction Administration; Capital Programs Analyst I and II; Administrator of Contract Administration; Capital Programs Technician; Administrator of Fair Employment Practices; Carpenter; Administrator of Fiscal; Carpenter Foreman; Administrator of Information Management; Cartographer I through III; Administrator of Information Systems; Chief - Police; Administrator of Personnel; Chief Veterans Technician; Administrator of Professional Services; Circuit Provisioning Specialist; Administrator of Public Affairs; Civil Engineer IV through IX; Administrator of Quality-Based Selection; Civil Engineer Trainee; Administrator of Strategic Planning and Training; Clerical Trainee; Appeals & Orders Coordinator; Communications Director; Appraisal Specialist 1 through 3; Community Planner 3; Assignment Coordinator; Commander; Assistant Art-in-Architecture Coordinator; Compliance Specialist; Assistant Chief - Police; Conservation

Education Representative; Assistant Internal Auditor; Conservation Grant Administrator 1 through 3; Assistant Manager; Construction Supervisor I and II; Assistant Personnel Officer; Consumer Policy Analyst; Assistant Professor Scientist; Consumer Program Coordinator; Assistant Reimbursement Officer; Contract Executive; Assistant Steward; Coordinator of Administrative Services; Associate Director for Administrative Services; Coordinator of Art-in-Architecture; Associate Museum Director; Corrections Clerk I through III; Associate Professor Scientist; Corrections Maintenance Supervisor; Corrections Caseworker Supervisor; Corrections Food Service Supervisor; Auto Parts Warehouse Specialist; Corrections Maintenance Worker; Auto Parts Warehouse; Curator I through III; Automotive Attendant I and II; Data Processing Administrative Specialist; Automotive Mechanic; Data Processing Assistant; Automotive Shop Supervisor; Data Processing Operator; Baker; Data Processing Specialist; Barber; Data Processing Supervisor 1 through 3; Beautician; Data Processing Technician; Brickmason; Deputy Chief Counsel; Director of Licensing; Desktop Technician; Director of Security; Human Resources Officer; Division Chief; Human Resources Representative; Division Director; Human Resources Specialist; Economic Analyst I through IV; Human Resources Trainee; Electrical Engineer; Human Services Casework Manager; Electrical Engineer I through V; Human Services Grant Coordinator 2 and 3; Electrical Equipment Installer/Repairer; Iconographer; Electrical Equipment Installer/Repairer Lead Worker; Industry and Commercial Development Representative 1 and 2; Electrician; Industry Services Consultant 1 and 2; Electronics Technician; Information Services Intern; Elevator Operator; Information Services Specialist I and II; Endangered Species Secretary; Information Systems Analyst I through III; Engineering Aide; Information Systems Manager; Engineering Analyst I through IV; Information Systems Planner; Engineering Manager I and II; Institutional Maintenance Worker; Instrument Designer; Environmental Scientist I and II; Insurance Analyst I through IV; Executive I through VI; Executive Assistant; Intermittent Clerk; Executive Assistant I through IV; Intermittent Laborer Maintenance; Executive Secretary 1 through 3; Intern; Federal Funding and Public Safety Director; Internal Auditor 1; Financial & Budget Assistant; Internal Communications Officer; Financial & Budget Supervisor; International Marketing Representative 1; Financial Management Director; IT Manager; Fiscal Executive; Janitor I and II; Fiscal Officer; Junior State Veterinarian; Gas Engineer I through IV; Junior Supervisor Scientist; General Counsel and Regulatory Director; Laboratory Manager II; General Services Administrator I; Labor Maintenance Lead Worker; General Services Technician; Laborer; Geographic Information Specialist 1 and 2; Laborer (Building); Geologist I through IV; Laborer (Maintenance); Graphic Arts Design Supervisor; Landscape Architect; Graphic Arts Designer; Landscape Architect I through IV; Graphic Arts Technician; Landscape Planner; Grounds Supervisor; Laundry Manager I; Highway Construction Supervisor I; Legislative Liaison I and II; Historical Research Editor 2; Liability Claims Adjuster 1 and 2; Historical Research Specialist; Librarian 1 and 2; Horse Custodian; Library Aide I through III; Horse Identifier; Library Associate; Hourly Assistant; Library Technical Assistant; Human Resource Coordinator; Licensing Assistant; Human Resources Analyst; Line Technician I through II; Human Resources Assistant; Local History Service Representative; Human Resources Associate; Local Housing Advisor 2 and 3; Human Resources Manager; Local Revenue and Fiscal Advisor 3; Machinist; Locksmith; Maintenance Equipment Operator; Operations Communications Specialist Trainee; Maintenance Worker; Operations Technician; Maintenance Worker Power Plant; Painter; Management Information Technician; Paralegal Assistant; Management Operations Analyst 1 and 2; Performance Management Analyst; Management Secretary I; Personnel Manager; Management Systems Specialist; Photogrammetrist I through IV; Management Technician I through IV; Physician; Manager; Physician Specialist Operations A through D; Manpower Planner 1 through 3; Planning Director; Medical Administrator III and V; Plant Maintenance Engineer 1 and 2; Methods & Processes Advisor 1, 2 and III; Plumber; Methods & Processes Career Associate 1 and 2; Policy Advisor; Microfilm Operator I through III; Policy Analyst I through IV; Military Administrative Assistant I; Power Shovel Operator (Maintenance); Military Administrative Clerk; Principal Economist; Military Administrative Officer-Legal; Principal Scientist; Military Administrative Specialist; Private Secretary 1 and 2; Military Community Relations Specialist; Private Secretary I and II; Military Cooperative Agreement Specialist; Procurement Representative; Military Crash, Fire, Rescue I through III; Professor & Scientist; Military Energy Manager; Program Manager; Military Engineer Technician; Program Specialist; Military Environmental Specialist I through III; Project Coordinator; Military Facilities Engineer; Project Designer; Military Facilities Officer I; Project Manager I through III; Military Maintenance Engineer; Project Manager; Military Museum Director; Project Manager/Technical Specialist I thru III; Military Program Supervisor; Project Specialist I through IV; Military Property Custodian II; Projects Director; Military Real Property Clerk; Property & Supply Clerk

I through III; Motorist Assistance Specialist; Property Control Officer; Museum Director; Public Administration Intern; Museum Security Head I through III; Public Information Coordinator; Museum Technician I through III; Public Information Officer; Network Control Center Specialist; Public Information Officer 2 through 4; Network Control Center Technician 2; Public Service Administrator; Network Engineer I through IV; Race Track Maintenance 1 and 2; Office Administration Specialist; Radio Technician Program Coordinator; Office Administrator 1 through 5; Realty Specialist I through V; Office Aide; Receptionist; Office Assistant; Regional Manager; Office Associate; Regulatory Accountant IV; Office Clerk; Reimbursement Officer 1 and 2; Office Coordinator; Representative I and II; Office Manager; Representative Trainee; Office Occupations Trainee; School Construction Manager; Office Specialist; Secretary I and IV; Operations Communications Specialist I and II; Security Guard; Senior Economic Analyst; Security Supervisor; Senior Editor; Systems Developer I through IV; Senior Electrical Engineer; Systems Developer Trainee; Senior Financial & Budget Assistant; Systems Engineer I through IV; Senior Gas Engineer; Systems Engineer Trainee; Senior Policy Analyst; Tariff & Order Coordinator; Senior Programs Analyst; Tariff Administrator III; Senior Project Consultant; Tariff Analyst IV; Senior Project Manager; Teacher of Barbering; Senior Public Information Officer; Teacher of Beauty Culture; Senior Public Service Administrator; Technical Advisor 2 and 3; Senior Rate Analyst; Technical Advisor I through VII; Senior Technical Assistant; Technical Analyst; Technical Manager VII through IX; Senior Technical Supervisor; Technical Assistant; Senior Technology Specialist; Technical Manager 1; Senior Transportation Industry Analyst; Technical Manager I through X; Sewage Plant Operator; Technical Specialist; Sign Hanger; Technical Support Specialist; Sign Hanger Foreman; Technical Specialist I thru III; Sign Painter; Technician Trainee; Sign Shop Foreman; Telecom Systems Analyst; Silk Screen Operator; Telecom Systems Consultant; Senior Administrative Assistant; Telecom Systems Technician 1 and 2; Site Superintendent; Telecommunication Supervisor; Software Architect; Tinsmith; Special Assistant; Trades Tender; Special Assistant to the Executive Director; Training Coordinator; Staff Development Specialist I; Transportation Counsel; Staff Development Technician II; Transportation Industry Analyst III; State Police Captain; Transportation Industry Customer Service; State Police Lieutenant; Transportation Officer; State Police Major; Transportation Policy Analyst III and IV; State Police Master Sergeant; Urban Planner I through VI; Stationary Engineer; Utility Engineer I and II; Stationary Engineer Assistant Chief; Veteran Secretary; Stationary Engineer Chief; Veteran Technician; Stationary Fireman; Water Engineer I through IV; Statistical Research Specialist 1 through 3; Water Plant Operator; Statistical Research Supervisor; Web and Publications Manager; Statistical Research Technician; Steamfitter; Steward; Steward Secretary; Storekeeper I through III; Stores Clerk; Student Intern; Student Worker; Supervisor; Supervisor & Assistant Scientist; Supervisor & Associate Scientist; Switchboard Operator 1 through 3; Administrative Assistant to the Superintendent; Assistant Legal Advisor; Legal Assistant; Senior Human Resources Specialist; Principal Internal Auditor; Division Administrator; Division Supervisor; Private Secretary I through III; Actuary 1 through 3; Agriculture Marketing Reporter; Apiary Inspector; App/Dry Goods Specialist I through III; Appraisal Specialist Trainer; Check Issuance Machine Operator; Check Issuance Machine Supervisor; Corrections Leisure Activity Specialist 2 through 4; Corrections Supply Supervisor I through III; Guard 1 through 3; Guard Supervisor; Information Tech/Com System Specialist 1 and 2; Police Officer I and II; Property & Supply Clerk I through III; Reproductive Services Supervisor 1; Reproductive Services Tech 1 through 3; Security Guard 1; Security Officer; Security Officer Chief; Security Officer Lieutenant; Security Officer Sgt; and Volunteer Services Coordinator I through III.

(2) In addition, any position titles with the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, the Attorney General, the Secretary of State, the Comptroller, the Treasurer, the Auditor General, the Supreme Court, the Court of Claims, and each legislative agency are eligible for the alternative retirement cancellation payment provided in this Section.

(c) In lieu of any retirement annuity or other benefit provided under this Article, a person who qualifies for and elects to receive the alternative retirement cancellation payment under this Section shall be entitled to receive a one-time lump sum retirement cancellation payment equal to the amount of his or her contributions to the System (including any employee contributions for optional service credit and including any employee contributions paid by the employer or credited to the employee during disability) as of the date of termination, with regular interest, multiplied by 2.

(d) Notwithstanding any other provision of this Article, a person who receives an alternative retirement cancellation payment under this Section thereby forfeits the right to any other retirement or disability benefit or refund under this Article, and no widow's, survivor's, or death benefit deriving from that person

shall be payable under this Article. Upon accepting an alternative retirement cancellation payment under this Section, the person's creditable service and all other rights in the System are terminated for all purposes, except for the purpose of determining State group life and health benefits for the person and his or her survivors as provided under the State Employees Group Insurance Act of 1971.

(e) To the extent permitted by federal law, a person who receives an alternative retirement cancellation payment under this Section may direct the System to pay all or a portion of that payment as a rollover into another retirement plan or account qualified under the Internal Revenue Code of 1986, as amended.

(f) Notwithstanding Section 14-111, a person who has received an alternative retirement cancellation payment under this Section and who reenters service under this Article other than as a temporary employee must repay to the System the amount by which that alternative retirement cancellation payment exceeded the amount of his or her refundable employee contributions within 60 days of resuming employment under this System. For the purposes of re-establishing creditable service that was terminated upon election of the alternative retirement cancellation payment, the portion of the alternative retirement cancellation payment representing refundable employee contributions shall be deemed a refund repayable in accordance with Section 14-130.

(g) The Commission on Government Forecasting and Accountability shall determine and report to the Governor and the General Assembly, on or before January 1, 2010 ~~2008~~, its estimate of (1) the annual amount of payroll savings likely to be realized by the State as a result of the early termination of persons receiving the alternative retirement cancellation payment under this Section and (2) the net annual savings or cost to the State from the program of alternative retirement cancellation payments under this Section.

The System, the Department of Central Management Services, the Governor's Office of Management and Budget, and all other departments shall provide to the Commission any assistance that the Commission may request with respect to its report under this Section. The Commission may require departments to provide it with any information that it deems necessary or useful with respect to its reports under this Section, including without limitation information about (1) the final earnings of former department employees who elected to receive alternative retirement cancellation payments under this Section, (2) the earnings of current department employees holding the positions vacated by persons who elected to receive alternative retirement cancellation payments under this Section, and (3) positions vacated by persons who elected to receive alternative retirement cancellation payments under this Section that have not yet been refilled.

(Source: P.A. 94-109, eff. 7-1-05; 94-839, eff. 6-6-06.)

#### ARTICLE 99. EFFECTIVE DATE

Section 999. Effective date. This Act takes effect July 1, 2008."

The foregoing motion prevailed and Amendment No. 2 was adopted.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

#### HOUSE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Madigan, HOUSE BILL 3742 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: 62, Yeas; 47, Nays; 0, Answering Present.

(ROLL CALL 36)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

**SENATE BILL ON SECOND READING**

SENATE BILL 2292. Having been read by title a second time on May 27, 2008, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Local Government, adopted and reproduced.

AMENDMENT NO. 1. Amend Senate Bill 2292 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 13-701 and 13-702 as follows:  
(40 ILCS 5/13-701) (from Ch. 108 1/2, par. 13-701)

Sec. 13-701. Board created. A board of 7 ~~5~~ members shall constitute the Board of Trustees authorized to carry out the provisions of this Article. The board shall be known as the Retirement Board of the Metropolitan Water Reclamation District Pension Fund.

The board shall consist of 3 ~~2~~ members appointed by the Board of Commissioners of the Water Reclamation District, one of which must be a retiree participating in the Fund, and 4 ~~3~~ elected employee members. The appointed retiree to the Board must be recommended by the Board of Commissioners of the Metropolitan Water Reclamation District and approved by the Board of Trustees prior to serving his or her term.

Each appointed member shall be appointed for a term of 3 ~~2~~ years in the month of January prior to the expiration of the term of office of the appointed member whose term next expires.

Members of the Board shall hold office until the expiration of their respective terms and until their respective successors are appointed or elected and have qualified. This amendatory Act of the 95th General Assembly ~~1994~~ shall not affect the terms of the Board members holding office on its effective date. The new employee member authorized by this amendatory Act of the 95th General Assembly shall begin his or her term following a special election no later than 90 days after the effective date of this amendatory Act and serve an initial term that expires on November 30, 2011. The appointed retiree member authorized by this amendatory Act of the 95th General Assembly shall be appointed on later than 90 days after the effective date of this amendatory Act and serve an initial term that expires on January 31, 2011.

Any person elected or appointed as a member of the Board shall qualify by taking an oath of office to be administered by any officer authorized to administer oaths or any sitting member of the Board. A copy thereof shall be filed with the clerk of the Water Reclamation District and with the Executive Director of the Fund.

(Source: P.A. 87-794.)

(40 ILCS 5/13-702) (from Ch. 108 1/2, par. 13-702)

Sec. 13-702. Board elections. Beginning on the effective date of this amendatory Act of the 95th General Assembly, in ~~in~~ each year, the Board shall conduct a regular election, under rules adopted by it, at least 30 days prior to the expiration of the term of the employee member whose term next expires, for the election of a successor for a term of 4 ~~3~~ years. Any employee at the time the election is held shall have a right to vote. The election shall be conducted by secret ballot.

(Source: P.A. 87-794.)

Section 10. The Metropolitan Water Reclamation District Act is amended by changing Section 4.14 and adding Section 303 as follows:

(70 ILCS 2605/4.14) (from Ch. 42, par. 323.14)

Sec. 4.14. No officer or employee in the classified civil service of the sanitary district shall be removed or discharged except for cause, upon written charges, and after an opportunity to be heard in his own defense. Such charges shall be filed with the civil service board within 30 days from the date of suspension under the charges, and the charges shall be promptly investigated by or before the civil service board, or by or before some officer or officers appointed by the civil service board to conduct such investigation ~~within thirty days from the date of suspension under such charges.~~ The hearing shall take place within 120 days after charges are filed against the employee. The hearing shall be public and the accused shall be entitled to call witnesses in his defense and to have the aid of counsel. The civil service board may continue a discharge hearing for good cause shown and only with the consent of the employee. The civil service board shall enter a finding and decision. A decision shall be deemed to have been served either when a copy of the decision is personally delivered or when a copy of the decision is deposited in the United States mail, addressed to the employee at his last known address on file with the human resources department. The hearing may be postponed or continued with the consent of the accused. The finding and decision of the



civil service board or of such investigating officer or officers, when approved by said civil service board, shall be final, except for the judicial review thereof as herein provided, and shall be certified to the appointing officer, and shall be forthwith enforced by such officer. Nothing in this Act shall limit the power of any officer to suspend a subordinate for a reasonable period not exceeding thirty days ; however, if charges are filed against a suspended employee, the suspension shall be extended until the civil service board enters its finding and decision regarding the charges unless prior to this time the board enters an order approving an agreement between the sanitary district and the employee that the suspension should terminate at an earlier date. Every such suspension shall be without pay: Provided, however, that the civil service board shall have authority to investigate every such suspension and, in case of its disapproval thereof, it shall have power to restore pay to the employee so suspended. In the course of any investigation provided for in this Act, each member of the civil service board and any officer appointed by it shall have the power to administer oaths and shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers.

Either the sanitary district or the employee may file a written petition for rehearing of the finding and decision of the civil service board within 21 calendar days after the finding and decision are served as provided in this Section. The petition shall state fully the grounds upon which application for further investigation and hearing is based. If a petition is denied by the civil service board, the decision shall remain in full force and effect and any further appeal by either party shall be in accordance with the provisions of the Administrative Review Law.

The provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the civil service board hereunder. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(Source: P.A. 82-783.)

(70 ILCS 2605/303 new)

Sec. 303. District enlarged. Upon the effective date of this amendatory Act of the 95th General Assembly, the corporate limits of the Metropolitan Water Reclamation District are extended to include the following described tracts of land and the tracts are annexed to the District.

Parcel 1:

The South 1102.0 Feet (excepting therefrom the South 70 Feet taken for highway purposes) of the West Half of the East Half of the Northeast Quarter (Excepting therefrom the East 400.0 Feet) in Section 20, Township 35 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 2:

The East One Acre of the Southwest Quarter of the Northeast Quarter of Section 20, Township 35 North, Range 13 East of the Third Principal Meridian, (excepting from said tract of land the North 223.84 Feet and except the South 70 Feet of the above described property) all in Cook County, Illinois.

Parcel 3:

Lot 1 (except that part lying Northeasterly of a line extended from the North Line of Lot 1 aforesaid, 150 Feet east of the Northwest Corner thereof to the East Line of said Lot 1, 70 Feet North of the Southeast Corner thereof deeded to the County of Cook by Document Number 95851820) and Lot 2, 3, and 13 in Arthur T. McIntosh and Company's Crawford County Unit No. 1 in the Northeast Quarter of Section 15, Township 35 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois. In addition to the foregoing, the area extending to the far side of the Vollmer Road Right-Of-Way except for area currently within the corporate limits of Olympia Fields. Per 65 ILCS 5/7-1-1.

Section 15. The Metropolitan Water Reclamation District Act is amended by changing Sections 4, 4b, 4.2a, 4.7, 4.11, 4.13, 4.32, 4.38, 5.4, 5.5, 5.7, 7a, 7aa, 7f, 8, 8c, 8d, 11.1, 11.5, 11.6, 11.7, 11.8, 11.9, 11.10, 11.11, 11.12, 11.13, 11.14, 11.16, 11.17, 11.18, 11.20, 11.23, and 11.24 as follows:

(70 ILCS 2605/4) (from Ch. 42, par. 323)

Sec. 4. The commissioners elected under this Act constitute a board of commissioners for the district by which they are elected, which board of commissioners is the corporate authority of the sanitary district, and, in addition to all other powers specified in this Act, shall establish the policies and goals of the sanitary district. The executive director ~~general superintendent~~, in addition to all other powers specified in this Act, shall manage and control all the affairs and property of the sanitary district and shall regularly report to the Board of Commissioners on the activities of the sanitary district in executing the policies and goals established by the board. At the regularly scheduled meeting of odd numbered years following the induction of new commissioners the board of commissioners shall elect from its own number a president and a vice-president to serve in the absence of the president, and the chairman of the committee on finance.

The board shall provide by rule when a vacancy occurs in the office of the president, vice-president, or the chairman of the committee on finance and the manner of filling such vacancy.

The board shall appoint from outside its own number the executive director ~~general superintendent~~ and treasurer for the district.

The executive director ~~general superintendent~~ must be a resident of the sanitary district and a citizen of the United States. He must be selected solely upon his administrative and technical qualifications and without regard to his political affiliations.

In the event of illness or other prolonged absence, death or resignation creating a vacancy in the office of the executive director ~~general superintendent~~, or treasurer, the board of commissioners may appoint an acting officer from outside its own number, to perform the duties and responsibilities of the office during the term of the absence or vacancy.

The executive director ~~general superintendent~~ with the advice and consent of the board of commissioners, shall appoint the director of engineering, director of maintenance and operations, director of human resources, director of procurement and materials management, chief engineer, chief of maintenance and operations, director of personnel, purchasing agent, clerk, general counsel, director of monitoring and research, attorney, director of research and development, and director of information technology. These constitute the heads of the Department of Engineering, Maintenance and Operations, Human Resources, Procurement and Materials Management, ~~Personnel, Purchasing,~~ Finance, Law, Monitoring and Research, Law, Research and Development, and Information Technology, respectively. No other departments or heads of departments may be created without subsequent amendment to this Act. All such department heads are under the direct supervision of the executive director ~~general superintendent~~.

The director of human resources ~~personnel~~ must be qualified under Section 4.2a of this Act.

The director of procurement and materials management ~~purchasing agent~~ must be selected in accordance with Section 11.16 of this Act.

In the event of illness or other prolonged absence, death or resignation creating a vacancy in the office of director of engineering, director of maintenance and operations, director of human resources, director of procurement and materials management, chief engineer, chief of maintenance and operations, director of personnel, purchasing agent, clerk, general counsel, director of monitoring and research, attorney, director of research and development, or director of information technology, the executive director ~~general superintendent~~ shall appoint an acting officer to perform the duties and responsibilities of the office during the term of the absence or vacancy. Any such officers appointed in an acting capacity are under the direct supervision of the executive director ~~general superintendent~~.

All appointive officers and acting officers shall give bond as may be required by the board.

The executive director ~~general superintendent~~, treasurer, acting executive director, ~~general superintendent~~ and acting treasurer hold their offices at the pleasure of the board of commissioners.

The acting director of engineering, acting director of maintenance and operations, acting director of human resources, acting director of procurement and materials management, chief engineer, acting chief of maintenance and operations, acting purchasing agent, acting director of personnel, acting clerk, acting general counsel, attorney, acting director of monitoring and research, research and development, and acting director of information technology hold their offices at the pleasure of the executive director ~~general superintendent~~.

The director of engineering, director of maintenance and operations, director of human resources, director of procurement and materials management, chief engineer, chief of maintenance and operations, director of personnel, purchasing agent, clerk, general counsel, director of monitoring and research, attorney, director of research and development, and director of information technology may be removed from office for cause by the executive director ~~general superintendent~~. Prior to removal, such officers are entitled to a public hearing before the executive director ~~general superintendent~~ at which hearing they may be represented by counsel. Before the hearing, the executive director ~~general superintendent~~ shall notify the board of commissioners of the date, time, place and nature of the hearing.

In addition to the general counsel ~~attorney~~ appointed by the executive director ~~general superintendent~~, the board of commissioners may appoint from outside its own number an attorney, or retain counsel, to advise the board of commissioners with respect to its powers and duties and with respect to legal questions and matters of policy for which the board of commissioners is responsible.

The executive director ~~general superintendent~~ is the chief administrative officer of the district, has supervision over and is responsible for all administrative and operational matters of the sanitary district including the duties of all employees which are not otherwise designated by law, and is the appointing authority as specified in Section 4.11 of this Act.

The board, through the budget process, shall set the compensation of all the officers and employees of the sanitary district. Any incumbent of the office of president may appoint an administrative aide which appointment remains in force during his incumbency unless revoked by the president.

Effective upon the election in January, 1985 of the president and vice-president of the board of commissioners and the chairman of the committee on finance, the annual salary of the president shall be \$37,500 and shall be increased to \$39,500 in January, 1987, \$41,500 in January, 1989, \$50,000 in January, 1991, and \$60,000 in January, 2001; the annual salary of the vice-president shall be \$35,000 and shall be increased to \$37,000 in January, 1987, \$39,000 in January, 1989, \$45,000 in January, 1991, and \$55,000 in January, 2001; the annual salary of the chairman of the committee on finance shall be \$32,500 and shall be increased to \$34,500 in January, 1987, \$36,500 in January, 1989, \$45,000 in January, 1991, and \$55,000 in January, 2001.

The annual salaries of the other members of the Board shall be as follows:

For the three members elected in November, 1980, \$26,500 per annum for the first two years of the term; \$28,000 per annum for the next two years of the term and \$30,000 per annum for the last two years.

For the three members elected in November, 1982, \$28,000 per annum for the first two years of the term and \$30,000 per annum thereafter.

For members elected in November, 1984, \$30,000 per annum.

For the three members elected in November, 1986, \$32,000 for each of the first two years of the term, \$34,000 for each of the next two years and \$36,000 for the last two years;

For three members elected in November, 1988, \$34,000 for each of the first two years of the term and \$36,000 for each year thereafter.

For members elected in November, 1990, 1992, 1994, 1996, or 1998, \$40,000.

For members elected in November, 2000 and thereafter, \$50,000.

Notwithstanding the other provisions of this Section, the board, prior to January 1, 2007 and with a two-thirds vote, may increase the annual rate of compensation at a separate flat amount for each of the following: the president, the vice-president, the chairman of the committee on finance, and the other members; the increased annual rate of compensation shall apply to all such officers and members whose terms as members of the board commence after the increase in compensation is adopted by the board.

The board of commissioners has full power to pass all necessary ordinances, orders, rules, resolutions and regulations for the proper management and conduct of the business of the board of commissioners and the corporation and for carrying into effect the object for which the sanitary district is formed. All ordinances, orders, rules, resolutions and regulations passed by the board of commissioners must, before they take effect, be approved by the president of the board of commissioners. If he approves thereof, he shall sign them, and such as he does not approve he shall return to the board of commissioners with his objections in writing at the next regular meeting of the board of commissioners occurring after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance. If the veto extends to a part of such ordinance, the residue takes effect. If the president of such board of commissioners fails to return any ordinance, order, rule, resolution or regulation with his objections thereto in the time required, he is deemed to have approved it, and it takes effect accordingly. Upon the return of any ordinance, order, rule, resolution, or regulation by the president, the vote by which it was passed must be reconsidered by the board of commissioners, and if upon such reconsideration two-thirds of all the members agree by yeas and nays to pass it, it takes effect notwithstanding the president's refusal to approve thereof.

It is the policy of this State that all powers granted, either expressly or by necessary implication, by this Act or any other Illinois statute to the District may be exercised by the District notwithstanding effects on competition. It is the intention of the General Assembly that the "State action exemption" to the application of federal antitrust statutes be fully available to the District to the extent its activities are authorized by law as stated herein.

(Source: P.A. 94-1069, eff. 11-29-06.)

(70 ILCS 2605/4b) (from Ch. 42, par. 323b)

Sec. 4b. The Governor shall appoint, by and with the advice and consent of the Senate, a State Sanitary District Observer. The term of the person first appointed shall expire on the third Monday in January, 1969. If the Senate is not in session when the first appointment is made, the Governor shall make a temporary appointment as in the case of a vacancy. Thereafter the term of office of the State Sanitary District Observer shall be for 2 years commencing on the third Monday in January of 1969 and each odd-numbered year thereafter. Any person appointed to such office shall hold office for the duration of his term and until his successor is appointed and qualified.

The State Sanitary District Observer must have a knowledge of the principles of sanitary engineering. He shall be paid from the State Treasury an annual salary of \$15,000 or as set by the Compensation Review Board, whichever is greater, and shall also be reimbursed for necessary expenses incurred in the performance of his duties.

The State Sanitary District Observer has the same right as any Trustee or the Executive Director ~~General Superintendent~~ to attend any meeting in connection with the business of The Metropolitan Sanitary District of Greater Chicago. He shall have access to all records and works of the District. He may conduct inquiries and investigations into the efficiency and adequacy of the operations of the District, including the effect of the operations of the District upon areas of the State outside the boundaries of the District.

The State Sanitary District Observer shall report to the Governor, the General Assembly, the Department of Natural Resources, and the Environmental Protection Agency annually and more frequently if requested by the Governor.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of "An Act to revise the law in relation to the General Assembly", approved February 25, 1874, as amended, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(Source: P.A. 89-445, eff. 2-7-96.)

(70 ILCS 2605/4.2a) (from Ch. 42, par. 323.2a)

Sec. 4.2a. There is created a Department of Human Resources ~~Personnel~~ for the district, the executive officer of which is the Director of Human Resources ~~Personnel~~, hereinafter in this Act called the Director. Any person appointed as the Director shall have previously served in a responsible executive capacity requiring knowledge of and experience in human resources ~~personnel~~ management to a degree commensurate with that required in the human resources ~~personnel~~ administration of the district.

(Source: Laws 1963, p. 2477.)

(70 ILCS 2605/4.7) (from Ch. 42, par. 323.7)

Sec. 4.7. All applicants for offices or places in said classified civil service, except for the positions of deputy director of engineering, deputy director of monitoring and research, deputy director of maintenance and operations, deputy chief engineer, assistant director of engineering, assistant director of maintenance and operations, chief engineers, deputy general counsel, attorney, head assistant attorneys, assistant director of monitoring and research, research and development, assistant director of information technology, assistant director of human resources, personnel, comptroller, assistant treasurer, assistant director of procurement and materials management, purchasing agent and laborers, shall be subjected to examination, which shall be public and competitive with limitations specified in the rules of the Director as to residence, age, sex, health, habits, moral character and qualifications to perform the duties of the office or place to be filled, which qualifications shall be prescribed in advance of such examination. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and may include tests of physical qualifications and health and when appropriate, of manual skill. No question in any examination shall relate to political or religious opinions or affiliations. The Director shall control all examinations, and may, whenever an examination is to take place, designate a suitable number of persons to be special examiners and it shall be the duty of such special examiners to conduct such examinations as the Director may direct, and to make return and report thereof to him; and he may at any time substitute any other person in the place of any one so selected; and he may himself, at any time, act as such special examiner, and without appointing other special examiners. The Director shall, by rule, provide for and shall hold sufficient number of examinations to provide a sufficient number of eligibles on the register for each grade of position in the classified civil service, and if any place in the classified civil service shall become vacant, to which there is no person eligible for appointment, he shall hold an examination for such position and repeat the same, if necessary, until a vacancy is filled in accordance with the provisions of this Act.

Eligible registers shall remain in force for 3 years, except the eligible register for laborers which shall remain in force for 4 years and except the eligible registers for student programs and entry level engineering positions which, in the Director's discretion, may remain in force for one year.

Examinations for an eligible list for each position in the classified service above mentioned shall be held at least once in 3 years and at least annually for student programs and entry level engineering positions if the Director has limited the duration of the registers for those positions to one year, unless the Director determines that such examinations are not necessary because no vacancy exists.

To help defray expenses of examinations, the sanitary district may, but need not, charge a fee to each applicant who desires to take a civil service examination provided for by this Act. The amount of such fees shall be set by the corporate authority of the sanitary district. Such fees shall be deposited in the corporate fund of the district.

(Source: P.A. 94-1070, eff. 11-29-06.)

(70 ILCS 2605/4.11) (from Ch. 42, par. 323.11)

Sec. 4.11. Appointments. Whenever a position classified under this Act is to be filled, except the positions of deputy director of engineering, deputy director of monitoring and research, deputy director of maintenance and operations, ~~chief engineer~~, assistant director of engineering, assistant director of maintenance and operations, ~~chief engineers~~, deputy general counsel, ~~attorney~~, head assistant attorneys, assistant director of monitoring and research, ~~research and development~~, assistant director of information technology, comptroller, assistant treasurer, assistant director of procurement and materials management, ~~purchasing agent~~, assistant director of human resources, ~~personnel~~, and laborers, the appointing officer shall make requisition upon the Director, and the Director shall certify to him from the register of eligibles for the position the names and addresses (a) of the five candidates standing highest upon the register of eligibles for the position, or (b) of the candidates within the highest ranking group upon the register of eligibles if the register is by categories such as excellent, well qualified, and qualified, provided, however, that any certification shall consist of at least 5 names, if available. The Director shall certify names from succeeding categories in the order of excellence of the categories until at least 5 names are provided to the appointing officer. The appointing officer shall notify the Director of each position to be filled separately and shall fill the position by appointment of one of the persons certified to him by the Director. Appointments shall be on probation for a period to be fixed by the rules, not exceeding one year. At any time during the period of probation, the appointing officer with the approval of the Director may discharge a person so certified and shall forthwith notify the civil service board in writing of this discharge. If a person is not discharged, his appointment shall be deemed complete.

When there is no eligible list, the appointing officer may, with the authority of the Director, make a temporary appointment to remain in force only until a permanent appointment from an eligible register or list can be made in the manner specified in the previous provisions of this Section, and examinations to supply an eligible list therefor shall be held and an eligible list established therefrom within one year from the making of such appointment. The acceptance or refusal by an eligible person of a temporary appointment does not affect his standing on the register for permanent appointment.

In employment of an essentially temporary and transitory nature, the appointing officer may, with the authority of the Director of Human Resources ~~Personnel~~ make temporary appointments. No temporary appointment of an essentially temporary and transitory nature may be granted for a period of more than 119 consecutive or non-consecutive working days per calendar year. The Director must include in his annual report, and if required by the commissioners, in any special report, a statement of all temporary authorities granted during the year or period specified by the commissioners, together with a statement of the facts in each case because of which the authority was granted.

All laborers shall be appointed by the Executive Director ~~General Superintendent~~ and shall be on probation for a period to be fixed by the rules, not exceeding one year.

The positions of deputy director of engineering, deputy director of monitoring and research, deputy director of maintenance and operations, ~~chief engineer~~, assistant director of engineering, assistant director of maintenance and operations, ~~chief engineers~~, deputy general counsel, ~~attorney~~, head assistant attorneys, assistant director of monitoring and research, ~~research and development~~, assistant director of information technology, comptroller, assistant treasurer, assistant director of procurement and materials management, ~~purchasing agent~~, and assistant director of human resources ~~personnel~~ shall be appointed by the Executive Director ~~General Superintendent~~ upon the recommendation of the respective department head and shall be on probation for a period to be fixed by the rules, not exceeding two years. At any time during the period of probation, the Executive Director ~~General Superintendent~~ on the recommendation of the department head concerned, may discharge a person so appointed and he shall forthwith notify the Civil Service Board in writing of such discharge. If a person is not so discharged, his appointment shall be deemed complete under the laws governing the classified civil service.

(Source: P.A. 94-680, eff. 11-3-05; 95-345, eff. 1-1-08.)

(70 ILCS 2605/4.13) (from Ch. 42, par. 323.13)

Sec. 4.13. The following offices and places of employment, insofar as there are or may be such in the sanitary district, shall not be included within the classified civil service: All elective officers, the director of human resources, ~~personnel~~, the clerk, treasurer, director of engineering, ~~chief engineer~~, general counsel,

~~executive director, director of maintenance and operations, director of procurement and materials management, director of monitoring and research, attorney, general superintendent, chief of maintenance and operation, purchasing agent, director of research and development,~~ director of information technology, and secretary and administrative aide to the president of the board of trustees, members of the civil service board and special examiners appointed by the civil service board and the secretaries to the officers and individual trustees, and those employed for periods not exceeding 5 years under any apprentice program, training or intern programs funded wholly or in part by grants from the State of Illinois or the United States of America. Further, apprentices in a sanitary district apprenticeship program for the trades shall not be included within the classified civil service. Entry into a sanitary district apprenticeship program for the trades shall be by lottery. Graduates of a sanitary district apprenticeship program for the trades shall be given additional points, in an amount to be determined by the Director of Human Resources, ~~Personnel~~, on examinations for civil service journeymen positions in the trades at the sanitary district.

(Source: P.A. 87-370; 87-1146.)

(70 ILCS 2605/4.32) (from Ch. 42, par. 323.32)

Sec. 4.32. Persons who were engaged in the military or naval service of the United States during the years 1898, 1899, 1900, 1901, 1902, 1914, 1915, 1916, 1917, 1918, or 1919, any time between September 16, 1940 and July 25, 1947, or any time during the national emergency between June 25, 1950 and January 31, 1955, and who were honorably discharged therefrom, and all persons who were engaged in such military or naval service during any of said years, any time between September 16, 1940 and July 25, 1947, or any time during the national emergency between June 25, 1950 and January 31, 1955, or any time from August 5, 1964 until the date determined by the Congress of the United States as the end of Viet Nam hostilities, or at any time between August 6, 1990 and the date the Persian Gulf Conflict ends as prescribed by Presidential proclamation or order, who are now or may hereafter be on inactive or reserve duty in such military or naval service, not including, however, persons who were convicted by court-martial of disobedience of orders, where such disobedience consisted in the refusal to perform military service on the ground of alleged religious or conscientious objections against war, shall be preferred for appointments to offices, positions and places of employment in the classified service of the District, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office, position, or place of employment as determined by examination for original entrance. The Director of Human Resources ~~Personnel~~ on certifying from any existing register of eligibles resulting from the holding of an examination for original entrance or any register of eligibles that may be hereafter created of persons who have taken and successfully passed the examinations provided for in this Act for original entrance commenced prior to September 1, 1949, shall place the name or names of such persons at the head of any existing eligible register or list of eligibles that shall be created under the provisions of this Act to be certified for appointment. The Director of Human Resources ~~Personnel~~ shall give preference for original appointment to persons as hereinabove designated whose names appear on any register of eligibles resulting from an examination for original entrance held under the provisions of this Act and commenced on or after September 1, 1949 by adding to the final grade average which they received or will receive as the result of any examination held for original entrance, five points. The numerical result thus attained shall be applied by the Director of Human Resources ~~Personnel~~ in determining the position of such persons on any eligible list which has been created as the result of any examination for original entrance commenced on or after September 1, 1949 for purposes of preference in certification and appointment from such eligible list.

Every certified Civil Service employee who was called to, or who volunteered for, the military or naval service of the United States at any time during the years specified in this Act, or at any time between September 16, 1940 and July 25, 1947 or any time during the national emergency between June 25, 1950 and January 31, 1955, or any time from August 5, 1964 until the date determined by Congress of the United States as the end of Viet Nam hostilities, or at any time between August 6, 1990 and the date the Persian Gulf conflict ends as prescribed by Presidential proclamation or order, and who were honorably discharged therefrom or who are now or who may hereafter be on inactive or reserve duty in such military or naval service, not including, however, persons who were convicted by court martial of disobedience of orders where such disobedience consisted in the refusal to perform military service on the ground of alleged religious or conscientious objections against war, and whose names appear on existing promotional eligible registers or any promotional eligible register that may hereafter be created, as provided for by this Act, shall be preferred for promotional appointment to civil offices, positions and places of employment in the classified civil service of the District coming under the provisions of this Act.

The Director of Human Resources ~~Personnel~~ shall give preference for promotional appointment to

persons as hereinabove designated whose names appear on existing promotional eligible registers or promotional eligible registers that may hereafter be created by adding to the final grade average which they received or will receive as the result of any promotional examination commencing prior to September 1, 1949 three-fourths of one point for each 6 months or fraction thereof of military or naval service not exceeding 48 months, and by adding to the final grade average which they will receive as the result of any promotional examination held commencing on or after September 1, 1949 seven-tenths of one point for each 6 months or fraction thereof of military or naval service not exceeding 30 months. The numerical result thus attained shall be applied by the Director of Human Resources Personnel in determining the position of such persons on any eligible list which has been created or will be created as the result of any promotional examination held hereunder for purposes of preference in certification and appointment from such eligible list.

No person shall receive the preference for a promotional appointment granted by this Section after he has received one promotion from an eligible list on which he was allowed such preference and which was prepared as a result of an examination held on or after September 1, 1949.

No person entitled to preference or credit for military or naval service hereunder shall be required to furnish evidence or record of honorable discharge from the armed forces before any examination held under the provisions of this Act but such preference shall be given after the posting or publication of the eligible list or register and before any certification or appointments are made from the eligible register.

(Source: P.A. 86-324; 87-945.)

(70 ILCS 2605/4.38) (from Ch. 42, par. 323.38)

Sec. 4.38. Any person who first becomes employed under this Act after December 31, 1987, or any former employee who returns to employment after that date, must be domiciled within the territorial boundaries of the sanitary district; provided that an employee on probationary status shall not be required to be domiciled within the territorial boundaries until 6 months after successful completion of probation. Failure to comply with the requirements of this Section shall be cause for removal or discharge from employment.

The Director of Human Resources Personnel is authorized to waive this requirement for any person assigned to a facility located outside of the territorial boundaries.

(Source: P.A. 85-393.)

(70 ILCS 2605/5.4) (from Ch. 42, par. 324n)

Sec. 5.4. The executive director ~~general superintendent~~ shall prepare the budget for the district and shall submit the proposed budget to the board of trustees which shall make such changes as it deems desirable and shall approve the budget. The content of the budget shall be substantially as follows:

(1) A budgetary message which sets forth the fiscal policy of the district for the fiscal year, describing in connection therewith the programs and the cost of performance to achieve the objectives of the district relating to drainage, sewage collection, sewage treatment and solids disposals including unit costs whenever ascertainable, in such a manner that indirect cost to achieve such objectives will be set apart for purpose of cost analysis. The message also should include a general budget summary setting forth the aggregate figures of the budget to show the balanced relationship between the total proposed expenditures and the total anticipated receipts and other means of financing the budget for the ensuing fiscal year, contrasted with the actual receipt and disbursement figures for the preceding year and the estimated figures for the current year.

(2) The several estimates, statements, and other detail, set forth in Section 5.3 of this Act.

(3) Complete drafts of the proposed appropriation ordinance, tax levy ordinance, and other ordinances required to give legal sanction to the appropriations when approved and adopted by the board of trustees of the district.

(Source: P.A. 76-1910.)

(70 ILCS 2605/5.5) (from Ch. 42, par. 324o)

Sec. 5.5. At least 60 days prior to the beginning of the budget year, the heads of all departments of the district shall prepare and submit to the executive director ~~general superintendent~~ detailed estimates of expenditure requirements with respect to the contributions each department or organizational unit is expected to make in achieving approved program objectives for the budget year, compared with the actual figures of the preceding year and the estimated figures for the current year. The expenditure estimates must be in detail and must be classified to set forth the data by funds, organization units, objects, character, and functions (activities) of expenditures in accordance with the classification of expenditure accounts adopted, or hereafter adopted, by the board of trustees. The detailed estimates of expenditure shall be accompanied by written statements of specific objectives to be achieved, the cost of achieving these objectives and

supporting work units and unit cost data wherever applicable.

Within 15 days after the receipt of the department expenditure estimates, the executive director ~~general superintendent~~ shall prepare and submit to the board of trustees a sufficient number of complete copies of the departmental estimates of expenditures together with the aggregate expenditure estimates in detail and his own estimate of receipts of the district for the ensuing fiscal year. The estimates of receipts must be in detail and must be classified to show the receipts by funds, and the several sources of receipts, including the proceeds to be derived from the sale of bonds, or other property, and must be in accordance with the classification of revenue accounts now or hereafter adopted by the board of trustees.

The board of trustees shall review the estimates both of anticipated receipts and of anticipated expenditures, adding to, altering, revising, increasing or decreasing the items of the estimates as it deems necessary in view of the needs and available and probable receipts of the district. The board of trustees shall then prepare a tentative budget setting forth the detailed estimates both of expenditures and receipts together with all supporting schedules, summary statements, drafts of the appropriation ordinance, tax levy ordinance and other ordinances necessary to give effect to the budget, in the form provided in Section 5.4 of this Act.

(Source: P.A. 76-1910.)

(70 ILCS 2605/5.7) (from Ch. 42, par. 324q)

Sec. 5.7. The board of trustees of the district shall consider the budget estimates as submitted to it by the executive director ~~general superintendent~~ and may add to, revise, alter, increase or decrease the items contained in the budget. However, in no event may the total aggregate proposed expenditures in the budget exceed the total estimated means of financing the budget.

The board of trustees shall, before January first of the budget year, adopt the budget which is effective on January first of the budget year. The appropriation ordinance and tax levy ordinance must be parts of the budget and must be adopted as a part thereof by single action of the board of trustees. The appropriation ordinance must be filed with and be a part of the tax levy ordinance, which tax levy ordinance need not contain any further or additional specifications of purposes, itemizations or details for which appropriations and the levy are made. The board of trustees shall appropriate such sums of money as may be necessary to defray all necessary expenses and liabilities of the district to be paid by the board of trustees or incurred during and until the time of the adoption and effective date of the next annual appropriation ordinance under this Section. The board of trustees shall appropriate such sums of money as may be necessary to pay the principal and interest on bonds. The board may not expend any money or incur any indebtedness or liability on behalf of the district in excess of the percentage and several amounts limited by law, when applied to the last known assessment. The appropriation ordinance must specify the several funds, organization units, objects, character and functions (activities) for which such appropriations are made, and the amount appropriated for each fund, organization unit, object, character, and function (activity). The receipts of the district as estimated in the budget and as provided for by the tax levy ordinances and other revenues and borrowing Acts or ordinances are applicable in the amounts and according to the funds specified in the budget for the purpose of meeting the expenditures authorized by the appropriate ordinance. The vote of the board of trustees upon the budget shall be taken by yeas and nays, and shall be entered in the proceedings of the board of trustees.

The appropriation ordinance may be amended at the next regular meeting of the board of trustees occurring before January first of the budget year and not less than 5 days after the passage thereof in like manner as other ordinances. If any items of appropriations contained therein are vetoed by the president of the board, with recommendations for alterations or changes therein, the adoption of such recommendations by a yea and nay vote is the equivalent of an amendment of such annual appropriation ordinance with like effect as if an amendatory ordinance had been passed.

Such appropriation ordinance together with other parts of the budget as the board of trustees desire must be published in a newspaper of general circulation in the district and made conveniently available for inspection by the public. Such publication must be made after the date of passage of such budget and before January 20 of the budget year, but the date of publication does not affect the legality of the appropriation ordinance or the tax levy ordinance or any other ordinances necessary to give effect to the budget. Such ordinances are effective on the first day of January of the budget year.

The Clerk shall certify that such appropriation ordinance as published is a true, accurate and complete copy of the appropriation ordinance as passed and approved by the board of trustees. The board of trustees shall also make public, by publication or otherwise, at this time, the tax rate necessary or estimated to be necessary to finance the budget as adopted.

After adoption of the appropriation ordinance, the board of trustees may not make any further or other



appropriation prior to the adoption or passage of the next succeeding annual appropriation ordinance. The board has no power, either directly or indirectly, to make any contract or to take any action which adds to the total of district expenditures or liabilities in any budget year any sum over and above the amount provided for in the annual appropriation ordinance for the budget year. However, the board of trustees has the power, anything in this Act to the contrary notwithstanding, if after the adoption of the appropriation ordinance (1) federal or State grants or loans are accepted, (2) the voters approve a bond ordinance for a particular purpose or the issuance of bonds is otherwise authorized by law, or (3) duly authorized bonds of the district remaining unissued and unsold have been cancelled and any ordinance has been adopted by the board of trustees under Section 9 of this Act authorizing the issuance of bonds not exceeding in the aggregate the amount of bonds so cancelled, to pass a supplemental appropriation ordinance (in compliance with the provisions of this Act as to publication and voting thereon by the board of trustees) making appropriation, for the particular purpose only as set forth in the ordinance, of the proceeds of the grants, loans, or bond issue or any part thereof required to be expended during the fiscal year. However, nothing herein contained prevents the board of trustees, by a concurring vote of two-thirds of all the trustees (votes to be taken by yeas and nays and entered in the proceeding of the board of trustees), from making any expenditures or incurring any liability rendered necessary to meet emergencies such as epidemics, flood, fire, unforeseen damages or other catastrophes, happening after the annual appropriation ordinance has been passed or adopted, nor does anything herein deprive the board of trustees of the power to provide for and cause to be paid from the district funds any charge upon the district imposed by law without the action of the board of trustees.

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

(70 ILCS 2605/7a) (from Ch. 42, par. 326a)

Sec. 7a. Discharge into sewers of a sanitary district.

(a) The terms used in this Section are defined as follows:

"Board of Commissioners" means the Board of Commissioners of the sanitary district.

"Sewage" means water-carried human wastes or a combination of water-carried wastes from residences, buildings, businesses, industrial establishments, institutions, or other places together with any ground, surface, storm, or other water that may be present.

"Industrial Wastes" means all solids, liquids, or gaseous wastes resulting from any commercial, industrial, manufacturing, agricultural, trade, or business operation or process, or from the development, recovery, or processing of natural resources.

"Other Wastes" means decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals, and all other substances except sewage and industrial wastes.

"Person" means any individual, firm, association, joint venture, sole proprietorship, company, partnership, estate copartnership, corporation, joint stock company, trust, school district, unit of local government, or private corporation organized or existing under the laws of this or any other state or country.

"Executive Director" "~~General Superintendent~~" means the executive director ~~general superintendent~~ of the sanitary district.

(b) It shall be unlawful for any person to discharge sewage, industrial waste, or other wastes into the sewerage system of a sanitary district or into any sewer connected therewith, except upon the terms and conditions that the sanitary district might reasonably impose by way of ordinance, permit, or otherwise.

Any sanitary district, in addition to all other powers vested in it and in the interest of public health and safety, or as authorized by subsections (b) and (c) of Section 46 of the Environmental Protection Act, is hereby empowered to pass all ordinances, rules, or regulations necessary to implement this Section, including but not limited to, the imposition of charges based on factors that influence the cost of treatment, including strength and volume, and including the right of access during reasonable hours to the premises of a person for enforcement of adopted ordinances, rules, or regulations.

(c) Whenever the sanitary district acting through the executive director ~~general superintendent~~ determines that sewage, industrial wastes, or other wastes are being discharged into the sewerage system and when, in the opinion of the executive director ~~general superintendent~~ the discharge is in violation of an ordinance, rules, or regulations adopted by the Board of Commissioners under this Section governing industrial wastes or other wastes, the executive director ~~general superintendent~~ shall order the offending party to cease and desist. The order shall be served by certified mail or personally on the owner, officer, registered agent, or individual designated by permit.

In the event the offending party fails or refuses to discontinue the discharge within 90 days after notification of the cease and desist order, the executive director ~~general superintendent~~ may order the

offending party to show cause before the Board of Commissioners of the sanitary district why the discharge should not be discontinued. A notice shall be served on the offending party directing him, her, or it to show cause before the Board of Commissioners why an order should not be entered directing the discontinuance of the discharge. The notice shall specify the time and place where a hearing will be held and shall be served personally or by registered or certified mail at least 10 days before the hearing; and in the case of a unit of local government or a corporation the service shall be upon an officer or agent thereof. After reviewing the evidence, the Board of Commissioners may issue an order to the party responsible for the discharge, directing that within a specified period of time the discharge be discontinued. The Board of Commissioners may also order the party responsible for the discharge to pay a civil penalty in an amount specified by the Board of Commissioners that is not less than \$100 nor more than \$2,000 per day for each day of discharge of effluent in violation of this Act as provided in subsection (d). The Board of Commissioners may also order the party responsible for the violation to pay court reporter costs and hearing officer fees in a total amount not exceeding \$3,000.

(d) The Board of Commissioners shall establish procedures for assessing civil penalties and issuing orders under subsection (c) as follows:

(1) In making its orders and determinations, the Board of Commissioners shall take into consideration all the facts and circumstances bearing on the activities involved and the assessment of civil penalties as shown by the record produced at the hearing.

(2) The Board of Commissioners shall establish a panel of independent hearing officers to conduct all hearings on the assessment of civil penalties and issuance of orders under subsection (c). The hearing officers shall be attorneys licensed to practice law in this State.

(3) The Board of Commissioners shall promulgate procedural rules governing the proceedings, the assessment of civil penalties, and the issuance of orders.

(4) All hearings shall be on the record, and testimony taken must be under oath and recorded stenographically. Transcripts so recorded must be made available to any member of the public or any party to the hearing upon payment of the usual charges for transcripts. At the hearing, the hearing officer may issue, in the name of the Board of Commissioners, notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing and may examine witnesses.

(5) The hearing officer shall conduct a full and impartial hearing on the record, with an opportunity for the presentation of evidence and cross-examination of the witnesses. The hearing officer shall issue findings of fact, conclusions of law, a recommended civil penalty, and an order based solely on the record. The hearing officer may also recommend, as part of the order, that the discharge of industrial waste be discontinued within a specified time.

(6) The findings of fact, conclusions of law, recommended civil penalty, and order shall be transmitted to the Board of Commissioners along with a complete record of the hearing.

(7) The Board of Commissioners shall either approve or disapprove the findings of fact, conclusions of law, recommended civil penalty, and order. If the findings of fact, conclusions of law, recommended civil penalty, or order are rejected, the Board of Commissioners shall remand the matter to the hearing officer for further proceedings. If the order is accepted by the Board of Commissioners, it shall constitute the final order of the Board of Commissioners.

(8) (Blank).

(9) The civil penalty specified by the Board of Commissioners shall be paid within 35 days after the party on whom it is imposed receives a written copy of the order of the Board of Commissioners, unless the person or persons to whom the order is issued seeks judicial review under paragraph (8).

(10) If the respondent seeks judicial review of the order assessing civil penalties, the respondent shall, within 35 days after the date of the final order, pay the amount of the civil penalties into an escrow account maintained by the district for that purpose or file a bond guaranteeing payment of the civil penalties if the civil penalties are upheld on review.

(11) Civil penalties not paid by the times specified above shall be delinquent and subject to a lien recorded against the property of the person ordered to pay the penalty. The foregoing provisions for asserting liens against real estate by the sanitary district shall be in addition to and not in derogation of any other remedy or right of recovery, in law or equity, that the sanitary district may have with respect to the collection or recovery of penalties and charges imposed by the sanitary district. Judgment in a civil action brought by the sanitary district to recover or collect the charges shall not operate as a release and waiver of the lien upon the real estate for the amount of the judgment. Only

satisfaction of the judgment or the filing of a release or satisfaction of lien shall release the lien.

(e) The ~~executive director general superintendent~~ may order a person to cease the discharge of industrial waste upon a finding by the ~~executive director general superintendent~~ that the final order of the Board of Commissioners entered after a hearing to show cause has been violated. The ~~executive director general superintendent~~ shall serve the person with a copy of his or her order either by certified mail or personally by serving the owner, officer, registered agent, or individual designated by permit. The order of the ~~executive director general superintendent~~ shall also schedule an expedited hearing before a hearing officer designated by the Board of Commissioners for the purpose of determining whether the company has violated the final order of the Board of Commissioners. The Board of Commissioners shall adopt rules of procedure governing expedited hearings. In no event shall the hearing be conducted less than 7 days after receipt by the person of the ~~executive director's general superintendent's~~ order.

At the conclusion of the expedited hearing, the hearing officer shall prepare a report with his or her findings and recommendations and transmit it to the Board of Commissioners. If the Board of Commissioners, after reviewing the findings and recommendations, and the record produced at the hearings, determines that the person has violated the Board of Commissioner's final order, the Board of Commissioners may authorize the plugging of the sewer. The ~~executive director general superintendent~~ shall give not less than 10 days written notice of the Board of Commissioner's order to the owner, officer, registered agent, or individual designated by permit, as well as the owner of record of the real estate and other parties known to be affected, that the sewer will be plugged.

The foregoing provision for plugging a sewer shall be in addition to and not in derogation of any other remedy, in law or in equity, that the district may have to prevent violation of its ordinances and orders of its Board of Commissioners.

(f) A violation of the final order of the Board of Commissioners shall be considered a nuisance. If any person discharges sewage, industrial wastes, or other wastes into any waters contrary to the final order of the Board of Commissioners, the sanitary district acting through the ~~executive director general superintendent~~ has the power to commence an action or proceeding in the circuit court in and for the county in which the sanitary district is located for the purpose of having the discharge stopped either by mandamus or injunction, or to remedy the violation in any manner provided for in this Section.

The court shall specify a time, not exceeding 20 days after the service of the copy of the complaint, in which the party complained of must plead to the complaint, and in the meantime, the party may be restrained. In case of default or after pleading, the court shall immediately inquire into the facts and circumstances of the case and enter an appropriate judgment in respect to the matters complained of. Appeals may be taken as in other civil cases.

(g) The sanitary district, acting through the ~~executive director general superintendent~~, has the power to commence an action or proceeding for mandamus or injunction in the circuit court ordering a person to cease its discharge, when, in the opinion of the ~~executive director general superintendent~~, the person's discharge presents an imminent danger to the public health, welfare, or safety, presents or may present an endangerment to the environment, or threatens to interfere with the operation of the sewerage system or a water reclamation plant under the jurisdiction of the sanitary district. The initiation of a show cause hearing is not a prerequisite to the commencement by the sanitary district of an action or proceeding for mandamus or injunction in the circuit court. The court shall specify a time, not exceeding 20 days after the service of a copy of the petition, in which the party complained of must answer the petition, and in the meantime, the party may be restrained. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances of the case and enter an appropriate judgment order in respect to the matters complained of. An appeal may be taken from the final judgment in the same manner and with the same effect as appeals are taken from judgment of the circuit court in other actions for mandamus or injunction.

(h) Whenever the sanitary district commences an action under subsection (f) of this Section, the court shall assess a civil penalty of not less than \$1,000 nor more than \$10,000 for each day the person violates a Board order. Whenever the sanitary district commences an action under subsection (g) of this Section, the court shall assess a civil penalty of not less than \$1,000 nor more than \$10,000 for each day the person violates the ordinance. Each day's continuance of the violation is a separate offense. The penalties provided in this Section plus interest at the rate set forth in the Interest Act on unpaid penalties, costs, and fees, imposed by the Board of Commissioners under subsection (d), the reasonable costs to the sanitary district of removal or other remedial action caused by discharges in violation of this Act, reasonable attorney's fees, court costs, and other expenses of litigation together with costs for inspection, sampling, analysis, and administration related to the enforcement action against the offending party are recoverable by the sanitary

district in a civil action.

(i) The Board of Commissioners may establish fees for late filing of reports with the sanitary district required by an ordinance governing discharges. The sanitary district shall provide by certified mail a written notice of the fee assessment that states the person has 30 days after the receipt of the notice to request a conference with the executive director's ~~general superintendent's~~ designee to discuss or dispute the appropriateness of the assessed fee. Unless a person objects to paying the fee for filing a report late by timely requesting in writing a conference with a designee of the executive director ~~general superintendent~~, that person waives his or her right to a conference and the sanitary district may impose a lien recorded against the property of the person for the amount of the unpaid fee.

If a person requests a conference and the matter is not resolved at the conference, the person subject to the fee may request an administrative hearing before an impartial hearing officer appointed under subsection (d) to determine the person's liability for and the amount of the fee.

If the hearing officer finds that the late filing fees are owed to the sanitary district, the sanitary district shall notify the responsible person or persons of the hearing officer's decision. If payment is not made within 30 days after the notice, the sanitary district may impose a lien on the property of the person or persons.

Any liens filed under this subsection shall apply only to the property to which the late filing fees are related. A claim for lien shall be filed in the office of the recorder of the county in which the property is located. The filing of a claim for lien by the district does not prevent the sanitary district from pursuing other means for collecting late filing fees. If a claim for lien is filed, the sanitary district shall notify the person whose property is subject to the lien, and the person may challenge the lien by filing an action in the circuit court. The action shall be filed within 90 days after the person receives the notice of the filing of the claim for lien. The court shall hear evidence concerning the underlying reasons for the lien only if an administrative hearing has not been held under this subsection.

(j) If the provisions of any paragraph of this Section are declared unconstitutional or invalid by the final decision of any court of competent jurisdiction, the provisions of the remaining paragraphs continue in effect.

(k) Nothing in this Section eliminates any of the powers now granted to municipalities having a population of 500,000 or more as to design, preparation of plans, and construction, maintenance, and operation of sewers and sewerage systems, or for the control and elimination or prevention of the pollution of their waters or waterways, in the Illinois Municipal Code or any other Act of the State of Illinois.

(l) The provisions of the Administrative Review Law and all amendments and rules adopted pursuant to that Law apply to and govern all proceedings for the judicial review of final administrative decisions of the Board of Commissioners in the enforcement of any ordinance, rule, or regulation adopted under this Act.

(Source: P.A. 90-354, eff. 8-8-97; 91-925, eff. 7-7-00.)

(70 ILCS 2605/7aa) (from Ch. 42, par. 326aa)

Sec. 7aa. The sanitary district has the power and authority to prevent the pollution of any waters from which a water supply may be obtained by any city, town or village within the district. The sanitary district acting through the executive director ~~general superintendent~~ has the power to commence an action or proceeding in the circuit court in and for the county in which the district is located for the purpose of having the pollution stopped and prevented either by mandamus or injunction. The court shall specify a time, not exceeding 20 days after the service of the copy of the petition, in which the party complained of must answer the petition, and in the meantime, the party be restrained. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances of the case and enter an appropriate judgment order in respect to the matters complained of. An appeal may be taken from the final judgment in the same manner and with the same effect as appeals are taken from judgments of the circuit court in other actions for mandamus or injunction.

(Source: Laws 1967, p. 623.)

(70 ILCS 2605/7f) (from Ch. 42, par. 326f)

Sec. 7f. Regulation of connecting sewerage systems.

(a) It shall be unlawful for any person to construct or install any sewerage system that discharges sewage, industrial wastes, or other wastes, directly or indirectly, into the sewerage system of the sanitary district, unless a written permit for the sewerage system has been granted by the sanitary district acting through the executive director ~~general superintendent~~. The sanitary district shall specify by ordinance the changes, additions, or extensions to an existing sewerage system that will require a permit. No changes, additions, or extensions to any existing sewerage systems discharging sewage, industrial wastes, or other wastes into the sewerage system of the sanitary district, that requires a permit, may be made until plans for

the changes, additions, or extensions have been submitted to and a written permit obtained from the sanitary district acting through the executive director ~~general superintendent~~; provided, however, that this Section is not applicable in any municipality having a population of more than 500,000.

(b) Sewerage systems shall be operated in accordance with the ordinances of the sanitary district. The Board of Commissioners of any sanitary district is authorized to regulate, limit, extend, deny, or otherwise control any new or existing connection, addition, or extension to any sewer or sewerage system which directly or indirectly discharges into the sanitary district sewerage system. The Board shall adopt standards and specifications for construction, operation, and maintenance. This Section shall not apply to sewerage systems under the jurisdiction of any city, village, or incorporated town having a population of 500,000 or more.

(c) The Board of Commissioners of any sanitary district is hereby authorized to pass all necessary ordinances to carry out the aforementioned powers. The ordinances may provide for a civil penalty for each offense of not less than \$100 nor more than \$1,000. Each day's continuance of the violation shall be a separate offense. Hearings for violations of the ordinances adopted by the Board of Commissioners may be conducted by the Board of Commissioners or its designee.

(d) Plans and specifications for any sewerage system covered by this Act must be submitted to the sanitary district before a written permit may be issued and the construction of any sewerage system must be in accordance with the plans and specifications. In case it is necessary or desirable to make material changes in the plans or specifications, the revised plans or specifications, together with the reasons for the proposed changes, must be submitted to the sanitary district for a supplemental written permit.

(e) The sanitary district, acting through the executive director ~~general superintendent~~, may require any owner of a sewerage system discharging into the sewerage system of the sanitary district, to file with it complete plans of the whole or of any part of the system and any other information and records concerning the installation and operation of the system.

(f) The sanitary district, acting through the executive director ~~general superintendent~~, may establish procedures for the review of any plans, specifications, or other data relative to any sewerage system, written permits for which are required by this Act.

(g) The sanitary district, acting through the executive director ~~general superintendent~~, may adopt and enforce rules and regulations governing the issuance of permits and the method and manner under which plans, specifications, or other data relative thereto must be submitted for the sewerage systems or for additions or changes to or extensions of the systems.

(h) After a hearing on an alleged violation of any such ordinance, the Board may, in addition to any civil penalty imposed, order any person found to have committed a violation to reimburse the sanitary district for the costs of the hearing, including any expenses incurred for inspection, sampling, analysis, administrative costs, and court reporter's and attorney's fees. The Board of Commissioners may also require a person to achieve compliance with the ordinance within a specified period of time. The Administrative Review Law, and the rules adopted under that Law, shall govern proceedings for the judicial review of final orders of the Board of Commissioners issued under this subsection.

(i) Civil penalties and costs imposed pursuant to this Section are recoverable by the sanitary district in a civil action. The sanitary district is authorized to apply to the circuit court for injunctive relief or mandamus when, in the opinion of the executive director ~~general superintendent~~, the person has failed to comply with an order of the Board of Commissioners or the relief is necessary to protect the sewerage system of the sanitary district.

(j) The operation and maintenance of any existing sanitary sewerage system serving territory that is annexed by a municipality located in a county with a population of 3,000,000 or more after the effective date of this amendatory Act of the 92nd General Assembly is the responsibility of the municipality to which the territory is annexed, unless the sanitary sewerage system is under the jurisdiction of another unit of local government other than the District.

(Source: P.A. 92-255, eff. 8-3-01.)

(70 ILCS 2605/8) (from Ch. 42, par. 327)

Sec. 8. Except as otherwise in this Act provided, the sanitary district may acquire by lease, purchase or otherwise within or without its corporate limits, or by condemnation within its corporate limits, any and all real and personal property, right of way and privilege that may be required for its corporate purposes. All moneys for the purchase and condemnation of any property must be paid before possession is taken, or any work done on the premises. In case of an appeal from the Court in which the condemnation proceedings are pending, taken by either party, whereby the amount of damages is not finally determined, the amount of the judgment in the court shall be deposited with the county treasurer of the county in which the judgment is

rendered, subject to the payment of damages on orders signed by the judge whenever the amount of damages is finally determined.

Upon recommendation of the executive director ~~general superintendent~~ and upon the approval of the board of trustees when any real or personal property, right of way or privilege or any interest therein, or any part thereof of such sanitary district is no longer required for the corporate purposes of the sanitary district it may be sold, vacated or released. Such sales, vacations, or releases may be made subject to such conditions and the retention of such interest therein as may be deemed for the best interest of such sanitary district as recommended by the executive director ~~general superintendent~~ and approved by the board of trustees.

However, the sanitary district may enter into a lease of a building or a part thereof, or acquire title to a building already constructed or to be constructed, for the purpose of securing office space for its administrative corporate functions, the period of such lease not to exceed 15 years except as authorized by the provisions of Section 8b of this Act. In the event of the purchase of such property for administrative corporate functions, the sanitary district may execute a mortgage or other documents of indebtedness as may be required for the unpaid balance, to be paid in not more than 15 annual installments. Annual installments on the mortgage or annual payment on the lease shall be considered a current corporate expense of the year in which they are to be paid, and the amount of such annual installment or payment shall be included in the Annual Appropriation and Corporate Tax Levy Ordinances. Such expense may be incurred, notwithstanding the provisions, if any applicable, contained in any other Sections of this Act.

The sanitary district may dedicate to the public for highway purposes any of its real property and the dedications may be made subject to such conditions and the retention of such interests therein as considered in the best interests of the sanitary district by the board of trustees upon recommendation of the executive director ~~general superintendent~~.

The sanitary district may lease to others for any period of time, not to exceed 99 years, upon the terms as its board of trustees upon recommendation of the executive director ~~general superintendent~~ may determine, any such real property, right-of-way or privilege, or any interest therein or any part thereof, which is in the opinion of the board of trustees and executive director ~~general superintendent~~ of the sanitary district no longer required for its corporate purposes or which may not be immediately needed for such purposes. The leases may contain such terms and conditions, including restrictions as to permissible use of the real property, and retain such interests therein as considered in the best interests of the sanitary district by the board of trustees upon recommendation of the executive director ~~general superintendent~~. Negotiations and execution of such leases and preparatory activities in connection therewith must comply with Section 8c of this Act. The sanitary district may grant easements and permits for the use of any such real property, right-of-way, or privilege, which will not in the opinion of the board of trustees and executive director ~~general superintendent~~ of the sanitary district interfere with the use thereof by the sanitary district for its corporate purposes. Such easements and permits may contain such conditions and retain such interests therein as considered in the best interests of the sanitary district by the board of trustees upon recommendation of the executive director ~~general superintendent~~.

No sales, vacations, dedications for highway purposes, or leases for periods in excess of 5 years, of the following described real estate, may be made or granted by the sanitary district without the approval in writing of the Director of Natural Resources of the State of Illinois:

All the right-of-way of the Calumet-Sag Channel of the sanitary district extending from the Little Calumet River near Blue Island, Illinois, to the right-of-way of the main channel of the sanitary district near Sag, Illinois.

Lots 1, 3, 5, 21, 30, 31, 32, 33, 46, 48, 50, 52, 88, 89, 89a, 90, 91, 130, 132, 133, those parts of Lots 134 and 139 lying northeasterly of a tract of land leased to the Corn Products Manufacturing Company from January 1, 1908, to December 31, 2006; 1000 feet of Lot 141 lying southwesterly of and adjoining the above mentioned leased tract measured parallel with the main channel of the sanitary district; Lots 166, 168, 207, 208, and part of Lot 211 lying northeasterly of a line 1500 feet southwesterly of the center line of Stephen Street, Lemont, Illinois, and parallel with said street measured parallel with said main channel; and Lot 212 of the Sanitary District Trustees Subdivision of right-of-way from the north and south center line of Section 30, Township 39 North, Range 14 East of the Third Principal Meridian, to Will County line.

That part of the right-of-way of the main channel of the sanitary district in Section 14, Township 37 North, Range 11 East of the Third Principal Meridian, lying southerly of said main channel, northerly of the Northerly Reserve Line of the Illinois and Michigan Canal, and westerly of the Center line of the old channel of the Des Plaines River.

That part of said main channel right-of-way in Section 35, Township 37 North, Range 10 East of the

Third Principal Meridian, lying east of said main channel and south of a line 1,319.1 feet north of and parallel with the south line of said Section 35.

That part of said main channel right-of-way in the northeast quarter of the northwest quarter of Section 2, Township 36 North, Range 10 East of the Third Principal Meridian, lying east of said main channel.

That part of said main channel right-of-way lying south of Ninth Street in Lockport, Illinois.

Notwithstanding any other law, if any surplus real estate is located in an unincorporated territory and if that real estate is contiguous to only one municipality, 60 days before the sale of that real estate, the sanitary district shall notify in writing the contiguous municipality of the proposed sale. Prior to the sale of the real estate, the municipality shall notify in writing the sanitary district that the municipality will or will not annex the surplus real estate. If the contiguous municipality will annex such surplus real estate, then coincident with the completion of the sale of that real estate by the sanitary district, that real estate shall be automatically annexed to the contiguous municipality.

All sales of real estate by the sanitary district must be for cash, to the highest bidder upon open competitive bids, and the proceeds of the sales may be used only for the construction and equipment of sewage disposal plants, pumping stations and intercepting sewers and appurtenances thereto, the acquisition of sites and easements therefor, and the financing of the Local Government Assistance Program established under Section 9.6c.

However, the sanitary district may:

(a) Remise, release, quit claim and convey, without the approval of the Department of Natural Resources of the State of Illinois acting by and through its Director, to the United States of America without any consideration to be paid therefor, in aid of the widening of the Calumet-Sag Channel of the sanitary district by the United States of America, all those certain lands, tenements and hereditaments of every kind and nature of that portion of the established right-of-way of the Calumet-Sag Channel lying east of the east line of Ashland Avenue, in Blue Island, Illinois, and south of the center line of the channel except such portion thereof as is needed for the operation and maintenance of and access to the controlling works lock of the sanitary district;

(b) Without the approval of the Department of Natural Resources of the State of Illinois acting by and through its Director, give and grant to the United States of America without any consideration to be paid therefor the right, privilege and authority to widen the Calumet-Sag Channel and for that purpose to enter upon and use in the work of such widening and for the disposal of spoil therefrom all that part of the right-of-way of the Calumet-Sag Channel owned by the sanitary district lying south of the center line of the Calumet-Sag Channel from its connection with the main channel of the sanitary district to the east line of Ashland Avenue in Blue Island, Illinois;

(c) Make alterations to any structure made necessary by such widening and to construct, reconstruct or otherwise alter the existing highway bridges of the sanitary district across the Calumet-Sag Channel;

(d) Give and grant to the United States of America without any consideration to be paid therefor the right to maintain the widened Calumet-Sag Channel without the occupation or use of or jurisdiction over any property of the sanitary district adjoining and adjacent to such widened channel;

(e) Acquire by lease, purchase, condemnation or otherwise, whatever land, easements or rights of way, not presently owned by it, that may be required by the United States of America in constructing the Calumet-Sag Navigation Project, as approved in Public Law 525, 79th Congress, Second Session as described in House Document No. 677 for widening and dredging the Calumet-Sag Channel, in improving the Little Calumet River between the eastern end of the Sag Channel and Turning Basin No. 5, and in improving the Calumet River between Calumet Harbor and Lake Calumet;

(f) Furnish free of cost to the United States all lands, easements, rights-of-way and soil disposal areas necessary for the new work and for subsequent maintenance by the United States;

(g) Provide for the necessary relocations of all utilities.

Whatever land acquired by the sanitary district may thereafter be determined by the Board of Trustees upon recommendation of the executive director ~~general superintendent~~ as not being needed by the United States for the purposes of constructing and maintaining the Calumet-Sag Navigation Project as above described, shall be retained by the sanitary district for its corporate purposes, or be sold, with all convenient speed, vacated or released (but not leased) as its Board of Trustees upon recommendation of the executive director ~~general superintendent~~ may determine: All sales of such real estate must be for cash, to the highest bidder upon open, competitive bids, and the proceeds of the sales may be used only for the purpose of paying principal and interest upon the bonds authorized by this Act, and if no bonds are then outstanding, for the purpose of paying principal and interest upon any general obligation bonds of the sanitary district, and for corporate purposes of the sanitary district. When the proceeds are used to pay bonds and interest,

proper abatement shall be made in the taxes next extended for such bonds and interest.  
(Source: P.A. 95-604, eff. 9-11-07.)

(70 ILCS 2605/8c) (from Ch. 42, par. 327c)

Sec. 8c. Every lease of property no longer or not immediately required for corporate purposes of a sanitary district, from such district to others for a term not to exceed 99 years, in accordance with Section 8 of this Act, shall be negotiated, created and executed in the following manner:

(1) Notice of such proposed leasing shall be published for 3 consecutive weeks in a newspaper of general circulation published in such sanitary district, if any, and otherwise in the county containing such district.

(2) Prior to receipt of bids for the lease under this Section, the fair market value of every parcel of real property to be leased must be determined by 2 professional appraisers who are members of the American Institute of Real Estate Appraisers or a similar, equivalently recognized professional organization. The sanitary district acting through the executive director ~~general superintendent~~ may select and engage an additional appraiser for such determination of fair market value. Every appraisal report must contain an affidavit certifying the absence of any collusion involving the appraiser and relating to the lease of such property.

(3) No lease may be awarded unless the bid of such highest responsible bidder provides for an annual rental payment to the sanitary district of at least 6% of the parcel's fair market value determined under this Section, provided however, if the sanitary district determines that a parcel contains a special development impediment, defined as any condition that constitutes a material impediment to the development or lease of a parcel, and includes, but is not limited to: environmental contamination, obsolescence, or advanced disrepair of improvements or structures, or accumulation of large quantities of non-indigenous materials, the sanitary district may establish a minimum acceptable initial annual rental of less than 6% of the parcel's fair market value for the initial 10 years of the lease. In no event will the annual rental payment for each 10-year period after the initial 10 years of the lease be less than the 6% of the parcel's fair market value determined under this Section. Every lease must be awarded to the highest responsible bidder (including established commercial or industrial concerns and financially responsible individuals) upon free and open competitive bids. In determining the responsibility of any bidder, the sanitary district may consider, in addition to financial responsibility, any past records of transactions with the bidder and any other pertinent factors, including but not limited to, the bidder's performance or past record with respect to any lease, use, occupancy, or trespass of sanitary district or other lands.

(4) Prior to acceptance of the bid of the highest responsible bidder and before execution of the lease the bidder shall submit to the board of commissioners and executive director ~~general superintendent~~, for incorporation in the lease, a detailed plan and description of improvements to be constructed upon the leased property, the time within which the improvements will be completed, and the intended uses of the leased property. If there is more than one responsible bid, the board of commissioners may authorize and direct the executive director ~~general superintendent~~ to solicit from the 2 highest responsible bidders written amendments to their prior bids, increasing their rental bid proposal by at least 5% in excess of their prior written bid, or otherwise amending the financial terms of their bid so as to maximize the financial return to the sanitary district during the term of the proposed lease. Upon the executive director's ~~general superintendent's~~ tentative agreement with one or more amended bids, the bids may be submitted to the board of commissioners with the recommendation of the executive director ~~general superintendent~~ for acceptance of one or rejection of all. The amendments may not result in a diminution of the terms of the transaction and must result in an agreement that is equal to or greater in value than the highest responsible bid initially received.

(5) The execution of such lease must be contemporaneous to the execution by the lessee, each member of the board of commissioners and the executive director ~~general superintendent~~ of an affidavit certifying the absence of any collusion involving the lessee, the members and the executive director ~~general superintendent~~ and relating to such lease.

(6) No later than 30 days after the effective date of the lease, the lessee must deliver to the sanitary district a certified statement of the County Assessor, Township Assessor or the county clerk of the county wherein the property is situated that such property is presently contained in the official list of lands and lots to be assessed for taxes for the several towns or taxing districts in his county.

(7) Such lease may be subject to annual adjustments based on changes in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, or some other well known economic governmental activity index. Any lease, the term of which will extend for 15



years or more, shall provide for a redetermination of the fair market value (independent of improvements to the property subsequent to the effective date of the lease) after the initial 10 years and every 10 years thereafter, in the manner set forth in paragraph (2) of this Section, which redetermination shall be referred to as the decennial adjustment. Where the property rental is less than 6% of fair market value due to the existence of a special development impediment, the first decennial adjustment shall not occur until the twentieth year of the lease. Such redetermination shall be as of the first day of each succeeding 10 year period, and annual rental payments shall be adjusted so that the ratio of annual rental to fair market value shall be the same as that ratio for the first year of the preceding 10 year period. The decennial adjustment shall not exceed 100% of the rental in effect on the last day of the preceding 10-year period, except when the property rental is less than 6% of fair market value due to the existence of a special development impediment, in which case, the decennial adjustment shall not be so limited until the twentieth year of the lease. The rental payment for the first year of the new 10 year period may be subject to Consumer Price Index or other allowable index adjustments for each of the next 9 years, or until the end of the lease term if there are less than 9 years remaining.

(8) A sanitary district may require compensation to be paid in addition to rent, based on a reasonable percentage of revenues derived from a lessee's business operations on the leasehold premises or subleases, or may require additional compensation from the lessee or any sublessee in the form of services, including but not limited to solid waste disposal; provided, however, that such additional compensation shall not be considered in determining the highest responsible bid, said highest responsible bid to be determined only on the initial annual rental payment as set forth in paragraph (3) of this Section.

(9) No assignment of such lease or sublease of such property is effective unless approved in writing by the ~~executive director general superintendent~~ and the board of commissioners of the sanitary district. The district may consider, for any assignment or sublease, all pertinent factors including the assignee's or sublessee's responsibility in accordance with subparagraph (3) of this Section. The sanitary district may also condition its consent upon the redetermination of the annual rental required to be paid under any lease initially executed on or before January 1, 1983, for which the annual rent being paid thereunder is less than 6% of the current appraised fair market value of the leased property. The redetermination of any annual rental under this Section shall be consistent with the requirements of subparagraphs (2) and (3) of this Section. No assignment or sublease is effective if the assignee or sublessee is a trust constituted by real property of which the trustee has title but no power of management or control, unless the identity of the beneficiaries of the trust is revealed, upon demand, to the ~~executive director general superintendent~~ and the board of commissioners of the sanitary district.

(10) Failure by the lessee to comply with a provision in the lease relating to improvements upon the leased property or any other provision constitutes grounds for forfeiture of the lease, and upon such failure the sanitary district acting through the ~~executive director general superintendent~~ shall serve the lessee with a notice to terminate the lease and deliver possession of the property to the sanitary district within a particular period.

(11) If the ~~executive director general superintendent~~ and the board of commissioners conclude that it would be in the public interest, said sanitary district may lease without complying with the prior provisions of this Section, in accordance with an Act concerning "Transfer of Real Estate between Municipal Corporations", approved July 2, 1925, as amended, to the following, upon such terms as may be mutually agreeable: (a) the United States of America and the State of Illinois, County of Cook, any municipal corporation, with provisions that the property is to be applied exclusively for public recreational purposes or other public purposes; (b) any academic institution of learning which has been in existence for 5 years prior to said lease, provided that such lease limit the institution's use of the leased land to only those purposes relating to the operation of such institution's academic or physical educational programs; or (c) any lease involving land located in a county with a population of 100,000 or less and which is leased solely for agricultural or commercial recreational uses. Any lease issued in accordance with this paragraph shall contain the provisions that such lease is terminable in accordance with service of a one-year notice to terminate after determination by the board of commissioners and the ~~executive director general superintendent~~ that such property (or part thereof) has become essential to the corporate purposes of the sanitary district.

(Source: P.A. 95-604, eff. 9-11-07.)

(70 ILCS 2605/8d)

Sec. 8d. Transfer of certain real property. The Board of Commissioners of the District, upon its

determination that all or part of the prism of the relocated North Branch of the Chicago River, between the north right-of-way line of Belmont Avenue (on the south) and the south right-of-way line of Lawrence Avenue (on the north) in Chicago, Cook County, Illinois, is no longer needed for its corporate purposes, and that disposition thereof is in the best interests of the District, with the recommendation of its Executive Director General Superintendent, may convey for fair market value, directly to owners of real property immediately adjacent thereto, such interest in the channel prism as the Board of Commissioners may deem appropriate, by direct negotiation with the adjacent real property owners and without competitive bidding, but otherwise subject to all laws, ordinances, and rules applicable to the disposition of surplus real property by the District, upon whatever terms the Board of Commissioners deems appropriate, but subject to the following conditions:

(1) The adjacent owner has constructed a dock, patio, terrace, or other nonhabitable recreational structure within the channel prism and adjacent to the owner's personal residence.

(2) The structure has been constructed and used before the effective date of this amendatory Act of 1994.

(3) The structure is an appurtenance to the personal residence of the owner of the adjacent real property and is used solely for noncommercial personal recreational activities.

(4) The structure is otherwise in compliance with all applicable laws, ordinances, rules, and policies of any governmental body having jurisdiction of the real estate, the parties involved with the structure, or the activity of any of the parties involved.

(5) The Director of Engineering Chief Engineer and the Director Chief of the Maintenance and Operations Department of the District have determined that the structure will not interfere with the District's execution of its corporate purposes or functions and that the existence of the structure will not hamper or obstruct the hydraulic flows in the channel prism.

(6) No expansion, extension, or enlargement of the structure is permitted after the date of conveyance of the channel prism segment by the District to the adjacent real property owner.

(Source: P.A. 88-572, eff. 8-11-94.)

(70 ILCS 2605/11.5) (from Ch. 42, par. 331.5)

Sec. 11.5. In the event of an emergency affecting the public health or safety, so declared by action of the board of trustees, which declaration shall describe the nature of the injurious effect upon the public health or safety, contracts may be let to the extent necessary to resolve such emergency without public advertisement. The declaration shall fix the date upon which such emergency shall terminate. The date may be extended or abridged by the board of trustees as in its judgment the circumstances require.

The executive director general superintendent appointed in accordance with Section 4 of this Act shall authorize in writing and certify to the director of procurement and materials management purchasing agent those officials or employees of the several departments of the sanitary district who may purchase in the open market without filing a requisition or estimate therefor, and without advertisement, any supplies, materials, equipment or services, for immediate delivery to meet bona fide operating emergencies where the amount thereof is not in excess of \$25,000; provided, that the director of procurement and materials management purchasing agent shall be notified of such emergency. A full written account of any such emergency together with a requisition for the materials, supplies, equipment or services required therefor shall be submitted immediately by the requisitioning agent to the executive director general superintendent and such report and requisition shall be submitted to the director of procurement and materials management purchasing agent and shall be open to public inspection for a period of at least one year subsequent to the date of such emergency purchase. The exercise of authority in respect to purchases for such bona fide operating emergencies shall not be dependent upon a declaration of emergency by the board of trustees under the first paragraph of this Section.

(Source: P.A. 83-518.)

(70 ILCS 2605/11.6) (from Ch. 42, par. 331.6)

Sec. 11.6. The head of each department shall notify the director of procurement and materials management purchasing agent of those officers and employees authorized to sign requests for purchases. Requests for purchases shall be void unless executed by an authorized officer or employee and approved by the director of procurement and materials management purchasing agent. Requests for purchases may be executed, approved and signed manually or electronically.

Officials and employees making requests for purchases shall not split or otherwise partition for the purpose of evading the competitive bidding requirements of this Act, any undertaking involving amounts in excess of the mandatory competitive bid threshold.

(Source: P.A. 92-195, eff. 1-1-02.)

(70 ILCS 2605/11.7) (from Ch. 42, par. 331.7)

Sec. 11.7. All proposals to award purchase orders or contracts involving amounts in excess of the mandatory competitive bid threshold shall be published at least 12 calendar days in advance of the date announced for the receiving of bids, in a secular English language newspaper of general circulation in said sanitary district and shall be posted simultaneously on readily accessible bulletin boards in the principal office of the sanitary district. Nothing contained in this section shall be construed to prohibit the placing of additional advertisements in recognized trade journals. Advertisements for bids shall describe the character of the proposed contract or agreement in sufficient detail either in the advertisement itself or by reference to plans, specifications or other detail on file at the time of publication of the first announcement, to enable the bidders to know what their obligation will be. The advertisement shall also state the date, time and place assigned for the opening of bids. No bids shall be received at any time subsequent to the time indicated in the announcement; however, an extension of time may be granted for the opening of such bids upon publication in the same newspaper of general circulation in said sanitary district stating the date to which bid opening has been extended. The time of the extended bid opening shall not be less than 5 days after publication, Sundays and legal holidays excluded.

Cash, cashier's check or a certified check payable to the clerk and drawn upon a bank, as a deposit of good faith, in a reasonable amount not in excess of 10% of the contract amount, may be required of each bidder by the director of procurement and materials management purchasing agent on all bids involving amounts in excess of the mandatory competitive bid threshold. If a deposit is required, the advertisement for bids shall so specify. Instead of a deposit, the director of procurement and materials management purchasing agent may allow the use of a bid bond if the bond is issued by a surety company that is listed in the Federal Register and is authorized to do business in the State of Illinois.

(Source: P.A. 92-195, eff. 1-1-02.)

(70 ILCS 2605/11.8) (from Ch. 42, par. 331.8)

Sec. 11.8. Any agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price, or otherwise, shall render the bids of such bidder void. Each bidder shall accompany his bid with a sworn statement, or otherwise swear or affirm, that he has not been a party to any such agreement or collusion. Any disclosure in advance of the opening of bids, on the terms of the bids submitted in response to an advertisement, made or permitted by the director of procurement and materials management purchasing agent or any officer or employee of said sanitary district shall render the proceedings void and shall require re-advertisement and re-award.

(Source: Laws 1963, p. 2498.)

(70 ILCS 2605/11.9) (from Ch. 42, par. 331.9)

Sec. 11.9. All sealed bids shall be publicly opened by the director of procurement and materials management purchasing agent, or his designee, and such bids shall be open to public inspection for a period of at least 48 hours before award is made; provided, this provision shall not apply to the sale of bonds, tax anticipation warrants or other financial obligations of the sanitary district.

(Source: Laws 1963, p. 2498.)

(70 ILCS 2605/11.10) (from Ch. 42, par. 331.10)

Sec. 11.10. Every contract or purchase order involving amounts in excess of the mandatory competitive bid threshold shall be signed by the president or other duly authorized officer of the board of commissioners, by the executive director general superintendent, by the clerk and by the director of procurement and materials management purchasing agent. Each bid with the name of the bidder shall be entered upon a record which shall be open to public inspection in the office of the director of procurement and materials management purchasing agent. After the award is made, the bids shall be entered in the official records of the board of commissioners.

All purchase orders or contracts involving amounts that will not exceed the mandatory competitive bid threshold shall be let by the director of procurement and materials management purchasing agent. They shall be signed by the director of procurement and materials management purchasing agent and the clerk. All records pertaining to such awards shall be open to public inspection for a period of at least one year subsequent to the date of the award.

An official copy of each awarded purchase order or contract together with all necessary attachments thereto, including assignments and written consent of the director of procurement and materials management purchasing agent shall be retained by the director of procurement and materials management purchasing agent in an appropriate file open to the public for such period of time after termination of contract during which action against the municipality might ensue under applicable laws of limitation.

Certified copies of all completed contracts and purchase orders shall be filed with the clerk. After the appropriate period, purchase orders, contracts and attachments in the clerk's possession may be destroyed by direction of the director of procurement and materials management purchasing agent.

The provisions of this Act are not applicable to joint purchases of personal property, supplies and services made by governmental units in accordance with Sections 1 through 5 of "An Act authorizing certain governmental units to purchase personal property, supplies and services jointly," approved August 15, 1961.

(Source: P.A. 92-195, eff. 1-1-02.)

(70 ILCS 2605/11.11) (from Ch. 42, par. 331.11)

Sec. 11.11. In determining the responsibility of any bidder, the director of procurement and materials management purchasing agent may take into account, in addition to financial responsibility, past records of transactions with the bidder, experience, adequacy of equipment, ability to complete performance within a specific time and other pertinent factors, including but not limited to whether the equipment or material is manufactured in North America.

(Source: P.A. 87-762.)

(70 ILCS 2605/11.12) (from Ch. 42, par. 331.12)

Sec. 11.12. Any and all bids received in response to an advertisement may be rejected by the director of procurement and materials management purchasing agent if the bidders are not deemed responsible, or the character or quality of the services, supplies, materials, equipment or labor do not conform to requirements, or if the public interest may be better served thereby.

(Source: Laws 1963, p. 2498.)

(70 ILCS 2605/11.13) (from Ch. 42, par. 331.13)

Sec. 11.13. Bond, with sufficient sureties, in such amount as shall be deemed adequate by the director of procurement and materials management purchasing agent not only to insure performance of the contract in the time and manner specified in said contract but also to save, indemnify and keep harmless the sanitary district against all liabilities, judgments, costs and expenses which may in anywise accrue against said sanitary district in consequence of the granting of the contract or execution thereof shall be required for all contracts relative to construction, rehabilitation or repair of any of the works of the sanitary district and may be required of each bidder upon all other contracts in excess of the mandatory competitive bid threshold when, in the opinion of the director of procurement and materials management purchasing agent, the public interest will be better served thereby.

In accordance with the provisions of "An Act in relation to bonds of contractors entering into contracts for public construction", approved June 20, 1931, as amended, all contracts for construction work, to which the sanitary district is a party, shall require that the contractor furnish bond guaranteeing payment for materials and labor utilized in the contract.

(Source: P.A. 92-195, eff. 1-1-02.)

(70 ILCS 2605/11.14) (from Ch. 42, par. 331.14)

Sec. 11.14. No contract to which the sanitary district is a party shall be assigned by the successful bidder without the written consent of the director of procurement and materials management purchasing agent. In no event shall a contract or any part thereof be assigned to a bidder who has been declared not to be a responsible bidder in the consideration of bids submitted upon the particular contract.

(Source: Laws 1963, p. 2498.)

(70 ILCS 2605/11.16) (from Ch. 42, par. 331.16)

Sec. 11.16. The executive director general superintendent, with the advice and consent of the board of trustees, shall appoint the director of procurement and materials management purchasing agent. Any person appointed as the director of procurement and materials management purchasing agent must have served at least 5 years in a responsible executive capacity requiring knowledge and experience in large scale purchasing activities.

In making the appointment, the president shall appoint an advisory committee consisting of 5 persons, one of whom shall be the executive director general superintendent, which advisory board shall submit not fewer than 3 names to the general superintendent for the appointment. The executive director general superintendent shall make the appointment from nominees submitted by the Advisory Committee after giving due consideration to each nominee's executive experience and his ability to properly and effectively discharge the duties of the director of procurement and materials management purchasing agent.

The director of procurement and materials management purchasing agent may be removed for cause by the executive director general superintendent. He is entitled to a public hearing before the executive director general superintendent prior to such anticipated removal. The director of procurement and

~~materials management purchasing agent~~ is entitled to counsel of his own choice. The ~~executive director general superintendent~~ shall notify the board of trustees of the date, time, place and nature of each hearing and he shall invite the board to appear at each hearing.

(Source: Laws 1967, p. 623.)

(70 ILCS 2605/11.17) (from Ch. 42, par. 331.17)

Sec. 11.17. Powers of ~~director of procurement and materials management purchasing agent~~. The ~~director of procurement and materials management purchasing agent~~ shall: (a) adopt, promulgate and from time to time revise rules and regulations for the proper conduct of his office; (b) constitute the agent of the sanitary district in contracting for labor, materials, services, or work, the purchase, lease or sale of personal property, materials, equipment or supplies in conformity with this Act; (c) open all sealed bids; (d) determine the lowest or highest responsible bidder, as the case may be; (e) enforce written specifications describing standards established pursuant to this Act; (f) operate or require such physical, chemical or other tests as may be necessary to insure conformity to such specifications with respect to quality of materials; (g) exercise or require such control as may be necessary to insure conformity to contract provisions with respect to quantity; (h) distribute or cause to be distributed, to the various requisitioning agencies of such sanitary district such supplies, materials or equipment, as may be purchased by him; (i) transfer materials, supplies, and equipment to or between the various requisitioning agencies and to trade in, sell, donate, or dispose of any materials, supplies, or equipment that may become surplus, obsolete, or unusable; except that materials, supplies, and equipment may be donated only to not-for-profit institutions; (j) control and maintain adequate inventories and inventory records of all stocks of materials, supplies and equipment of common usage contained in any central or principal storeroom, stockyard or warehouse of the sanitary district; (k) assume such related activities as may be assigned to him from time to time by the board of trustees; and (m) submit to the board of trustees an annual report describing the activities of his office. The report shall be placed upon the official records of the sanitary district or given comparable public distribution.

(Source: P.A. 90-780, eff. 8-14-98.)

(70 ILCS 2605/11.18) (from Ch. 42, par. 331.18)

Sec. 11.18. The board of trustees is expressly authorized to establish a revolving fund to enable the ~~director of procurement and materials management purchasing agent~~ to purchase items of common usage in advance of immediate need. The revolving fund shall be reimbursed from appropriations of the using agencies. No officer or employee of a sanitary district organized pursuant to this Act shall be financially interested, directly or indirectly, in any bid, purchase order, lease or contract to which such sanitary district is a party. For purposes of this Section an officer or employee of the sanitary district is deemed to have a direct financial interest in a bid, purchase order, lease or contract with the district, if the officer or employee is employed by the district and is simultaneously employed by a person or corporation that is a party to any bid, purchase order, lease or contract with the sanitary district.

Any officer or employee convicted of a violation of this section shall forfeit his office or employment and in addition shall be guilty of a Class 4 felony.

(Source: P.A. 77-2408.)

(70 ILCS 2605/11.20) (from Ch. 42, par. 331.20)

Sec. 11.20. There shall be a board of standardization, composed of the ~~director of procurement and materials management purchasing agent~~ of the sanitary district who shall be chairman, and 4 other members who shall be appointed by the president of the board of trustees of the sanitary district. The members shall be responsible heads of a major office or department of the sanitary district and shall receive no compensation for their services on the board. The board shall meet at least once each 3 calendar months upon notification by the chairman at least 5 days in advance of the date announced for such meeting. Official action of the board shall require the vote of a majority of all members of the board. The chairman shall cause to be prepared a report describing the proceedings of each meeting. The report shall be transmitted to each member and shall be made available to the president and board of trustees of such sanitary district within 5 days subsequent to the date of the meeting and all such reports shall be open to public inspection, excluding Sundays and legal holidays.

The board of standardization shall: (a) classify the requirements of the sanitary district, including the departments, offices and other boards thereof, with respect to supplies, materials and equipment; (b) adopt as standards, the smallest numbers of the various qualities, sizes and varieties of such supplies, materials and equipment as may be consistent with the efficient operation of the sanitary district; and (c) prepare, adopt, promulgate, and from time to time revise, written specifications describing such standards.

Specifications describing in detail the physical, chemical and other characteristics of supplies, material or

equipment to be acquired by purchase order or contract shall be prepared by the board of standardization. However, all specifications pertaining to the construction, alteration, rehabilitation or repair of any real property of such sanitary district shall be prepared by the engineering agency engaged in the design of such construction, alteration, rehabilitation or repair, prior to approval by the director of procurement and materials management purchasing agent. The specification shall form a part of the purchase order or contract, and the performance of all such contracts shall be supervised by the engineering agency designated in the contracts.

In the preparation or revision of standard specifications the board of standardization shall solicit the advice, assistance and cooperation of the several requisitioning agencies and shall be empowered to consult such public or non-public laboratory or technical services as may be deemed expedient. After adoption, each standard specification shall, until rescinded, apply alike in terms and effect to every purchase order or contract for the purchase of any commodity, material, supply or equipment. The specifications shall be made available to the public upon request.

(Source: P.A. 87-1125.)

(70 ILCS 2605/11.23) (from Ch. 42, par. 331.23)

Sec. 11.23. The comptroller of the sanitary district shall conduct audits of all expenditures incident to all purchase orders and contracts awarded by the director of procurement and materials management purchasing agent. The comptroller shall report the results of such audits to the president and board of trustees.

(Source: Laws 1963, p. 2498.)

(70 ILCS 2605/11.24) (from Ch. 42, par. 331.24)

Sec. 11.24. (a) A person or business entity shall be disqualified from doing business with The Metropolitan Sanitary District of Greater Chicago for a period of 5 years from the date of conviction or entry of a plea or admission of guilt, if that person or business entity:

1. has been convicted of an act of bribery or attempting to bribe an officer or employee of the federal government or of a unit of any state or local government or school district in that officer's or employee's official capacity; or
2. has been convicted of an act of bid-rigging or attempting to rig bids as defined in the Federal Sherman Anti-Trust Act and Clayton Act; or
3. has been convicted of bid-rigging or attempting to rig bids under the laws of the State of Illinois or any other state; or
4. has been convicted of an act of price-fixing or attempting to fix prices as defined by the Federal Sherman Anti-Trust Act and Clayton Act; or
5. has been convicted of price-fixing or attempting to fix prices under the laws of the State of Illinois or any other state; or
6. has been convicted of defrauding or attempting to defraud the Federal government or a unit of any state or local government or school district; or
7. has made an admission of guilt of such conduct as set forth in subsections 1 through 6 above, which admission is a matter of record, whether or not such person or business entity was subject to prosecution for the offense or offenses admitted to; or
8. has entered a plea of nolo contendere to charges of bribery, price-fixing, bid-rigging, or fraud as set forth in subsections 1 through 6 above.

(b) "Business entity" as used in this section means a corporation, partnership, trust, association, unincorporated business or individually owned business.

(c) A business entity shall be disqualified if the following persons are convicted of, have made an admission of guilt, or enter a plea of nolo contendere to a disqualifying act described in paragraph (a), subsections 1 through 6, regardless of whether or not the disqualifying act was committed on behalf or for the benefit of such business entity:

- (1) a person owning or controlling, directly or indirectly, 20% or more of its outstanding shares; or
- (2) a member of its board of directors; or
- (3) an agent, officer or employee of such business entity.

(d) Disqualification Procedure. After bids are received, whether in response to a solicitation for bids or public advertising for bids, if it shall come to the attention of the director of procurement and materials management purchasing agent that a bidder has been convicted, made an admission of guilt, a plea of nolo contendere, or otherwise falls within one or more of the categories set forth in paragraphs (a), (b) or (c) of this Section, the director of procurement and materials management purchasing agent shall notify the bidder by certified mail, return receipt requested, that such bidder is disqualified from doing business with

the Sanitary District. The notice shall specify the reasons for disqualification.

(e) Review Board. A review board consisting of 3 individuals shall be appointed by the Executive Director General Superintendent of the Sanitary District. The board shall select a chairman from its own members. A majority of the members shall constitute a quorum and all matters coming before the board shall be determined by a majority. All members of the review board shall serve without compensation, but shall be reimbursed actual expenses.

(f) Review. The director of procurement and materials management's purchasing agent's determination of disqualification shall be final as of the date of the notice of disqualification unless, within 10 calendar days thereafter, the disqualified bidder files with the director of procurement and materials management purchasing agent a notice of appeal. The notice of appeal shall specify the exceptions to the director of procurement and materials management's purchasing agent's determination and shall include a request for a hearing, if one is desired. Upon receipt of the notice of appeal, the director of procurement and materials management purchasing agent shall provide a copy to each member of the review board. If the notice does not contain a request for a hearing, the director of procurement and materials management purchasing agent may request one within 5 days after receipt of the notice of appeal. If a hearing is not requested, the review board may, but need not, hold a hearing.

If a hearing is not requested, the review board, unless it decides to hold a hearing, shall review the notice of disqualification, the notice of appeal and any other supporting documents which may be filed by either party. Within 15 days after the notice of appeal is filed, the review board shall either affirm or reverse the director of procurement and materials management's purchasing agent's determination of disqualification and shall transmit a copy to each party by certified mail, return receipt requested.

If there is a hearing, the hearing shall commence within 15 days after the filing of the notice of appeal. A notice of hearing shall be transmitted to the director of procurement and materials management purchasing agent and the disqualified bidder not later than 12 calendar days prior to the hearing date, by certified mail, return receipt requested.

Evidence shall be limited to the factual issues involved. Either party may present evidence and persons with relevant information may testify, under oath, before a certified reporter. Strict rules of evidence shall not apply to the proceedings, but the review board shall strive to elicit the facts fully and in credible form. The disqualified bidder may be represented by an attorney.

Within 10 calendar days after the conclusion of the hearing, the review board shall make a finding as to whether or not the reasons given in the director of procurement and materials management's purchasing agent's notice of disqualification apply to the bidder, and an appropriate order shall be entered. A copy of the order shall be transmitted to the director of procurement and materials management purchasing agent and the bidder by certified mail, return receipt requested.

(g) All final decisions of the review board shall be subject to review under the Administrative Review Law.

(h) Notwithstanding any other provision of this section to the contrary, the Sanitary District may do business with any person or business entity when it is determined by the director of procurement and materials management purchasing agent to be in the best interest of the Sanitary District, such as, but not limited to contracts for materials or services economically procurable only from a single source.

(Source: P.A. 83-1539.)

Section 99. Effective date. This Act takes effect upon becoming law, except that Section 15 takes effect on January 1, 2009."

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

### SENATE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Joyce, SENATE BILL 2292 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: 68, Yeas; 40, Nays; 1, Answering Present.  
(ROLL CALL 37)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative Arroyo, SENATE BILL 2596 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: 87, Yeas; 22, Nays; 0, Answering Present.

(ROLL CALL 38)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

### HOUSE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Turner, HOUSE BILL 5032 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: 110, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 39)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

### HOUSE BILL ON SECOND READING

HOUSE BILL 2088. Having been reproduced, was taken up and read by title a second time.

Representative Washington offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 2088 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Natural Resources Act is amended by adding Section 5-20 as follows:  
(20 ILCS 801/5-20 new)

Sec. 5-20. Waukegan Harbor. The Department may not enter into any contract or incur any obligation or expend any moneys for the purpose of dredging or cleanup of the Waukegan Harbor unless the associated harbor or waterway is maintained as a commercially navigable harbor that has a minimum depth of 23 feet and that is accessible to commercial vessels and to those seeking a harbor of refuge for safety purposes."

The foregoing motion prevailed and Amendment No. 1 was adopted.

Floor Amendment No. 2 remained in the Committee on Rules.

Representative Washington offered and withdrew Amendment No. 3.

Representative Washington offered the following amendment and moved its adoption:

AMENDMENT NO. 4. Amend House Bill 2088 by replacing everything after the enacting clause with the following:

"Section 5. The Rivers, Lakes, and Streams Act is amended by adding Section 24a as follows:  
(615 ILCS 5/24a new)



Sec. 24a. Waukegan Harbor.

(a) No agency of the State of Illinois, other than the Illinois Environmental Protection Agency, shall enter into any contract or incur any obligation or expend any moneys for the purpose of dredging or cleanup of the approach channel, outer harbor, entrance channel, inner harbor (or inner basin), or inner harbor extension (or inner basin extension) of Waukegan Harbor that would result in a decrease of the channel depths of -18 feet low water datum. These portions of Waukegan Harbor shall be maintained with a minimum channel depth of -18 feet, and shall allow for greater depths if authorized by federal law. The harbor shall be maintained as a commercially navigable harbor that is accessible to commercial vessels and to those seeking a harbor of refuge for safety purposes.

(b) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this subsection, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

The foregoing motion prevailed and Amendment No. 4 was adopted.

There being no further amendments, the foregoing Amendments numbered 1 and 4 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

### **HOUSE BILLS ON THIRD READING**

The following bills and any amendments adopted thereto were reproduced. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Washington, HOUSE BILL 2088 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: 108, Yeas; 0, Nays; 2, Answering Present.

(ROLL CALL 40)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Arroyo, HOUSE BILL 4861 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: 109, Yeas; 1, Nay; 0, Answering Present.

(ROLL CALL 41)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

### SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Turner, SENATE BILL 2015 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: 110, Yeas; 0, Nays; 0, Answering Present.  
(ROLL CALL 42)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

### SUSPEND POSTING REQUIREMENTS

Representative Stephens moved to suspend the posting requirements in Rule 25 in relation to SENATE BILLS 836 and 848 to be heard in committee.

The motion prevailed.

### HOUSE BILL ON SECOND READING

HOUSE BILL 4707. Having been read by title a second time on May 21, 2008, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Elementary & Secondary Education, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 4707 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 2-3.71 as follows:

(105 ILCS 5/2-3.71) (from Ch. 122, par. 2-3.71)

Sec. 2-3.71. Grants for preschool educational programs.

(a) Preschool program.

(1) The State Board of Education shall implement and administer a grant program under the provisions of this subsection which shall consist of grants to public school districts and other eligible entities, as defined by the State Board of Education, to conduct voluntary preschool educational programs for children ages 3 to 5 which include a parent education component. A public school district which receives grants under this subsection may subcontract with other entities that are eligible to conduct a preschool educational program. These grants must be used to supplement, not supplant, funds received from any other source.

(2) (Blank).

(3) Any teacher of preschool children in the program authorized by this subsection shall hold an early childhood teaching certificate.

(4) This paragraph (4) applies before July 1, 2006 and after June 30, 2008. The State Board of Education shall provide the primary source of funding through appropriations for the program. Such funds shall be distributed for the benefit of children who because of their home and community environment are subject to such language, cultural, economic and like disadvantages that they have been determined as a result of screening procedures to be at risk of academic failure. Such screening procedures shall be based on criteria established by the State Board of Education.

(4.5) This paragraph (4.5) applies from July 1, 2006 through June 30, 2008. The State Board of Education shall provide the primary source of funding through appropriations for the program. Such funds shall be distributed to achieve a goal of "Preschool for All Children" for the benefit of all children whose families choose to participate in the program. Based on available appropriations, newly funded programs shall be selected through a process giving first priority to qualified programs serving primarily at-risk children and second priority to qualified programs serving primarily children with a

family income of less than 4 times the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2). For purposes of this paragraph (4.5), at-risk children are those who because of their home and community environment are subject to such language, cultural, economic and like disadvantages to cause them to have been determined as a result of screening procedures to be at risk of academic failure. Such screening procedures shall be based on criteria established by the State Board of Education.

On or before November 1 of each fiscal year in which the General Assembly provides funding for new programs under this paragraph (4.5), the State Board of Education shall report to the General Assembly on what percentage of new funding was provided to programs serving primarily at-risk children, what percentage of new funding was provided to programs serving primarily children with a family income of less than 4 times the federal poverty level, and what percentage of new funding was provided to other programs.

Except as otherwise provided in this paragraph (4.5), grantees under the program must enter into a memorandum of understanding with the appropriate local Head Start agency. This memorandum must be entered into no later than 3 months after the award of a grantee's grant under the program, except that, in the case of the 2008-2009 program year, the memorandum must be entered into no later than the deadline set by the State Board of Education for applications to participate in the program in fiscal year 2010, and must address collaboration between the grantee's program and the local Head Start agency on certain issues, which shall include without limitation the following:

- (A) educational activities, curricular objectives, and instruction;
- (B) public information dissemination and access to programs for families contacting programs;
- (C) service areas;
- (D) selection priorities for eligible children to be served by programs;
- (E) maximizing the impact of federal and State funding to benefit young children;
- (F) staff training, including opportunities for joint staff training;
- (G) technical assistance;
- (H) communication and parent outreach for smooth transitions to kindergarten;
- (I) provision and use of facilities, transportation, and other program elements;
- (J) facilitating each program's fulfillment of its statutory and regulatory requirements;
- (K) improving local planning and collaboration; and
- (L) providing comprehensive services for the neediest Illinois children and families.

If the appropriate local Head Start agency is unable or unwilling to enter into a memorandum of understanding as required under this paragraph (4.5), the memorandum of understanding requirement shall not apply and the grantee under the program must notify the State Board of Education in writing of the Head Start agency's inability or unwillingness. The State Board of Education shall compile all such written notices and make them available to the public.

(5) The State Board of Education shall develop and provide evaluation tools, including tests, that school districts and other eligible entities may use to evaluate children for school readiness prior to age 5. The State Board of Education shall require school districts and other eligible entities to obtain consent from the parents or guardians of children before any evaluations are conducted. The State Board of Education shall encourage local school districts and other eligible entities to evaluate the population of preschool children in their communities and provide preschool programs, pursuant to this subsection, where appropriate.

(6) The State Board of Education shall report to the General Assembly by July 1, 2007 and every 3 years thereafter on the results and progress of students who were enrolled in preschool educational programs, including an assessment of which programs have been most successful in promoting academic excellence and alleviating academic failure. The State Board of Education shall assess the academic progress of all students who have been enrolled in preschool educational programs.

(b) (Blank).

(Source: P.A. 94-506, eff. 8-8-05; 94-1054, eff. 7-25-06.)

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

**HOUSE BILL ON THIRD READING**

The following bill and any amendments adopted thereto were reproduced. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Burke, HOUSE BILL 4707 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: 110, Yeas; 0, Nays; 0, Answering Present.  
(ROLL CALL 43)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

**HOUSE BILL ON SECOND READING**

HOUSE BILL 2760. Having been reproduced, was taken up and read by title a second time. Representative Molaro offered the following amendments and moved their adoption:

AMENDMENT NO. 1. Amend House Bill 2760 by replacing everything after the enacting clause with the following:

"Section 5. The Firearm Owners Identification Card Act is amended by changing Section 8 as follows:  
(430 ILCS 65/8) (from Ch. 38, par. 83-8)  
(Text of Section before amendment by P.A. 95-581)

Sec. 8. The Department of State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Act only if the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance:

(a) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(b) A person under 21 years of age who does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not qualify to have a Firearm Owner's Identification Card;

(c) A person convicted of a felony under the laws of this or any other jurisdiction;

(d) A person addicted to narcotics;

(e) A person who has been a patient of a mental institution within the past 5 years;

(f) A person whose mental condition is of such a nature that it poses a clear and present danger to the applicant, any other person or persons or the community;

For the purposes of this Section, "mental condition" means a state of mind manifested by violent, suicidal, threatening or assaultive behavior.

(g) A person who is mentally retarded;

(h) A person who intentionally makes a false statement in the Firearm Owner's Identification Card application;

(i) An alien who is unlawfully present in the United States under the laws of the United States;

(i-5) An alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), except that this subsection (i-5) does not apply to any alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:

(1) admitted to the United States for lawful hunting or sporting purposes;

(2) an official representative of a foreign government who is:

(A) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

(B) en route to or from another country to which that alien is accredited;

(3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;

(4) a foreign law enforcement officer of a friendly foreign government entering the

United States on official business; or

(5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);

(j) A person who is subject to an existing order of protection prohibiting him or her from possessing a firearm;

(k) A person who has been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

(l) A person who has been convicted of domestic battery or a substantially similar offense in another jurisdiction committed on or after January 1, 1998;

(m) A person who has been convicted within the past 5 years of domestic battery or a substantially similar offense in another jurisdiction committed before January 1, 1998;

(n) A person who is prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois State statute or by federal law;

(o) A minor subject to a petition filed under Section 5-520 of the Juvenile Court Act of 1987 alleging that the minor is a delinquent minor for the commission of an offense that if committed by an adult would be a felony; or

(p) An adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 for the commission of an offense that if committed by an adult would be a felony.

The Department of State Police may revoke and seize a Firearm Owner's Identification Card previously issued under this Act of a person who fails to report the loss or theft of a handgun a second time to the Department within 72 hours after obtaining knowledge of the second loss or theft.

(Source: P.A. 92-854, eff. 12-5-02; 93-367, eff. 1-1-04.)

(Text of Section after amendment by P.A. 95-581)

Sec. 8. The Department of State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Act only if the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance:

(a) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(b) A person under 21 years of age who does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not qualify to have a Firearm Owner's Identification Card;

(c) A person convicted of a felony under the laws of this or any other jurisdiction;

(d) A person addicted to narcotics;

(e) A person who has been a patient of a mental institution within the past 5 years or has been adjudicated as a mental defective;

(f) A person whose mental condition is of such a nature that it poses a clear and present danger to the applicant, any other person or persons or the community;

For the purposes of this Section, "mental condition" means a state of mind manifested by violent, suicidal, threatening or assaultive behavior.

(g) A person who is mentally retarded;

(h) A person who intentionally makes a false statement in the Firearm Owner's Identification Card application;

(i) An alien who is unlawfully present in the United States under the laws of the United States;

(i-5) An alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), except that this subsection (i-5) does not apply to any alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:

(1) admitted to the United States for lawful hunting or sporting purposes;

(2) an official representative of a foreign government who is:

(A) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

(B) en route to or from another country to which that alien is accredited;

(3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;

(4) a foreign law enforcement officer of a friendly foreign government entering the

United States on official business; or

(5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);

(j) A person who is subject to an existing order of protection prohibiting him or her from possessing a firearm;

(k) A person who has been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

(l) A person who has been convicted of domestic battery or a substantially similar offense in another jurisdiction committed on or after January 1, 1998;

(m) A person who has been convicted within the past 5 years of domestic battery or a substantially similar offense in another jurisdiction committed before January 1, 1998;

(n) A person who is prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois State statute or by federal law;

(o) A minor subject to a petition filed under Section 5-520 of the Juvenile Court Act of 1987 alleging that the minor is a delinquent minor for the commission of an offense that if committed by an adult would be a felony; or

(p) An adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 for the commission of an offense that if committed by an adult would be a felony.

The Department of State Police may revoke and seize a Firearm Owner's Identification Card previously issued under this Act of a person who fails to report the loss or theft of a handgun a second time to the Department within 72 hours after obtaining knowledge of the second loss or theft.

(Source: P.A. 95-581, eff. 6-1-08.)

Section 10. The Criminal Code of 1961 is amended by adding Section 24-4.1 as follows:

(720 ILCS 5/24-4.1 new)

Sec. 24-4.1. Report of lost or stolen handguns.

(a) If a person who possesses a valid Firearm Owner's Identification Card and who possesses or acquires a handgun thereafter loses or misplaces the handgun, or if the handgun is stolen from the person, the person must report the loss or theft to the Department of State Police within 72 hours after obtaining knowledge of the loss or theft.

(b) Sentence. A person who violates this Section is guilty of a petty offense for a first violation. A second or subsequent violation of this Section is a Class A misdemeanor.

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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

AMENDMENT NO. 2. Amend House Bill 2760 by replacing everything after the enacting clause with the following:

"Section 5. The Firearm Owners Identification Card Act is amended by changing Section 8 as follows:

(430 ILCS 65/8) (from Ch. 38, par. 83-8)

(Text of Section before amendment by P.A. 95-581)

Sec. 8. The Department of State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Act only if the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance:

(a) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(b) A person under 21 years of age who does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not qualify to have a Firearm Owner's Identification Card;

(c) A person convicted of a felony under the laws of this or any other jurisdiction;

(d) A person addicted to narcotics;

(e) A person who has been a patient of a mental institution within the past 5 years;

(f) A person whose mental condition is of such a nature that it poses a clear and present danger to the applicant, any other person or persons or the community;

For the purposes of this Section, "mental condition" means a state of mind manifested by violent, suicidal, threatening or assaultive behavior.

- (g) A person who is mentally retarded;
  - (h) A person who intentionally makes a false statement in the Firearm Owner's Identification Card application;
  - (i) An alien who is unlawfully present in the United States under the laws of the United States;
  - (i-5) An alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), except that this subsection (i-5) does not apply to any alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:
    - (1) admitted to the United States for lawful hunting or sporting purposes;
    - (2) an official representative of a foreign government who is:
      - (A) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or
      - (B) en route to or from another country to which that alien is accredited;
    - (3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;
    - (4) a foreign law enforcement officer of a friendly foreign government entering the United States on official business; or
    - (5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);
  - (j) A person who is subject to an existing order of protection prohibiting him or her from possessing a firearm;
  - (k) A person who has been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;
  - (l) A person who has been convicted of domestic battery or a substantially similar offense in another jurisdiction committed on or after January 1, 1998;
  - (m) A person who has been convicted within the past 5 years of domestic battery or a substantially similar offense in another jurisdiction committed before January 1, 1998;
  - (n) A person who is prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois State statute or by federal law;
  - (o) A minor subject to a petition filed under Section 5-520 of the Juvenile Court Act of 1987 alleging that the minor is a delinquent minor for the commission of an offense that if committed by an adult would be a felony; or
  - (p) An adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 for the commission of an offense that if committed by an adult would be a felony.
- The Department of State Police may revoke and seize a Firearm Owner's Identification Card previously issued under this Act of a person who fails to report the loss or theft of a handgun a second time to the local law enforcement agency within 72 hours after obtaining knowledge of the second loss or theft.
- (Source: P.A. 92-854, eff. 12-5-02; 93-367, eff. 1-1-04.)
- (Text of Section after amendment by P.A. 95-581)
- Sec. 8. The Department of State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Act only if the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance:
- (a) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;
  - (b) A person under 21 years of age who does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not qualify to have a Firearm Owner's Identification Card;
  - (c) A person convicted of a felony under the laws of this or any other jurisdiction;
  - (d) A person addicted to narcotics;
  - (e) A person who has been a patient of a mental institution within the past 5 years or has been adjudicated as a mental defective;
  - (f) A person whose mental condition is of such a nature that it poses a clear and present danger to the applicant, any other person or persons or the community;

For the purposes of this Section, "mental condition" means a state of mind manifested by violent, suicidal, threatening or assaultive behavior.

- (g) A person who is mentally retarded;
- (h) A person who intentionally makes a false statement in the Firearm Owner's Identification Card application;
- (i) An alien who is unlawfully present in the United States under the laws of the United States;
- (i-5) An alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), except that this subsection (i-5) does not apply to any alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:
  - (1) admitted to the United States for lawful hunting or sporting purposes;
  - (2) an official representative of a foreign government who is:
    - (A) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or
    - (B) en route to or from another country to which that alien is accredited;
  - (3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;
  - (4) a foreign law enforcement officer of a friendly foreign government entering the United States on official business; or
  - (5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);
- (j) A person who is subject to an existing order of protection prohibiting him or her from possessing a firearm;
- (k) A person who has been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;
- (l) A person who has been convicted of domestic battery or a substantially similar offense in another jurisdiction committed on or after January 1, 1998;
- (m) A person who has been convicted within the past 5 years of domestic battery or a substantially similar offense in another jurisdiction committed before January 1, 1998;
- (n) A person who is prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois State statute or by federal law;
- (o) A minor subject to a petition filed under Section 5-520 of the Juvenile Court Act of 1987 alleging that the minor is a delinquent minor for the commission of an offense that if committed by an adult would be a felony; or
- (p) An adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 for the commission of an offense that if committed by an adult would be a felony.

The Department of State Police may revoke and seize a Firearm Owner's Identification Card previously issued under this Act of a person who fails to report the loss or theft of a handgun a second time to the local law enforcement agency within 72 hours after obtaining knowledge of the second loss or theft.

(Source: P.A. 95-581, eff. 6-1-08.)

Section 10. The Criminal Code of 1961 is amended by adding Section 24-4.1 as follows:

(720 ILCS 5/24-4.1 new)

Sec. 24-4.1. Report of lost or stolen handguns.

(a) If a person who possesses a valid Firearm Owner's Identification Card and who possesses or acquires a handgun thereafter loses or misplaces the handgun, or if the handgun is stolen from the person, the person must report the loss or theft to the local law enforcement agency within 72 hours after obtaining knowledge of the loss or theft.

(b) Sentence. A person who violates this Section is guilty of a petty offense for a first violation. A second or subsequent violation of this Section is a Class A misdemeanor.

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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

The foregoing motions prevailed and Amendments numbered 1 and 2 were adopted.



There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

### HOUSE BILL ON SECOND READING

HOUSE BILL 4612. Having been read by title a second time on May 15, 2008, and held on the order of Second Reading.

Representative Ford moved that the Balanced Budget notes are inapplicable.

The motion prevailed.

There being no further amendments, the bill was advanced to the order of Third Reading.

### HOUSE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Ford, HOUSE BILL 4612 was taken up and read by title a third time.

Pending discussion, Representative Fritchey moved the previous question.

And the question being, "Shall the main question be now put?" it was decided in the negative, and the debate continued.

The question then being, "Shall this bill pass?" it was decided in the negative by the following vote:

45, Yeas; 63, Nays; 1, Answering Present.

(ROLL CALL 44)

This bill, having failed to receive the votes of a constitutional majority of the Members elected, was declared lost.

### HOUSE BILL ON SECOND READING

HOUSE BILL 4927. Having been recalled on May 27, 2008, and held on the order of Second Reading, the same was again taken up.

Representative Chapa LaVia offered the following amendments and moved their adoption.

AMENDMENT NO. 4. Amend House Bill 4927, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, on page 2, line 2, by replacing "where" with "when"; and on page 4, line 13, by replacing "where" with "when"; and on page 9, line 19, by replacing "where" with "when"; and on page 20, line 25, by deleting "was the child who"; and on page 20, line 26, by replacing "where" with "when".

AMENDMENT NO. 5. Amend House Bill 4927, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, on page 20, line 21, by deleting "or allows to be committed".

The foregoing motions prevailed and Amendments numbered 4 and 5 were adopted.

There being no further amendments, the foregoing Amendments numbered 4 and 5 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

### HOUSE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Chapa LaVia, HOUSE BILL 4927 was taken up and read by title a third time.

Pending discussion, Representative Fritchey moved the previous question.

The motion failed.

The question then being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 90, Yea; 20, Nay; 0, Answering Present.

(ROLL CALL 45)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

### SENATE BILL ON SECOND READING

SENATE BILL 2860. Having been read by title a second time on May 28, 2008, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Environmental Health, adopted and reproduced.

AMENDMENT NO. 1. Amend Senate Bill 2860 by replacing everything after the enacting clause with the following:

"Section 5. The Lead Poisoning Prevention Act is amended by changing Section 6 as follows:

(410 ILCS 45/6) (from Ch. 111 1/2, par. 1306)

Sec. 6. Warning statement.

(a) Definitions. As used in this Section:

"Children's jewelry" means jewelry that is made for, marketed for use by, or marketed to children under the age of 12 and includes jewelry that meets any of the following conditions:

(1) represented in its packaging, display, or advertising as appropriate for use by children under the age of 12;

(2) sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children under 12;

(3) sized for children and not intended for use by adults; or

(4) sold in any of the following places: a vending machine; a retail store, catalogue, or online Web site in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; or a discrete portion of a retail store, catalogue, or online Web site in which a person offers for sale products that are packaged, displayed or advertised as appropriate for use by children.

"Child care article" means an item that is designed or intended by the manufacturer to facilitate the sleep, relaxation, or feeding of children under the age of 6 or to help with children under the age of 6 who are sucking or teething.

"Toy containing paint" means a painted toy designed for or intended for use by children under the age of 12 at play. In determining whether a toy containing paint is designed for or intended for use by children under the age of 12, the following factors shall be considered:

(i) a statement by a manufacturer about the intended use of the product, including a label on the product, if such statement is reasonable;

(ii) whether the product is represented in its packaging, display, promotion, or advertising as appropriate for children under the age of 12; and

(iii) whether the product is commonly recognized by consumers as being intended for use by a child under the age of 12.

(b) Children's products. Effective January 1, 2010, no person, firm, or corporation shall sell, have, offer for sale, or transfer the items listed in this Section that contain a total lead content in any component part of

the item that is more than 0.004% (40 parts per million) but less than 0.06% (600 parts per million) by total weight or a lower standard for lead content as may be established by federal or State law or regulation unless that item bears a warning statement that indicates that at least one component part of the item contains lead.

The warning statement for items covered under this subsection (b) shall contain at least the following: "WARNING: CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. MAY GENERATE DUST CONTAINING LEAD."

An entity is in compliance with this subsection (b) if the warning statement is provided on the children's product or on the label on the immediate container of the children's product. This subsection (b) does not apply to any product for which federal law governs warning in a manner that preempts State authority.

(c) Other lead bearing substance. No person, firm, or corporation shall have, offer for sale, sell, or give away any lead bearing substance that may be used by the general public, except as otherwise provided in subsection (b) of this Section, unless it bears the warning statement as prescribed by federal regulation. If no regulation is prescribed the warning statement shall be as follows when the lead bearing substance is a lead-based paint or surface coating: "WARNING--CONTAINS LEAD. ~~DRIED FILM OF THIS SUBSTANCE~~ MAY BE HARMFUL IF EATEN OR CHEWED. See Other Cautions on (Side or Back) Panel. Do not apply on toys, or other children's articles, furniture, or interior, or exterior exposed surfaces of any residential building or facility that may be occupied or used by children. KEEP OUT OF THE REACH OF CHILDREN." If no regulation is prescribed the warning statement shall be as follows when the lead bearing substance contains lead-based paint or a form of lead other than lead-based paint: "WARNING CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. MAY GENERATE DUST CONTAINING LEAD. KEEP OUT OF THE REACH OF CHILDREN."

For the purposes of this subsection (c), the ~~(a)~~ The generic term of a product, such as "paint" may be substituted for the word "substance" in the above labeling.

~~(b) The placement, conspicuousness, and contrast of the above labeling shall be in accordance with 16 C.F.R. 1500.121.~~

(d) The warning statements on items covered in subsections (a), (b), and (c) of this Section shall be in accordance with, or substantially similar to, the following:

(1) the statement shall be located in a prominent place on the item or package such that consumers are likely to see the statement when it is examined under retail conditions;

(2) the statement shall be conspicuous and not obscured by other written matter;

(3) the statement shall be legible; and

(4) the statement shall contrast with the typography, layout and color of the other printed matter.

Compliance with 16 C.F.R. 1500.121 adopted under the Federal Hazardous Substances Act constitutes compliance with this subsection (d).

(e) The manufacturer or importer of record shall be responsible for compliance with this Section.

(f) Subsection (c) of this Section does not apply to any component part of a consumer electronic product, including, but not limited to, personal computers, audio and video equipment, calculators, wireless phones, game consoles, and handheld devices incorporating a video screen used to access interactive software and their associated peripherals, that is not accessible to a child through normal and reasonably foreseeable use of the product. A component part is not accessible under this subsection (f) if the component part is not physically exposed by reason of a sealed covering or casing and does not become physically exposed through reasonably foreseeable use and abuse of the product. Paint, coatings, and electroplating, singularly or in any combination, are not sufficient to constitute a sealed covering or casing for purposes of this Section. Coatings and electroplating are sufficient to constitute a sealed covering for connectors, power cords, USB cables, or other similar devices or components used in consumer electronics products.

(Source: P.A. 94-879, eff. 6-20-06.)

Section 10. The Mercury-added Product Prohibition Act is amended by adding Sections 22 and 23 and by changing Section 30 as follows:

(410 ILCS 46/22 new)

Sec. 22. Sale and distribution of cosmetics, toiletries, or fragrances containing mercury. No person shall distribute or sell any cosmetics, toiletries, or fragrances containing mercury. Any person who knowingly sells or distributes mercury-containing cosmetics, toiletries, or fragrances in this State is guilty of a petty offense and shall be fined an amount not to exceed \$500.

(410 ILCS 46/23 new)

Sec. 23. Disclosure. Any person in this State manufacturing cosmetics, toiletries, or fragrances containing mercury must disclose the level of mercury in the product. A manufacturer who fails to disclose

the level of mercury in its cosmetics, toiletries, or fragrances is guilty of a business offense and shall be fined \$10,000.

(410 ILCS 46/30)

Sec. 30. Penalty for violation. Except as provided in Sections 22 and 23 of this Act, a ~~A~~ person who violates this Act shall be guilty of a petty offense and upon conviction shall be subject to a fine of not less than \$50 and not more than \$200 for each violation.

(Source: P.A. 93-165, eff. 1-1-04.)"

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

### SENATE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Jakobsson, SENATE BILL 2860 was taken up and read by title a third time.

Pending discussion, Representative Phelps moved the previous question.

And the question being, "Shall the main question be now put?" it was decided in the affirmative.

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

105, Yeas; 1, Nay; 2, Answering Present.

(ROLL CALL 46)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative Smith, SENATE BILL 2864 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:

100, Yeas; 9, Nays; 0, Answering Present.

(ROLL CALL 47)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

### RESOLUTION

Having been reported out of the Committee on Rules on May 29, 2008, HOUSE JOINT RESOLUTION 137 was taken up for consideration.

Representative Fritchey offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Joint Resolution 137 as follows:  
on page 7, line 2, by replacing "interests" with "interest"; and  
on page 9, line 8, by replacing "General Assembly" with "legislative process".

The foregoing motion prevailed and Amendment No. 1 was adopted.

Representative Fritchey moved the adoption of the resolution.

And on that motion, a vote was taken resulting as follows:

109, Yeas; 0, Nays; 1, Answering Present.

(ROLL CALL 48)

The motion prevailed and the Resolution was adopted.

Ordered that the Clerk inform the Senate and ask their concurrence.

**RECALL**

At the request of the principal sponsor, Representative Golar, SENATE BILL 2603 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

**AGREED RESOLUTIONS**

HOUSE RESOLUTIONS 1347, 1348, 1349, 1350, 1351, 1352 and 1355 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the agreed resolutions were adopted.

At the hour of 8:46 o'clock p.m., Representative Currie moved that the House do now adjourn until Friday, May 30, 2008, at 10:00 o'clock a.m., allowing perfunctory time for the Clerk.

The motion prevailed.

And the House stood adjourned.

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
QUORUM ROLL CALL FOR ATTENDANCE

May 29, 2008

0 YEAS

0 NAYS

115 PRESENT

P Acevedo	P Dugan	P Krause	P Reboletti
P Arroyo	P Dunkin	P Lang	P Reis
P Bassi	P Dunn	P Leitch	P Reitz
P Beaubien	P Durkin	P Lindner	P Riley
P Beiser	P Eddy	P Lyons	P Rita
P Bellock	P Feigenholtz	P Mathias	P Rose
P Berrios	P Flider	P Mautino	P Ryg
P Biggins	P Flowers	P May	P Sacia
P Black	P Ford	P McAuliffe	P Saviano
P Boland	P Fortner	P McCarthy	P Schmitz
P Bost	P Franks	P McGuire	P Schock
P Bradley, John	P Fritchey	P Mendoza	P Scully
P Bradley, Richard	P Froehlich	P Meyer	P Smith
P Brady	P Golar	P Miller	P Sommer
P Brauer	P Gordon	P Mitchell, Bill	P Soto
P Brosnahan	P Graham	P Mitchell, Jerry	P Stephens
P Burke	P Granberg	P Moffitt	P Sullivan
P Chapa LaVia	P Hamos	P Molaro	P Tracy
P Coladipietro	P Hannig	P Mulligan	P Tryon
P Cole	P Harris	P Munson	P Turner
P Collins	P Hassert	P Myers	P Verschoore
P Colvin	P Hernandez	P Nekritz	P Wait
P Coulson	P Hoffman	P Osmond	P Washington (ADDED)
P Crespo	P Holbrook	E Osterman	E Watson
P Cross	P Howard	P Patterson	P Winters
P Cultra	P Jakobsson	P Phelps	P Yarbrough
P Currie	P Jefferies	P Pihos	P Younge
P D'Amico	P Jefferson	P Poe	P Mr. Speaker
P Davis, Monique	P Joyce	P Pritchard	
E Davis, William	P Kosel	P Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-FIFTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4905  
 PEN CD-ART 3 & 4-VARIOUS  
 THIRD READING  
 PASSED

May 29, 2008

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	A Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 887  
REGULATION-TECH  
THIRD READING  
PASSED

May 29, 2008

113 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	A Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	A Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence



STATE OF ILLINOIS  
 NINETY-FIFTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 993  
 TRANSPORTATION-TECH  
 THIRD READING  
 PASSED

May 29, 2008

113 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	A Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	A Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 1869  
MED PRAC-VISITING PROF-EXAM  
THIRD READING  
PASSED

May 29, 2008

113 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	A Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	A Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-FIFTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 1881  
 CRIM PRO-DENIAL OF BAIL  
 THIRD READING  
 PASSED

May 29, 2008

83 YEAS

26 NAYS

4 PRESENT

Y Acevedo	N Dugan	Y Krause	Y Reboletti
Y Arroyo	N Dunkin	Y Lang	N Reis
Y Bassi	Y Dunn	N Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	N Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
Y Bellock	N Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	N Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
N Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	N Golar	Y Miller	Y Sommer
Y Brauer	N Gordon	N Mitchell, Bill	Y Soto
Y Brosnahan	P Graham	N Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	N Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	N Turner
N Collins	Y Hassert	N Myers	Y Verschoore
P Colvin	Y Hernandez	N Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	A Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	P Howard	Y Patterson	Y Winters
N Cultra	Y Jakobsson	Y Phelps	P Yarbrough
N Currie	N Jefferies	N Pihos	N Younge
Y D'Amico	Y Jefferson	N Poe	A Mr. Speaker
N Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	N Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 1887  
CRIM CD-LIMITATION-SEX OFFENSE  
THIRD READING  
PASSED

May 29, 2008

111 YEAS

2 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	N Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
N Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	A Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	A Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 1900  
AUTISM SPECTRUM DISORDERS  
THIRD READING  
PASSED

May 29, 2008

113 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	A Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	A Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 1927  
SEED LAW-COOL WEATHER GRASSES  
THIRD READING  
PASSED

May 29, 2008

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	A Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 1115  
\$VARIOUS  
THIRD READING  
PASSED  
VERIFIED

May 29, 2008

61 YEAS

53 NAYS

0 PRESENT

Y Acevedo	Y Dugan	N Krause	N Reboletti
Y Arroyo	Y Dunkin	Y Lang	N Reis
N Bassi	N Dunn	N Leitch	Y Reitz
N Beaubien	N Durkin	N Lindner	Y Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
N Bellock	Y Feigenholtz	N Mathias	N Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
N Biggins	Y Flowers	Y May	N Sacia
N Black	Y Ford	N McAuliffe	N Saviano
Y Boland	N Fortner	N McCarthy	N Schmitz
N Bost	N Franks	Y McGuire	N Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	N Meyer	Y Smith
N Brady	Y Golar	Y Miller	N Sommer
N Brauer	Y Gordon	N Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	N Mitchell, Jerry	N Stephens
Y Burke	Y Granberg	N Moffitt	N Sullivan
N Chapa LaVia	Y Hamos	Y Molaro	N Tracy
N Coladipietro	Y Hannig	N Mulligan	N Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	N Hassert	N Myers	Y Verschoore
Y Colvin	Y Hernandez	A Nekritz	N Wait
N Coulson	Y Hoffman	N Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
N Cross	Y Howard	Y Patterson	N Winters
N Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	N Pihos	Y Younge
Y D'Amico	Y Jefferson	N Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	N Pritchard	
E Davis, William	N Kosel	N Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 1930  
VEH CD-GRADUATED LIC-SAFE RIDE  
THIRD READING  
PASSED

May 29, 2008

93 YEAS	19 NAYS	2 PRESENT	
Y Acevedo	Y Dugan	N Krause	N Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	N Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	N Ryg
Y Biggins	P Flowers	N May	Y Sacia
N Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	N Fortner	Y McCarthy	N Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
N Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	N Sullivan
N Chapa LaVia	Y Hamos	Y Molaro	N Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
N Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	N Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	N Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	N Pihos	Y Younge
P D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	N Kosel	N Ramey	

E - Denotes Excused Absence



STATE OF ILLINOIS  
 NINETY-FIFTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 1939  
 SCH CD-CHIEF SCH BUS OFFICIAL  
 THIRD READING  
 PASSED

May 29, 2008

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 1945  
GRAIN CODE-ELECTRONIC  
THIRD READING  
PASSED

May 29, 2008

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 1979  
HOMEOWNER EMERG ASSISTANCE  
THIRD READING  
PASSED

May 29, 2008

101 YEAS	12 NAYS	0 PRESENT	
Y Acevedo	Y Dugan	Y Krause	N Reboletti
Y Arroyo	Y Dunkin	Y Lang	N Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	N Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	N Schmitz
N Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
N Brady	Y Golar	Y Miller	Y Sommer
N Brauer	Y Gordon	N Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	N Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
N Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	N Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 1982  
HIGHER ED-COOP WORK STUDY GRNT  
THIRD READING  
PASSED

May 29, 2008

113 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 1984  
SOYBEANS-NET MARKET PRICE  
THIRD READING  
PASSED

May 29, 2008

113 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 2012  
DPH-CHRONIC DISEASE TASK FORCE  
THIRD READING  
PASSED

May 29, 2008

113 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-FIFTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 2017  
 EPA-NPDES FEES  
 THIRD READING  
 PASSED

May 29, 2008

113 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 1975  
CRIM CD-CONTRABAND-PENAL INST  
THIRD READING  
PASSED

May 29, 2008

113 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence



STATE OF ILLINOIS  
 NINETY-FIFTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 2023  
 FIRST 2008 GENERAL REVISORY  
 THIRD READING  
 PASSED

May 29, 2008

92 YEAS

21 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
N Beiser	N Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	N Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	N Franks	Y McGuire	Y Schock
N Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	N Froehlich	Y Meyer	N Smith
N Brady	Y Golar	Y Miller	N Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
N Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	N Mulligan	Y Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	Y Hassert	Y Myers	N Verschoore
Y Colvin	N Hernandez	Y Nekritz	Y Wait
N Coulson	Y Hoffman	Y Osmond	Y Washington
N Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
N Cultra	Y Jakobsson	N Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
N D'Amico	N Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 2044  
DISSOL-ED EXPENSE-PARNT-SCHOOL  
THIRD READING  
PASSED

May 29, 2008

112 YEAS

1 NAY

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	N Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-FIFTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 2051  
 CRIM CD&CRIM PRO-PEACE OFFICER  
 THIRD READING  
 PASSED

May 29, 2008

113 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 2053  
CRIM ID-EXPUNGEMENT&SEAL FEE  
THIRD READING  
PASSED

May 29, 2008

113 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 2070  
FIRE DPT PROMOTION-ASSESSORS  
THIRD READING  
PASSED

May 29, 2008

113 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 2071  
SCHOOL CONSTRUCTION-BONDS  
THIRD READING  
PASSED

May 29, 2008

75 YEAS

38 NAYS

0 PRESENT

Y Acevedo	N Dugan	Y Krause	N Reboletti
Y Arroyo	Y Dunkin	Y Lang	N Reis
N Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	N Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	N Feigenholtz	Y Mathias	Y Rose
Y Berrios	N Flider	Y Mautino	Y Ryg
N Biggins	Y Flowers	N May	Y Sacia
N Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	N Schmitz
Y Bost	N Franks	Y McGuire	Y Schock
N Bradley, John	N Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	N Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	N Sommer
Y Brauer	N Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
N Chapa LaVia	A Hamos	Y Molaro	N Tracy
N Coladipietro	N Hannig	N Mulligan	Y Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	N Hassert	N Myers	Y Verschoore
Y Colvin	N Hernandez	Y Nekritz	N Wait
N Coulson	Y Hoffman	N Osmond	Y Washington
N Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
N Cultra	N Jakobsson	N Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	N Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	N Joyce	Y Pritchard	
E Davis, William	N Kosel	N Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-FIFTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 2077  
 CNTY CD-ROT PUBLIC FACILITIES  
 THIRD READING  
 PASSED

May 29, 2008

68 YEAS

45 NAYS

0 PRESENT

Y Acevedo	N Dugan	Y Krause	N Reboletti
Y Arroyo	Y Dunkin	Y Lang	N Reis
N Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
N Bellock	N Feigenholtz	Y Mathias	N Rose
Y Berrios	N Flider	Y Mautino	Y Ryg
N Biggins	Y Flowers	N May	N Sacia
N Black	Y Ford	Y McAuliffe	Y Saviano
N Boland	N Fortner	N McCarthy	N Schmitz
Y Bost	N Franks	Y McGuire	Y Schock
N Bradley, John	N Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	N Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	N Gordon	N Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	N Stephens
Y Burke	Y Granberg	Y Moffitt	N Sullivan
N Chapa LaVia	A Hamos	Y Molaro	N Tracy
N Coladipietro	Y Hannig	N Mulligan	Y Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	N Hassert	N Myers	Y Verschoore
Y Colvin	N Hernandez	Y Nekritz	N Wait
N Coulson	Y Hoffman	N Osmond	Y Washington
N Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	N Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	N Pihos	Y Younge
N D'Amico	N Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	N Joyce	N Pritchard	
E Davis, William	N Kosel	N Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 2080  
UCC-GENERAL DOCUMENTS OF TITLE  
THIRD READING  
PASSED

May 29, 2008

112 YEAS

0 NAYS

1 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	P Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence



STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 2182  
VEH CD-RAILROAD CROSSING STOP  
THIRD READING  
PASSED

May 29, 2008

108 YEAS

1 NAY

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	A Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	A Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
N Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	A Kosel	A Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 2187  
INSURANCE-SERVICE CONTRACTS  
THIRD READING  
PASSED

May 29, 2008

110 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	A Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	A Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	A Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 2190  
ELEC CD-POLITICAL COMMITTEES  
THIRD READING  
PASSED

May 29, 2008

110 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	A Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	A Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	A Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 2191  
ELEC CD-CAMPAIGN REPORTS  
THIRD READING  
PASSED

May 29, 2008

110 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	A Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	A Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	A Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 2199  
OLDER ADULT SERVICES-PLANNING  
THIRD READING  
PASSED

May 29, 2008

110 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	A Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	A Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	A Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 1920  
CNTY CD-RTA  
THIRD READING  
PASSED

May 29, 2008

95 YEAS

15 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	N Reis
Y Bassi	A Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	N Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
N Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
N Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
N Brady	Y Golar	Y Miller	N Sommer
N Brauer	Y Gordon	N Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	N Mitchell, Jerry	N Stephens
Y Burke	Y Granberg	Y Moffitt	A Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	N Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	N Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
N Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	N Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	A Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-FIFTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 1129  
 \$VARIOUS  
 THIRD READING  
 PASSED  
 VERIFIED

May 29, 2008

61 YEAS

49 NAYS

0 PRESENT

Y Acevedo	Y Dugan	N Krause	N Reboletti
Y Arroyo	N Dunkin	Y Lang	N Reis
N Bassi	A Dunn	N Leitch	Y Reitz
N Beaubien	N Durkin	N Lindner	Y Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
N Bellock	Y Feigenholtz	N Mathias	N Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
N Biggins	Y Flowers	Y May	N Sacia
N Black	Y Ford	N McAuliffe	N Saviano
Y Boland	N Fortner	Y McCarthy	N Schmitz
N Bost	N Franks	Y McGuire	N Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	N Meyer	Y Smith
N Brady	Y Golar	Y Miller	N Sommer
N Brauer	Y Gordon	N Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	N Mitchell, Jerry	N Stephens
Y Burke	Y Granberg	N Moffitt	A Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	N Tracy
N Coladipietro	Y Hannig	N Mulligan	N Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	N Hassert	N Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	N Wait
N Coulson	Y Hoffman	N Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
N Cross	Y Howard	Y Patterson	N Winters
N Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	N Pihos	Y Younge
Y D'Amico	Y Jefferson	N Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	N Pritchard	
E Davis, William	N Kosel	A Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 3741  
BUDGET IMPLEMENTATION-FY2008  
THIRD READING  
PASSED

May 29, 2008

62 YEAS

46 NAYS

1 PRESENT

Y Acevedo	Y Dugan	N Krause	N Reboletti
Y Arroyo	Y Dunkin	Y Lang	N Reis
N Bassi	A Dunn	N Leitch	Y Reitz
N Beaubien	N Durkin	N Lindner	Y Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
N Bellock	Y Feigenholtz	N Mathias	N Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
A Biggins	Y Flowers	Y May	N Sacia
N Black	Y Ford	N McAuliffe	N Saviano
Y Boland	N Fortner	Y McCarthy	N Schmitz
N Bost	N Franks	Y McGuire	N Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	N Meyer	Y Smith
N Brady	Y Golar	Y Miller	N Sommer
N Brauer	Y Gordon	N Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	N Mitchell, Jerry	N Stephens
Y Burke	Y Granberg	N Moffitt	A Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	N Tracy
N Coladipietro	Y Hannig	N Mulligan	N Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	N Hassert	N Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	N Wait
P Coulson	Y Hoffman	N Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
N Cross	Y Howard	Y Patterson	N Winters
N Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	N Pihos	Y Younge
Y D'Amico	Y Jefferson	N Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	N Pritchard	
E Davis, William	N Kosel	A Ramey	

E - Denotes Excused Absence



STATE OF ILLINOIS  
 NINETY-FIFTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 3742  
 BUDGET IMPLEMENTATION-FY2008  
 THIRD READING  
 PASSED

May 29, 2008

62 YEAS

47 NAYS

0 PRESENT

Y Acevedo	Y Dugan	N Krause	N Reboletti
Y Arroyo	Y Dunkin	Y Lang	N Reis
N Bassi	A Dunn	N Leitch	Y Reitz
N Beaubien	N Durkin	N Lindner	Y Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
N Bellock	Y Feigenholtz	N Mathias	N Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
A Biggins	Y Flowers	Y May	N Sacia
N Black	Y Ford	N McAuliffe	N Saviano
Y Boland	N Fortner	Y McCarthy	N Schmitz
N Bost	N Franks	Y McGuire	N Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	N Meyer	Y Smith
N Brady	Y Golar	Y Miller	N Sommer
N Brauer	Y Gordon	N Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	N Mitchell, Jerry	N Stephens
Y Burke	Y Granberg	N Moffitt	A Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	N Tracy
N Coladipietro	Y Hannig	N Mulligan	N Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	N Hassert	N Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	N Wait
N Coulson	Y Hoffman	N Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
N Cross	Y Howard	Y Patterson	N Winters
N Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	N Pihos	Y Younge
Y D'Amico	Y Jefferson	N Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	N Pritchard	
E Davis, William	N Kosel	A Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 2292  
MWRD-EMPLOYEE SUSPENSION  
THIRD READING  
PASSED

May 29, 2008

68 YEAS

40 NAYS

1 PRESENT

Y Acevedo	N Dugan	Y Krause	N Reboletti
Y Arroyo	Y Dunkin	Y Lang	N Reis
Y Bassi	A Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
N Bellock	Y Feigenholtz	Y Mathias	N Rose
Y Berrios	N Flider	Y Mautino	Y Ryg
A Biggins	Y Flowers	Y May	N Sacia
N Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	N Fortner	Y McCarthy	N Schmitz
N Bost	N Franks	Y McGuire	N Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	N Froehlich	Y Meyer	Y Smith
N Brady	Y Golar	Y Miller	Y Sommer
N Brauer	N Gordon	N Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	N Mitchell, Jerry	N Stephens
Y Burke	Y Granberg	Y Moffitt	A Sullivan
N Chapa LaVia	A Hamos	Y Molaro	N Tracy
N Coladipietro	Y Hannig	P Mulligan	N Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	Y Hassert	N Myers	Y Verschoore
Y Colvin	N Hernandez	Y Nekritz	N Wait
Y Coulson	Y Hoffman	N Osmond	Y Washington
N Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	N Winters
N Cultra	N Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	N Pihos	Y Younge
Y D'Amico	N Jefferson	N Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	N Pritchard	
E Davis, William	N Kosel	A Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-FIFTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 2596  
 VEH CD-VULNERABLE USERS  
 THIRD READING  
 PASSED

May 29, 2008

87 YEAS

22 NAYS

0 PRESENT

Y Acevedo	Y Dugan	N Krause	N Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
N Bassi	A Dunn	Y Leitch	Y Reitz
Y Beaubien	N Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	N Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
N Biggins	Y Flowers	Y May	N Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	N Fortner	Y McCarthy	Y Schmitz
N Bost	Y Franks	Y McGuire	N Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	N Meyer	Y Smith
Y Brady	Y Golar	Y Miller	N Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	N Stephens
Y Burke	Y Granberg	N Moffitt	A Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	N Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	N Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	N Wait
Y Coulson	Y Hoffman	N Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	N Winters
N Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	N Pihos	Y Younge
Y D'Amico	Y Jefferson	N Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	A Kosel	A Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-FIFTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 5032  
 CRIMINAL LAW-TECH  
 THIRD READING  
 PASSED

May 29, 2008

110 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	A Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	A Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	A Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-FIFTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 2088  
 STATE GOVERNMENT-TECH  
 THIRD READING  
 PASSED

May 29, 2008

108 YEAS

0 NAYS

2 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	A Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	P Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	A Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	P Joyce	Y Pritchard	
E Davis, William	Y Kosel	A Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 4861  
VEH CD-VULNERABLE USERS  
THIRD READING  
PASSED

May 29, 2008

109 YEAS

1 NAY

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	A Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	A Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
N Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	A Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-FIFTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 2015  
 NEW MARKETS DEVELOPMENT  
 THIRD READING  
 PASSED

May 29, 2008

110 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	A Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	A Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	A Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 4707  
EDUCATION-TECH  
THIRD READING  
PASSED

May 29, 2008

110 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	A Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	A Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	A Ramey	

E - Denotes Excused Absence



STATE OF ILLINOIS  
 NINETY-FIFTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4612  
 STATE EMPLOYMENT APPLICATION  
 THIRD READING  
 FAILED

May 29, 2008

45 YEAS

63 NAYS

1 PRESENT

P Acevedo	Y Dugan	N Krause	N Reboletti
N Arroyo	Y Dunkin	Y Lang	N Reis
N Bassi	A Dunn	N Leitch	N Reitz
N Beaubien	N Durkin	N Lindner	Y Riley
N Beiser	N Eddy	Y Lyons	Y Rita
N Bellock	Y Feigenholtz	N Mathias	N Rose
Y Berrios	N Flider	Y Mautino	Y Ryg
N Biggins	Y Flowers	Y May	N Sacia
N Black	Y Ford	N McAuliffe	N Saviano
Y Boland	N Fortner	N McCarthy	N Schmitz
N Bost	N Franks	Y McGuire	N Schock
Y Bradley, John	Y Fritchey	Y Mendoza	N Scully
Y Bradley, Richard	Y Froehlich	N Meyer	N Smith
N Brady	Y Golar	Y Miller	N Sommer
N Brauer	Y Gordon	N Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	N Mitchell, Jerry	N Stephens
Y Burke	Y Granberg	N Moffitt	A Sullivan
N Chapa LaVia	A Hamos	Y Molaro	N Tracy
N Coladipietro	N Hannig	N Mulligan	N Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	N Hassert	N Myers	N Verschoore
Y Colvin	Y Hernandez	Y Nekritz	N Wait
N Coulson	A Hoffman	N Osmond	Y Washington
N Crespo	N Holbrook	E Osterman	E Watson
N Cross	Y Howard	Y Patterson	N Winters
N Cultra	Y Jakobsson	N Phelps	Y Yarbrough
Y Currie	Y Jefferies	N Pihos	Y Younge
N D'Amico	Y Jefferson	N Poe	Y Mr. Speaker
Y Davis, Monique	N Joyce	N Pritchard	
E Davis, William	N Kosel	A Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 4927  
JUV CT-TERMINATE PARENT RIGHTS  
THIRD READING  
PASSED

May 29, 2008

90 YEAS	20 NAYS	0 PRESENT	
Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	N Dunkin	Y Lang	Y Reis
Y Bassi	A Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	N Riley
Y Beiser	Y Eddy	Y Lyons	N Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	N Ryg
Y Biggins	Y Flowers	N May	Y Sacia
Y Black	N Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	N Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	A Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	N Turner
N Collins	Y Hassert	Y Myers	Y Verschoore
N Colvin	Y Hernandez	N Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	N Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	N Howard	Y Patterson	Y Winters
N Cultra	N Jakobsson	Y Phelps	N Yarbrough
N Currie	Y Jefferies	Y Pihos	N Younge
Y D'Amico	N Jefferson	Y Poe	Y Mr. Speaker
N Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	A Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 2860  
MERCURY-AD PRDCTS-COSMETICS  
THIRD READING  
PASSED

May 29, 2008

105 YEAS

1 NAY

2 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	A Dunn	Y Leitch	Y Reitz
Y Beaubien	P Durkin	A Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	N Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	A Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	A Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	P Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	A Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 2864  
SCH/VEH CD-TRANSPORT STUDENTS  
THIRD READING  
PASSED

May 29, 2008

100 YEAS

9 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	A Dunn	N Leitch	Y Reitz
Y Beaubien	Y Durkin	A Lindner	Y Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	N Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
N Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
N Brady	Y Golar	Y Miller	N Sommer
N Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	A Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	N Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
N Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	A Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FIFTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE JOINT RESOLUTION 137  
CONCON PAMPHLET  
ADOPTED

May 29, 2008

109 YEAS

0 NAYS

1 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	A Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
A Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	A Sullivan
Y Chapa LaVia	A Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	E Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
P Davis, Monique	Y Joyce	Y Pritchard	
E Davis, William	Y Kosel	A Ramey	

E - Denotes Excused Absence

**275TH LEGISLATIVE DAY**

**Perfunctory Session**

**THURSDAY, MAY 29, 2008**

At the hour of 8:56 o'clock p.m., the House convened perfunctory session.

**HOUSE RESOLUTIONS**

The following resolutions were offered and placed in the Committee on Rules.

**HOUSE RESOLUTION 1353**

Offered by Representative Soto:

WHEREAS, This State is committed to providing its children and youth the educational opportunities they need to succeed academically and grow up to be productive Illinois citizens; and

WHEREAS, Illinois schools are facing incredible and ever increasing demands on their limited financial resources to address the academic, emotional, and social needs of their students; and

WHEREAS, Hundreds of schools in rural, suburban, and urban Illinois communities have started to engage in dialogue with their community stakeholders to identify and engage community and other resources to meet the growing needs of Illinois students and the schools they attend; and

WHEREAS, Community engagement, together with school efforts, promotes a school climate that is safe, supportive, and respectful and connects students to a broader learning community; and

WHEREAS, Greater student success, stronger families, and healthier communities are achieved when public schools knit together inventive and enduring relationships among educators, families, volunteers, and community partners; and

WHEREAS, Resources and benefits flow to both the school and the community when community partners are providing on-site support and opportunities for students, their families, and their neighbors; and

WHEREAS, Available research suggests that a community engaged with the local school plays a powerful role in community building; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the State Superintendent of Education shall appoint a task force on community partnerships to recommend strategic steps to establish effective community partnerships with local schools and to accomplish the following outcomes: (i) to leverage existing local resources in support of children in attaining education, (ii) to improve social and physical health and safe after-school opportunities, (iii) to build sustainable partnerships between local community stakeholders and schools, and (iv) to develop knowledge and understanding among partners and across disciplines to better understand each other's expertise, resources, and constraints; and be it further

RESOLVED, That the task force shall include representatives from a statewide organization representing community engagement in schools, community-based health and social service agencies, family support groups, institutions of higher education, youth development organizations, youth services agencies, local governmental units, community groups, local business leaders, parents, local school staff and administrators, the State Board of Education, and other appropriate State agencies, all working around the common goal of creating necessary conditions for all children to learn at their best; and be it further

RESOLVED, That the task force shall meet initially at the call of the State Superintendent of Education and shall select two co-chairpersons from among its members at its first meeting; and be it further

RESOLVED, That the task force shall file a report of its findings and recommendations with the General Assembly, the Governor, and the State Board of Education before the end of the 95th General Assembly, and that upon filing its report the task force is dissolved; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the State Superintendent of Education, the chairperson of the State Board of Education, and the Governor.

## HOUSE RESOLUTION 1354

Offered by Representative Rose:

WHEREAS, Millions of Illinois residents depend on employer-based healthcare for their healthcare insurance; and

WHEREAS, Reasonably assisting employers in controlling healthcare costs will protect the healthcare coverage of Illinois citizens; and

WHEREAS, Markets require accurate and timely information to properly function; and

WHEREAS, A properly functioning, robust, and competitive market for employer-based group healthcare is crucial to controlling costs; and

WHEREAS, Several other states, most notably Texas, have had great success in improving the competitiveness of their insurance markets by requiring the timely and accurate sharing of health claims data with the employer who purchases the coverage; and

WHEREAS, The sharing of this data has been accomplished while protecting the identity and privacy of the individual employees and in compliance with the federal Health Insurance Portability and Accountability Act; and

WHEREAS, The majority of Illinois insurers already have experience in other states sharing this data at very reasonable costs; and

WHEREAS, The experience of this data sharing in other states has clearly made markets more competitive and helped control costs; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Illinois Division of Insurance (Division) should engage in discussions with all affected parties; and be it further

RESOLVED, That the Division should develop rules and requirements that allow insured employers to obtain accurate and timely claims information while protecting the privacy of their employees for use in obtaining competitive quotes from the health insurance marketplace; and be it further

RESOLVED, That the Division should report its findings and recommendations to the Governor, Senate President, Speaker of the House, Senate Minority Leader, House Minority Leader, and sponsors of this resolution by September 30, 2008.

## HOUSE JOINT RESOLUTION 136

Offered by Representative Jerry Mitchell:

WHEREAS, A charter school is a public school opened and operated by community organizations, universities, foundations, and school teachers with its own unique mission and focus, set by its board in accordance with the Charter Schools Law, which provides schools with autonomy in exchange for greater accountability; and

WHEREAS, In 1996, the General Assembly enacted the Charter Schools Law to "promote new options within the public school system" and "provide pupils, educators, community members, and parents with the stimulus to strive for educational excellence"; and

WHEREAS, There are now almost 20,000 students attending this State's charter schools; and

WHEREAS, Charter schools are a part of public education reform in this State; charters are not the single solution for all education needs, but they can offer flexible and innovative educational techniques and programs to talented professional educators and community members who otherwise lack an avenue through which to provide education within the public school system; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that, in order to investigate the effectiveness of charter schools and gather information, there is convened a task force of the General Assembly that consists of 5 House members from the majority party appointed by the Speaker of the House, 4 House members from the minority party appointed by the Minority Leader of the House, 5 Senate members from the majority party appointed by the President of the Senate, and 4 Senate members from the minority party appointed by the Minority Leader of the Senate; and be it further

RESOLVED, That this task force shall do the following:

- (1) identify the statutory and public policy limitations that have affected charter school operations;
- (2) determine if changes to the charter school sector are needed to alleviate demand for charter schools throughout this State;
- (3) identify the effectiveness of charter schools under current law and the federal No Child Left Behind Act of 2001; and
- (4) assess current State Board of Education policies and practices to determine if they are maximizing the effectiveness of charter schools in increasing teaching and learning resources for students and teachers and improving performance in school districts across this State; and be it further

RESOLVED, That the task force shall file a report with the General Assembly concerning its findings on or before October 15, 2008; and be it further

RESOLVED, That the task force shall encourage the participation of as well as entertain questions from representatives of the following entities and any other interested parties: the Illinois Network of Charter Schools, the Illinois Federation of Teachers, the Chicago Teachers Union, Service Employees International Union, the Illinois Education Association, the Civic Committee of the Commercial Club of Chicago, the Illinois Chamber of Commerce, the Chicagoland Chamber of Commerce, the Metropolitan Planning Council, the State Board of Education, and the Alternative Schools Network.

### **SENATE RESOLUTIONS**

The following Senate Joint Resolutions, received from the Senate, were read by the Clerk and referred to the Committee on Rules: SENATE JOINT RESOLUTION 82 (Hannig) and 101 (Holbrook).

### **INTRODUCTION AND FIRST READING OF BILL**

The following bill was introduced, read by title a first time, ordered reproduced and placed in the Committee on Rules:

HOUSE BILL 6654. Introduced by Representative Dunn, AN ACT concerning criminal law.

### **HOUSE BILLS ON SECOND READING**

Having been reproduced, the following bills were taken up, read by title a second time and held on the order of Second Reading: HOUSE BILLS 311, 392, 684, 1867, 2074, 2075, 2089, 2104, 2142, 2286, 2424, 2426, 2437, 2438, 2650, 2673, 2750, 2860, 2957, 2971, 3139, 3200, 3262, 4164, 4310, 4354, 4375, 4465, 4469, 4507, 4543, 4585, 4616, 4620, 4625, 4629, 4635, 4649, 4651, 4738, 4743, 4746, 4755, 4790, 4824, 4841, 4874, 4875, 4888, 4941, 5019, 5075, 5124, 5128, 5135, 5156, 5170, 5186, 5197, 5239, 5286, 5378, 5489, 5496, 5497, 5519, 5525, 5584, 5592, 5597, 5613, 5664, 5669, 5672, 5690, 5692, 5728, 5730, 5750, 5755, 5756, 5765, 5771, 5784, 5861, 5914, 5960, 5980 and 6313.

### **SENATE BILLS ON SECOND READING**

Having been reproduced, the following bills were taken up, read by title a second time and held on the order of Second Reading: SENATE BILLS 1929, 2254, 2349, 2401 and 2877.

### **HOUSE BILLS ON SECOND READING**

Having been reproduced, the following bills were taken up, read by title a second time and held on the order of Second Reading: HOUSE BILLS 2093 and 2388.



**SENATE BILL ON SECOND READING**

Having been reproduced, the following bill was taken up, read by title a second time and held on the order of Second Reading: SENATE BILL 2301.

**TEMPORARY COMMITTEE ASSIGNMENTS**

Representative Soto replaced Representative Hannig in the Committee on Revenue on May 29, 2008.

**REPORTS FROM STANDING COMMITTEES**

Representative Jakobsson, Chairperson, from the Committee on Human Services to which the following were referred, action taken on May 29, 2008, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 1 to SENATE BILL 2857.

The committee roll call vote on Amendment No. 1 to Senate Bill 2857 is as follows:

9, Yeas; 0, Nays; 0, Answering Present.

Y Jakobsson(D), Chairperson	Y Howard(D), Vice-Chairperson
Y Bellock(R), Republican Spokesperson	Y Cole(R)
Y Collins(D)	Y Coulson(R)
Y Flowers(D)	Y Riley(D)
Y Schmitz(R)	

Representative John Bradley, Chairperson, from the Committee on Revenue to which the following were referred, action taken on May 29, 2008, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 2301.

The committee roll call vote on Senate Bill 2301 is as follows:

7, Yeas; 2, Nays; 0, Answering Present.

Y Bradley, John(D), Chairperson	Y Mautino(D), Vice-Chairperson
N Biggins(R), Republican Spokesperson	N Bassi(R)
A Beaubien(R)	Y Currie(D)
Y Soto(D) (replacing Hannig)	A Hassert(R)
Y Holbrook(D)	Y McGuire(D)
A Sullivan(R)	Y Turner(D)

At the hour of 9:15 o'clock p.m., the House Perfunctory Session adjourned.