SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SIXTH GENERAL ASSEMBLY

33RD LEGISLATIVE DAY

TUESDAY, MARCH 31, 2009

3:28 O'CLOCK P.M.

NO. 33
[March 31, 2009]

SENATE
Daily Journal Index
33rd Legislative Day

The Senate met pursuant to adjournment.
Senator Tony Munoz, Chicago, Illinois, presiding.
Prayer by Reverend Mike Fender, Grace United Methodist Church, Jacksonville, Illinois.
Senator Jacobs led the Senate in the Pledge of Allegiance.

The Journal of Monday, March 30, 2009, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

LEGISLATIVE MEASURES FILED

The following Committee amendment to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Senate Committee Amendment No. 2 to Senate Bill 189

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Senate Floor Amendment No. 1 to Senate Bill 611
Senate Floor Amendment No. 3 to Senate Bill 1852
Senate Floor Amendment No. 4 to Senate Bill 1937

The following Floor amendment to the Senate Resolution listed below has been filed with the Secretary and referred to the Committee on Assignments:

Senate Floor Amendment No. 2 to Senate Resolution 93

The following Committee amendment to the House Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Senate Committee Amendment No. 1 to House Bill 289

MESSAGES FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

March 31, 2009

Ms. Jillayne Rock
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator A. J. Wilhelmi to replace Senator Dan Kotowski as a member of the Senate Financial Institutions Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Financial Institutions Committee.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

March 31, 2009

Ms. Jillayne Rock
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Susan Garrett to replace Senator Dan Kotowski as a member of the Senate Human Services Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Human Services Committee.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

COMMUNICATIONS FROM MINORITY LEADER

CHRISTINE RADOGNO
STATE REPUBLICAN LEADER · 41st DISTRICT

March 31, 2009

Ms. Jillayne Rock
Secretary of the Senate
403 State House
Springfield, Illinois 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator John O. Jones to temporarily replace Senator Dale Righter as the Spokesperson of the Senate Committee on Assignment. This appointment is effective immediately and will automatically expire at midnight on March 31, 2009.

Sincerely,
s/Christine Radogno
Senate Republican Leader

cc: Senate President John Cullerton
Assistant Secretary of the Senate Scott Kaiser

CHRISTINE RADOGNO
STATE REPUBLICAN LEADER · 41st DISTRICT

March 31, 2009

Ms. Jillayne Rock
Secretary of the Senate
403 State House
Springfield, Illinois 62706

Dear Madam Secretary:

Pursuant to Rule 3-2, I hereby appoint Senator **Dale Righter** to resume his position as **Spokesperson** of the Senate Committee on Assignments. This appointment is effective immediately

Sincerely,
s/Christine Radogno
Senate Republican Leader

cc: Senate President John Cullerton
Assistant Secretary of the Senate Scott Kaiser

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 180
Offered by Senator Bond and all Senators:
Mourns the death of U.S. Army Sergeant Robert M. Weinger of Round Lake Beach.

SENATE RESOLUTION NO. 182
Offered by Senator Koehler and all Senators:
Mourns the death of Kenneth James Kramer of Dunlap.

SENATE RESOLUTION NO. 183
Offered by Senator Link and all Senators:
Mourns the death of Angela J. Gantar of Waukegan.

SENATE RESOLUTION NO. 184
Offered by Senator Dahl and all Senators:
Mourns the death of James M. Hurst of Peru.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

Senator Brady offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 181

WHEREAS, The Tenth Amendment to the Constitution of the United States specifically provides that, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, The Tenth Amendment defines the total scope of federal power as being those powers specifically granted to it by the Constitution of the United States and nothing more; and

WHEREAS, Federalism is the constitutional division of powers between the national and state governments and is widely regarded as one of America's most valuable contributions to political science; and

WHEREAS, James Madison, the "father of the Constitution", said, "The powers delegated to the federal government are few and defined. Those which are to remain in the state governments are numerous and indefinite. The former will be exercised principally on external objects, [such] as war, peace, negotiation, and foreign commerce. ... The powers reserved to the several states will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people"; and

WHEREAS, Thomas Jefferson emphasized that the states are not "subordinate" to the national government, but rather the two are "coordinate departments of one simple and integral whole. ... The one is the domestic, the other the foreign branch of the same government"; and

WHEREAS, Alexander Hamilton expressed his hope that "the people ... will always take care to preserve the constitutional equilibrium between the general and the state governments." He believed that "this balance between the national and state governments ... forms a double security to the people. If one [government] encroaches on their rights, they will find a powerful protection in the other. Indeed, they will both be prevented from overpassing their constitutional limits, by [the] certain rivalship, which will ever subsist between them"; and

WHEREAS, The scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be limited in its powers relative to those of the various states; and

WHEREAS, Today, the states are demonstrably treated as agents of the federal government; many federal mandates are directly in violation of the Tenth Amendment to the Constitution of the United States; and

WHEREAS, The United States Supreme Court has ruled in New York v. United States, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, A number of proposals from previous administrations and some now being considered by the present administration and from Congress may further violate the Constitution of the United States; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we hereby claim sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States; and be it further

RESOLVED, That this resolution serve as a notice and demand to the federal government to maintain the balance of powers established by the Constitution of the United States and to cease and desist, effective immediately, any and all mandates that are beyond the scope of its constitutionally delegated powers; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Honorable Barack Obama, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the President pro tempore of the Senate, the Speaker of the House of Representatives of each state's legislature in the United States, and to each member of the Illinois congressional delegation.

REPORTS FROM STANDING COMMITTEES

Senator Crotty, Chairperson of the Committee on Elections, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

[March 31, 2009]

Senate Amendment No. 5 to Senate Bill 80
Senate Amendment No. 1 to Senate Bill 176
Senate Amendment No. 1 to Senate Bill 2022
Senate Amendment No. 1 to Senate Bill 2168

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Frerichs, Chairperson of the Committee on Agriculture and Conservation, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to Senate Bill 1443

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

Senator Hunter, Vice-Chairperson of the Committee on Public Health, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 95
Senate Amendment No. 2 to Senate Bill 133
Senate Amendment No. 3 to Senate Bill 178
Senate Amendment No. 4 to Senate Bill 178
Senate Amendment No. 1 to Senate Bill 254
Senate Amendment No. 1 to Senate Bill 321
Senate Amendment No. 1 to Senate Bill 574
Senate Amendment No. 1 to Senate Bill 1703
Senate Amendment No. 1 to Senate Bill 2256

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Raoul, Chairperson of the Committee on Pensions and Investments, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 302
Senate Amendment No. 1 to Senate Bill 369
Senate Amendment No. 1 to Senate Bill 1440
Senate Amendment No. 2 to Senate Bill 1611
Senate Amendment No. 2 to Senate Bill 1705
Senate Amendment No. 1 to Senate Bill 1974
Senate Amendment No. 1 to Senate Bill 2212
Senate Amendment No. 2 to Senate Bill 2212

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Forby, Chairperson of the Committee on Labor, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 43
Senate Amendment No. 1 to Senate Bill 223
Senate Amendment No. 1 to Senate Bill 1133
Senate Amendment No. 2 to Senate Bill 1715
Senate Amendment No. 2 to Senate Bill 1770

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Forby, Chairperson of the Committee on Labor, to which was referred **Senate Joint Resolution No. 35,** reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 35** was placed on the Secretary's Desk.

Senator Haine, Chairperson of the Committee on Insurance, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 1506
Senate Amendment No. 1 to Senate Bill 1809
Senate Amendment No. 1 to Senate Bill 1877
Senate Amendment No. 1 to Senate Bill 2091

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Bill No. 1730,** reported the same back with the recommendation that the bill do pass.

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

Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 27
Senate Amendment No. 2 to Senate Bill 47
Senate Amendment No. 1 to Senate Bill 351
Senate Amendment No. 1 to Senate Bill 1482
Senate Amendment No. 1 to Senate Bill 1602
Senate Amendment No. 2 to Senate Bill 1602
Senate Amendment No. 1 to Senate Bill 1609
Senate Amendment No. 1 to Senate Bill 2097

Senate Amendment No. 1 to Senate Joint Resolution 29

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Meeks, Chairperson of the Committee on Education, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 613
Senate Amendment No. 2 to Senate Bill 613
Senate Amendment No. 1 to Senate Bill 1557
Senate Amendment No. 1 to Senate Bill 1675
Senate Amendment No. 1 to Senate Bill 1718
Senate Amendment No. 2 to Senate Bill 1796
Senate Amendment No. 1 to Senate Bill 1828
Senate Amendment No. 2 to Senate Bill 1828
Senate Amendment No. 1 to Senate Bill 1882
Senate Amendment No. 1 to Senate Bill 1885
Senate Amendment No. 2 to Senate Bill 2051
Senate Amendment No. 2 to Senate Bill 2071
Senate Amendment No. 1 to Senate Bill 2119
Senate Amendment No. 1 to Senate Bill 2214
Senate Amendment No. 1 to Senate Bill 2270

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to Senate Bill 414
Senate Amendment No. 1 to Senate Bill 1297
Senate Amendment No. 1 to Senate Bill 2217

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Noland, Chairperson of the Committee on Criminal Law, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 933
Senate Amendment No. 1 to Senate Bill 1021
Senate Amendment No. 1 to Senate Bill 1677
Senate Amendment No. 1 to Senate Bill 1706
Senate Amendment No. 2 to Senate Bill 1725
Senate Amendment No. 1 to Senate Bill 1841
Senate Amendment No. 1 to Senate Bill 2024
Senate Amendment No. 1 to Senate Bill 2095
Senate Amendment No. 1 to Senate Bill 2248

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Garrett, Chairperson of the Committee on Environment, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 99
Senate Amendment No. 2 to Senate Bill 1489
Senate Amendment No. 2 to Senate Bill 1601
Senate Amendment No. 3 to Senate Bill 1601
Senate Amendment No. 2 to Senate Bill 1607
Senate Amendment No. 1 to Senate Bill 1690

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Koehler, Chairperson of the Committee on Local Government, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 583
Senate Amendment No. 1 to Senate Bill 587
Senate Amendment No. 1 to Senate Bill 1353
Senate Amendment No. 2 to Senate Bill 1511
Senate Amendment No. 1 to Senate Bill 1514
Senate Amendment No. 1 to Senate Bill 1783
Senate Amendment No. 1 to Senate Bill 1784
Senate Amendment No. 1 to Senate Bill 2121
Senate Amendment No. 1 to Senate Bill 2272

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Bond, Chairperson of the Committee on Telecommunications and Information Technology, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 577

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

Senator Kotowski, Chairperson of the Committee on Commerce, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 78
Senate Amendment No. 1 to Senate Bill 1906
Senate Amendment No. 2 to Senate Bill 1920
Senate Amendment No. 1 to Senate Bill 2109

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Link, Chairperson of the Committee on Gaming, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 738
Senate Amendment No. 3 to Senate Bill 1298
Senate Amendment No. 4 to Senate Bill 1298
Senate Amendment No. 3 to Senate Bill 1937

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 28
Senate Amendment No. 2 to Senate Bill 44
Senate Amendment No. 2 to Senate Bill 108
Senate Amendment No. 2 to Senate Bill 138
Senate Amendment No. 2 to Senate Bill 206
Senate Amendment No. 3 to Senate Bill 324
Senate Amendment No. 1 to Senate Bill 1265
Senate Amendment No. 2 to Senate Bill 1282
Senate Amendment No. 1 to Senate Bill 1973

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Martinez, Chairperson of the Committee on Licensed Activities, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 32
Senate Amendment No. 2 to Senate Bill 53
Senate Amendment No. 2 to Senate Bill 289
Senate Amendment No. 3 to Senate Bill 318
Senate Amendment No. 2 to Senate Bill 1339
Senate Amendment No. 2 to Senate Bill 1383
Senate Amendment No. 1 to Senate Bill 1384
Senate Amendment No. 1 to Senate Bill 1486
Senate Amendment No. 2 to Senate Bill 1488

Senate Amendment No. 2 to Senate Bill 1894
Senate Amendment No. 1 to Senate Bill 1925

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Viverito, Chairperson of the Committee on Revenue, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 4 to Senate Bill 89
Senate Amendment No. 1 to Senate Bill 543
Senate Amendment No. 1 to Senate Bill 590
Senate Amendment No. 1 to Senate Bill 1553
Senate Amendment No. 2 to Senate Bill 1846
Senate Amendment No. 1 to Senate Bill 1909

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Holmes, Chairperson of the Committee on Consumer Protection, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 316
Senate Amendment No. 2 to Senate Bill 1408
Senate Amendment No. 2 to Senate Bill 1629
Senate Amendment No. 2 to Senate Bill 1769
Senate Amendment No. 1 to Senate Bill 1922

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Jacobs, Chairperson of the Committee on Energy, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 1140
Senate Amendment No. 1 to Senate Bill 1357
Senate Amendment No. 2 to Senate Bill 1567
Senate Amendment No. 1 to Senate Bill 1570
Senate Amendment No. 1 to Senate Bill 1923
Senate Amendment No. 3 to Senate Bill 2009
Senate Amendment No. 1 to Senate Bill 2116

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Collins, Chairperson of the Committee on Financial Institutions, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 229
Senate Amendment No. 3 to Senate Bill 229
Senate Amendment No. 2 to Senate Bill 268
Senate Amendment No. 1 to Senate Bill 1089
Senate Amendment No. 1 to Senate Bill 1698

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Maloney, Chairperson of the Committee on Higher Education, to which was referred the following Senate floor amendments, reported that the Committee recommends that they be approved for consideration:

Senate Amendment No. 1 to Senate Bill 37
Senate Amendment No. 2 to Senate Bill 77
Senate Amendment No. 1 to Senate Bill 277

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Wilhelmi, Chairperson of the Committee on Judiciary, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to Senate Bill 239
Senate Amendment No. 1 to Senate Bill 1095
Senate Amendment No. 1 to Senate Bill 1430
Senate Amendment No. 1 to Senate Bill 1556
Senate Amendment No. 2 to Senate Bill 1578
Senate Amendment No. 3 to Senate Bill 1579
Senate Amendment No. 1 to Senate Bill 1582
Senate Amendment No. 1 to Senate Bill 1670
Senate Amendment No. 1 to Senate Bill 1933
Senate Amendment No. 1 to Senate Bill 1938
Senate Amendment No. 1 to Senate Bill 2111

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Crotty, **Senate Bill No. 28** having been printed, was taken up, read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Assignments.

Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 28

AMENDMENT NO. 2. Amend Senate Bill 28 by replacing everything after the enacting clause with the following:

"Section 5. The Eminent Domain Act is amended by adding Section 25-5-25 as follows:
(735 ILCS 30/25-5-25 new)
Sec. 25-5-25. Quick-take; City of Country Club Hills. Quick-take proceedings under Article 20 may be used for a period of one year after June 1, 2009 by the City of Country Club Hills for the acquisition of land for the purpose of building streets, roadways, or other public improvements to serve the City's I-57/I-80 Tax Increment Financing District as follows:

PARCEL EAST

LOT 1 THROUGH 17 (BOTH INCLUSIVE) IN GATLING COUNTRY CLUB HILLS RESUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, SOUTH OF THE INDIAN BOUNDARY LINE, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 9, 2004, AS DOCUMENT NO. 0416145163, IN COOK COUNTY, ILLINOIS.

ALSO:

LOT 4 IN GATLING COUNTRY CLUB HILLS SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, SOUTH OF THE INDIAN BOUNDARY LINE,

ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 11, 2000, AS DOCUMENT NO. 00027407, IN COOK COUNTY, ILLINOIS.

ALSO:

THAT PART OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 36 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, SOUTH OF THE INDIAN BOUNDARY LINE (EXCEPT THE WEST 50 FEET THEREOF) BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER AND RUNNING THENCE SOUTH 00 DEGREES 01 MINUTES 21 SECONDS EAST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 185.00 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 52 SECONDS EAST PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 58 MINUTES 52 SECONDS EAST PARALLEL WITH SAID NORTH LINE OF THE NORTHEAST QUARTER A DISTANCE OF 50 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 21 SECONDS WEST PARALLEL WITH SAID WEST LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 40 FEET; THENCE NORTH 82 DEGREES 31 MINUTES 09 SECONDS EAST A DISTANCE OF 191.53 FEET TO A POINT 290.00 FEET EAST OF AND 120.00 FEET SOUTH OF SAID NORTHWEST CORNER OF THE NORTHEAST QUARTER (AS MEASURED ON THE NORTH LINE OF SAID NORTHEAST QUARTER AND ON A LINE AT RIGHT ANGLES THERETO); THENCE SOUTH 89 DEGREES 58 MINUTES 52 SECONDS EAST PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 976.00 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 08 SECONDS EAST AT RIGHT ANGLES TO SAID PARALLEL LINE, A DISTANCE OF 70 FEET TO A POINT 50 FEET SOUTH OF SAID NORTH LINE OF THE NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 58 MINUTES 52 SECONDS EAST PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 1326.02 FEET TO A POINT 60.00 FEET WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 45 DEGREES 02 MINUTES 23 SECONDS EAST, A DISTANCE OF 14.16 FEET TO A POINT 60.00 FEET SOUTH OF THE NORTH LINE AND 50 FEET WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 00 DEGREES 05 MINUTES 55 SECONDS EAST PARALLEL WITH SAID EAST LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 1263.41 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SAID NORTHEAST QUARTER; THENCE SOUTH 04 DEGREES 00 MINUTES 20 SECONDS WEST ALONG A STRAIGHT LINE, A DISTANCE OF 978.14 FEET TO A POINT 120.00 FEET WEST OF THE EAST LINE AND 347.48 FEET NORTH OF THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 00 DEGREES 05 MINUTES 55 SECONDS EAST PARALLEL WITH SAID EAST LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 238.00 FEET; THENCE SOUTH 59 DEGREES 21 MINUTES 47 SECONDS WEST ALONG A STRAIGHT LINE, A DISTANCE OF 231.99 FEET, TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER, WHICH POINT IS 304.32 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER (AS MEASURED ALONG THE SOUTH LINE THEREOF); THENCE SOUTH 59 DEGREES 21 MINUTES 02 SECONDS WEST ALONG A STRAIGHT LINE, A DISTANCE OF 1189.25 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER OF SECTION 27, WHICH POINT IS 2040.11 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 01 MINUTES 34 SECONDS WEST ALONG SAID WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER, A DISTANCE OF 0.30 FEET TO A POINT 716.03 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 59 DEGREES 21 MINUTES 37 SECONDS WEST ALONG A STRAIGHT LINE, A DISTANCE OF 1400.80 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 59 DEGREES 21 MINUTES 10 SECONDS WEST 83.94 FEET TO A POINT 50 FEET EAST OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 27 AND 42.92 FEET SOUTH OF THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27; THENCE NORTH 00 DEGREES 01 MINUTES 21 SECONDS WEST ALONG SAID EAST LINE OF THE WEST 50 FEET OF THE SOUTHEAST QUARTER AND ALONG THE EAST LINE OF THE WEST 50 FEET OF SAID NORTHEAST QUARTER OF SECTION 27, A DISTANCE OF 3824.69 FEET TO THE POINT OF

BEGINNING, IN COOK COUNTY, ILLINOIS.

(EXCEPTING THEREFROM GATLING COUNTRY CLUB HILLS SUBDIVISION, LOTS 1, 2, 3 AND 4, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, SOUTH OF THE INDIAN BOUNDARY LINE, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 11, 2000, AS DOCUMENT NO. 00027407, IN COOK COUNTY, ILLINOIS).

LOT 3, 12, 13, 14, AND 15 OF COUNTRY CLUB HILLS RESUBDIVISION BEING A RESUBDIVISION OF PART OF GATLING COUNTRY CLUB HILLS SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, SOUTH OF THE INDIAN BOUNDARY LINE, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 9, 2004 AS DOCUMENT NO. 0416145163, ALL IN COOK COUNTY, ILLINOIS.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

REPORTS FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 31, 2009 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Executive: **HOUSE BILL 289**.

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 31, 2009 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Committee Amendment No. 2 to Senate Bill 189; Senate Committee Amendment No. 1 to House Bill 289**.

Senator Clayborne, Chairperson of the Committee on Assignments, reported that the Committee recommends that **Senate Floor Amendment No. 1 to SB 1860** be re-referred from the Committee on Energy to the Committee on Executive.

REPORT FROM STANDING COMMITTEE

Senator Hunter, Chairperson of the Committee on Human Services, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 90
Senate Amendment No. 1 to Senate Bill 135
Senate Amendment No. 1 to Senate Bill 340
Senate Amendment No. 1 to Senate Bill 397
Senate Amendment No. 1 to Senate Bill 658
Senate Amendment No. 1 to Senate Bill 1449
Senate Amendment No. 1 to Senate Bill 1499
Senate Amendment No. 2 to Senate Bill 1704
Senate Amendment No. 1 to Senate Bill 1905

Senate Amendment No. 1 to Senate Bill 2069
Senate Amendment No. 1 to Senate Bill 2271

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

POSTING NOTICES WAIVED

Senator Cullerton moved to waive the six-day posting requirement on **House Bill No. 289** so that the bill may be heard in the Committee on Executive that is scheduled to meet March 31, 2009.
The motion prevailed.

Senator Cullerton moved to waive the six-day posting requirement on **Senate Committee Amendment No. 1 to House Bill 289,** so that the amendment may be heard in the Committee on Executive that is scheduled to meet March 31, 2009.
The motion prevailed.

Senator Cullerton moved to waive the six-day posting requirement on **Senate Committee Amendment No. 2 to Senate Bill 189** so that the amendment may be heard in the Committee on Executive that is scheduled to meet March 31, 2009.
The motion prevailed.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Garrett, **Senate Bill No. 32** having been printed, was taken up, read by title a second time.
The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 32

AMENDMENT NO. 1. Amend Senate Bill 32 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Plumbing License Law is amended by changing Sections 2 and 35 as follows:
(225 ILCS 320/2) (from Ch. 111, par. 1102)
Sec. 2. When used in this Act:
"Agent" means a person designated by a sponsor as responsible for supervision of an apprentice plumber and who is also an Illinois licensed plumber.
"Apprentice plumber" means any licensed person who is learning and performing plumbing under the supervision of a sponsor or his agent in accordance with the provisions of this Act.
"Approved apprenticeship program" means an apprenticeship program approved by the U.S. Department of Labor's Bureau of Apprenticeship and Training and the Department under rules.
"Board" means the Illinois State Board of Plumbing Examiners.
"Building drain" means that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to 5 feet beyond the foundation walls where it is connected to the building sewer.
"Building sewer" means that part of the horizontal piping of a drainage system that extends from the end of the building drain, receives the discharge of the building drain and conveys it to a public sewer or private sewage disposal system.
"Department" means the Illinois Department of Public Health.
"Director" means the Director of the Illinois Department of Public Health.
"Governmental unit" means a city, village, incorporated town, county, or sanitary or water district.
"Irrigation contractor" means a person who installs or supervises the installation of lawn sprinkler systems subject to Section 2.5 of this Act, other than a licensed plumber or a licensed apprentice plumber.
"Irrigation employee" means a person who is employed by a registered irrigation contractor or a licensed plumber, and who designs, repairs, alters, maintains, or installs lawn sprinkler systems that are subject to Section 2.5 of this Law.

"Lawn sprinkler system" means any underground irrigation system of lawn, shrubbery and other vegetation from any potable water sources; and from any water sources, whether or not potable. "Lawn sprinkler system" includes without limitation the water supply piping, valves, control systems, low voltage wiring, sprinkler heads or other irrigation outlets, and moisture or rainfall sensing equipment, but does not include the backflow prevention device. "Lawn sprinkler system" does not include an irrigation system used primarily for agricultural purposes.

"Person" means any natural person, firm, corporation, partnership, or association.

"Plumber" means any licensed person authorized to perform plumbing as defined in this Act, but does not include retired plumbers as defined in this Act.

"Plumbing" means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person.

"Plumbing" includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems and backflow prevention devices connected to lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble.

"Plumbing" includes rainwater harvesting distribution systems for non-potable use only. Rainwater harvesting distribution systems shall be constructed in accordance with the Illinois Plumbing Code.

"Plumbing" includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems.

"Plumbing" includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system 5 feet beyond the foundation walls.

"Plumbing" does not mean or include the trade of drain-laying, the trade of drilling water wells which constitute the sources of private water supplies, and of making connections between such wells and pumping units in the water supply systems of buildings served by such private water supplies, or the business of installing water softening equipment and of maintaining and servicing the same, or the business of manufacturing or selling plumbing fixtures, appliances, equipment or hardware, or to the installation and servicing of electrical equipment sold by a not-for-profit corporation providing electrification on a cooperative basis, that either on or before January 1, 1971, is or has been financed in whole or in part under the federal Rural Electrification Act of 1936 and the Acts amendatory thereof and supplementary thereto, to its members for use on farms owned by individuals or operated by individuals, nor does it mean or include minor repairs which do not require changes in the piping to or from plumbing fixtures or involve the removal, replacement, installation or re-installation of any pipe or plumbing fixtures. Plumbing does not include the installation, repair, maintenance, alteration or extension of building sewers, or the installation, repair, or maintenance of rainwater harvesting collection systems.

"Plumbing contractor" means any person who performs plumbing, as defined in this Act, for another person. "Plumbing contractor" shall not include licensed plumbers and licensed apprentice plumbers who either are employed by persons engaged in the plumbing business or are employed by another person for the performance of plumbing solely for that other person, including, but not limited to, a hospital, university, or business maintenance staff.

"Plumbing fixtures" means installed receptacles, devices or appliances that are supplied with water or that receive or discharge liquids or liquid borne wastes, with or without discharge into the drainage system with which they may be directly or indirectly connected.

"Plumbing system" means the water service, water supply and distribution pipes; plumbing fixtures and traps; soil, waste and vent pipes; building drains; including their respective connections, devices and appurtenances.

"Plumbing system" does not include building sewers as defined in this Act.

"Rainwater harvesting collection system" is a system for the capture, diversion, and storage of rainwater and consists of a cistern(s), pipe, fittings, and appurtenances required for or used to harvest rainwater for non-potable purposes. These systems must be constructed in accordance with the Illinois Plumbing Code.

"Rainwater harvesting distribution system" is a system for the distribution of rainwater collected by an approved rainwater harvesting collection system. This system consists of pumps, pipe, fittings or other plumbing appurtenances and must be constructed in accordance with the Illinois Plumbing Code.

"Retired plumber" means any licensed plumber in good standing who meets the requirements of this Act and the requirements prescribed by Department rule to be licensed as a retired plumber and

voluntarily surrenders his plumber's license to the Department, in exchange for a retired plumber's license. Retired plumbers cannot perform plumbing as defined in this Act, cannot sponsor or supervise apprentice plumbers, and cannot inspect plumbing under this Act. A retired plumber cannot fulfill the requirements of subsection (3) of Section 3 of this Act.

"Supervision" with respect to first and second year licensed apprentice plumbers means that such apprentices must perform all designing and planning of plumbing systems and all plumbing as defined in this Act under the direct personal supervision of the sponsor or his or her agent who must also be an Illinois licensed plumber, except for maintenance and repair work on existing plumbing systems done by second year apprentice plumbers; provided that before performing any maintenance and repair work without such supervision, such apprentice has received the minimum number of hours of annual classroom instruction recommended by the United States Department of Labor's Bureau of Apprenticeship and Training for apprentice plumbers in a Bureau of Apprenticeship and Training approved plumber apprenticeship program or its equivalent. "Supervision" with respect to all other apprentice plumbers means that, except for maintenance and repair work on existing plumbing systems, any plumbing done by such apprentices must be inspected daily, after initial rough-in and after completion by the sponsor or his or her agent who is also an Illinois licensed plumber. In addition, all repair and maintenance work done by a licensed apprentice plumber on an existing plumbing system must be approved by the sponsor or his or her agent who is also an Illinois licensed plumber.

"Sponsor" is an Illinois licensed plumber or an approved apprenticeship program that has accepted an individual as an Illinois licensed apprentice plumber for education and training in the field of plumbing and whose name and license number or apprenticeship program number shall appear on the individual's application for an apprentice plumber's license.

"Sponsored" means that each Illinois licensed apprentice plumber has been accepted by an Illinois licensed plumber or an approved apprenticeship program for apprenticeship training.

"Telecommunications carrier" means a telecommunications carrier as defined in the Public Utilities Act.

(Source: P.A. 94-101, eff. 1-1-08.)

(225 ILCS 320/35) (from Ch. 111, par. 1133)

Sec. 35. The Department shall promulgate and publish and may from time to time amend a minimum code of standards for plumbing and the fixtures, materials, design and installation methods of plumbing systems based upon the findings of the sciences of pneumatics and hydraulics, after consideration of the recommendations of the Plumbing Code Advisory Council. The Department may promulgate and publish rules in the State's minimum code of standards for the minimum number of plumbing fixtures required for the comfort and convenience of workers and the public not inconsistent with, but not limited to, the requirements of the federal Americans With Disabilities Act, the Equitable Restrooms Act, and the U.S. Department of Labor, Office of Safety and Health Administration. The Department shall promulgate and publish a minimum code of standards for rainwater harvesting collection systems and rainwater harvesting distribution systems by January 1, 2010. The minimum code of standards for plumbing and any amendments thereto shall be filed with the Secretary of State as a public record. In preparing plumbing code standards and amendments thereto the Department may give consideration to the recommendations contained in nationally recognized plumbing codes and recommendations of nationally recognized material and equipment testing laboratories. The plumbing code promulgated by the Department under authority of this Act shall remain in effect as the minimum code authorized by this Act until the Department promulgates a new code under authority of this Act. At least 20 days' notice of a public hearing shall be given by the Department in a manner which the Department considers adequate to bring the hearing to the attention of persons interested in plumbing code standards. Notice of any public hearing shall be given by the Department to those who file a request for a notice of hearings.

(Source: P.A. 87-885.)

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

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 32

AMENDMENT NO. 2. Amend Senate Bill 32, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 4, line 2, by replacing "non-potable" with "indoor"; and

on page 4, line 2, after "only.", by inserting the following:

""Plumbing" does not include any rainwater harvesting distribution system or rainwater harvesting

collection system used for lawn sprinkler systems.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Maloney, **Senate Bill No. 37** having been printed, was taken up, read by title a second time.

Senator Maloney offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 37

AMENDMENT NO. 1. Amend Senate Bill 37 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the 21st Century Scholars Act.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Clayborne, **Senate Bill No. 43** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 43

AMENDMENT NO. 1. Amend Senate Bill 43 on page 2, line 18, by replacing "and" with ". "Public works" also includes (1)"; and

on page 2, line 23, by inserting after "residence" the following:
", excepting single-family tract housing,"; and

on page 2, line 24, by replacing "owner-occupied multi-family residence" with "an owner-occupied multi-family residence with 6 or fewer units"; and

on page 2, line 25, by inserting after "area" the following:
", or (2) any project that will derive a financial benefit, in whole or in part, from loans, grants, subsidies, incentives, or other financial benefit made available pursuant to the Illinois Enterprise Zone Act or the Economic Development Project Area Tax Increment Allocation Act of 1995".

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 43

AMENDMENT NO. 2. Amend Senate Bill 43, AS AMENDED, by replacing the underscored language in the definition of "public works" in Sec. 2 of Section 5 with the following:
". Public works" also includes (1) all projects located in an enterprise zone as defined in the Illinois Enterprise Zone Act, excepting projects performed by a business enterprise located in an enterprise zone where that business enterprise existed prior to the adoption of an initiating ordinance pursuant to subsection (a) of Section 5 of the Illinois Enterprise Zone Act, or projects located in an economic development project area as defined in the Economic Development Project Area Tax Increment Allocation Act of 1995, excepting projects performed by a business enterprise located in an economic development project area where that business enterprise existed prior to a municipality initiating an economic development plan as defined in the Economic Development Project Area Tax Increment Allocation Act of 1995, or (2) regardless of the exceptions contained in clause (1), any project that will derive a financial benefit, in whole or in part, from loans, grants, subsidies, incentives, or other financial benefit made available pursuant to the Illinois Enterprise Zone Act or the Economic Development Project Area. Provided however, "Public works" shall not include projects at an owner-occupied single family residence, excepting single-family tract housing, or at an owner-occupied multi-family residence

with 6 or fewer units located in an enterprise zone or an economic development project area".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senate Floor Amendment No. 3 was held in the Committee on Labor.

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

On motion of Senator Clayborne, **Senate Bill No. 78** having been printed, was taken up, read by title a second time.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 78

AMENDMENT NO. 1. Amend Senate Bill 78 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Manufactured Home Installation Act.

Section 5. Definitions. As used in this Act:

"Manufactured home" is synonymous with "mobile home" and means a structure that is a factory-assembled, completely integrated structure designed for permanent habitation, with a permanent chassis and so constructed as to permit its transport, on wheels temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is placed on a support system for use as a permanent habitation, and designed and situated so as to permit its occupancy as a dwelling place for one or more persons. The term "manufactured home" includes manufactured homes constructed after June 30, 1976 in accordance with the federal National Manufactured Housing Construction and Safety Standards Act of 1974.

"Mobile home park" means a tract of land or 2 or more contiguous tracts of land that contain sites with the necessary utilities for 5 or more manufactured homes either free of charge or for revenue purposes.

Section 10. Installation requirements. A manufactured home installed on private property that is not in a mobile home park on or after the effective date of this Act must be installed in accordance with the manufacturer's specifications.

Section 900. The Mobile Home Park Act is amended by changing Section 2.1 as follows:

(210 ILCS 115/2.1) (from Ch. 111 1/2, par. 712.1)

Sec. 2.1. "Mobile home" is synonymous with "manufactured home" and means a structure that is a factory-assembled, completely integrated structure designed for permanent habitation, with a permanent chassis and so constructed as to permit its transport, on wheels temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is placed on a support system for use as a permanent habitation, and designed and situated so as to permit its occupancy as a dwelling place for one or more persons. ~~means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for 1 or more persons.~~ The term "mobile home" shall include manufactured homes constructed after June 30, 1976, in accordance with the Federal "National Manufactured Housing Construction and Safety Standards Act of 1974".

(Source: P.A. 85-565.)

(210 ILCS 115/2.10 rep.)

Section 904. The Mobile Home Park Act is amended by repealing Section 2.10.

Section 905. The Illinois Manufactured Housing and Mobile Home Safety Act is amended by changing Section 2 as follows:

(430 ILCS 115/2) (from Ch. 67 1/2, par. 502)

Sec. 2. Unless clearly indicated otherwise by the context, the following words and terms when used in this Act, for the purpose of this Act, shall have the following meanings:

(a) "Mobile home" is synonymous with "manufactured home" and means a structure that is a factory-assembled, completely integrated structure designed for permanent habitation, with a permanent

chassis and so constructed as to permit its transport, on wheels temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is placed on a support system for use as a permanent habitation, and designed and situated so as to permit its occupancy as a dwelling place for one or more persons. ~~means a movable or portable unit, which is 8 body feet or more in width and is 32 body feet or more in length, and constructed to be towed on its own chassis (comprised of frame and wheels) from the place of construction to the location or subsequent locations, subject to the provisions of Chapter 15 of The Illinois Vehicle Code, and designed to be used without a permanent foundation and connected to utilities for year round occupancy with or without a permanent foundation. The term shall include: (1) units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expanded to provide additional cubic capacity, and (2) units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing.~~ The term shall include units designed to be used for residential, commercial, educational or industrial purposes, excluding, however, recreational vehicles.

(b) "Person" means a person, partnership, corporation, or other legal entity.

(c) "Manufacturer" means any person who manufactures mobile homes or manufactured housing at the place or places, either on or away from the building site, at which machinery, equipment and other capital goods are assembled and operated for the purpose of making, fabricating, forming or assembling mobile homes or manufactured housing.

(d) "Department" means the Department of Public Health.

(e) "Director" means the Director of the Department of Public Health.

(f) "Dealer" means any person, other than a manufacturer, as defined in this Act, who sells 3 or more mobile homes or manufactured housing units in any consecutive 12-month period.

(g) "Codes" means the safety codes for manufactured housing and mobile homes promulgated by the Department. The Codes shall contain the standards and requirements for manufactured housing and mobile homes so that adequate performance for the intended use is made the test of acceptability. The Code of Standards shall permit the use of new and used technology, techniques, methods and materials, for both manufactured housing and mobile homes, consistent with recognized and accepted standards adopted by the Building Officials Conference of America, the International Conference of Building Officials, the Southern Building Codes Congress, the National Fire Protection Association, the International Association of Plumbing and Mechanical Officials, the American National Standards Institute, the Illinois State Plumbing Code, and the United States Department of Housing and Urban Development, hereinafter referred to as "HUD", applying to manufactured housing and mobile homes. A copy of said safety codes, including said revisions thereof is on file with the Department.

(h) "Seal" means a device or insignia issued by the Department to be displayed on the exterior of the mobile home or manufactured housing unit to evidence compliance with the applicable safety code.

(i) "Manufactured housing" or "manufactured housing unit" means a building assembly or system of building sub-assemblies, designed for habitation as a dwelling for one or more persons, including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site, with a permanent foundation.

(j) "Closed construction" is any building, component, assembly or system manufactured in such a manner that all portions cannot readily be inspected at the installation site without disassembly, damage to, or destruction thereof.

(k) "Open construction" is any building, component, assembly or system manufactured in such a manner that all portions can be readily inspected at the installation site without disassembly, damage to, or destruction thereof.

(l) "Permanent foundation" means a closed perimeter formation consisting of materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line which shall include, but not necessarily be limited to, cellars, basements, or crawl spaces, but does exclude the use of piers.

(m) "Code compliance certificate" means the certificate provided by the manufacturer to the Department that warrants that the manufactured housing unit or mobile home complies with the applicable code.

(Source: P.A. 79-731.)

Section 910. The Manufactured Home Quality Assurance Act is amended by changing Section 10 as follows:

(430 ILCS 117/10)

Sec. 10. Definitions. In this Act:

"Department" means the Illinois Department of Public Health.

"Licensed installer" means a person who has successfully completed a manufactured home installation course approved by the Department and paid the required fees.

"Manufactured home" is synonymous with "mobile home" and means a structure that is a factory-assembled, completely integrated structure designed for permanent habitation, with a permanent chassis and so constructed as to permit its transport, on wheels temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is placed on a support system for use as a permanent habitation, and designed and situated so as to permit its occupancy as a dwelling place for one or more persons~~; provided, that any such structure resting wholly on a permanent foundation, which is a continuous perimeter foundation of material such as mortared concrete block, mortared brick, or concrete which extends into the ground below the established frost depth and to which the home is secured with foundation bolts at least one-half inch in diameter, spaced at intervals of no more than 6 feet and within one foot of the corners, and embedded at least 7 inches into concrete foundations or 15 inches into block foundations, shall not be construed as a mobile home or manufactured home~~. The term "manufactured home" includes manufactured homes constructed after June 30, 1976 in accordance with the federal National Manufactured Housing Construction and Safety Standards Act of 1974 ~~and does not include an immobilized mobile home as defined in Section 2.10 of the Mobile Home Park Act~~.

"Manufacturer" means a manufacturer of a manufactured home, whether the manufacturer is located within or outside of the State of Illinois.

"Mobile home" means a manufactured home.

"Mobile home park" means a tract of land or 2 or more contiguous tracts of land which contain sites with the necessary utilities for 5 or more manufactured homes either free of charge or for revenue purposes.

(Source: P.A. 92-410, eff. 1-1-02.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Link, **Senate Bill No. 138** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 138

AMENDMENT NO. 1. Amend Senate Bill 138 by replacing everything after the enacting clause with the following:

"Section 5. The Capital Development Board Act is amended by adding Section 10.09-1 as follows:

(20 ILCS 3105/10.09-1 new)

Sec. 10.09-1. Local government adoption of building code; enforcement.

(a) Except in municipalities with a population over 500,000, a local government that does not have an adopted model minimum building code shall adopt such a building code based on all of the following:

(1) The 2006 or later editions of the following codes developed by the International Code Council:

(A) International Building Code,

(B) International Mechanical Code,

(C) International Existing Building Code, and

(D) International Property Maintenance Code.

(2) The 2008 edition of the National Electrical Code NFPA 70.

(3) Additions, insertions, deletions, and changes that enhance the level of safety provided by the model codes, as determined by the local government.

(b) A person performing building code enforcement in accordance with this Act must be qualified by the State of Illinois, certified by a nationally recognized building official certification organization, or have filed verification of inspection experience with the Capital Development Board, except that any

qualification required by the State of Illinois shall take priority. Any individual so qualified under this subsection to offer inspection services shall verify to the Capital Development Board his or her status at the time of qualification or certification, renewable biennially.

Local governments may establish agreements with other governmental entities within the State to issue permits and enforce building codes in a consistent manner and as required by this Section. Local governments may hire third-party providers that are qualified in accordance with this Section to provide inspection services. A project owner or the owner's representative or manager of construction may contract with a qualified inspector and file the inspection documents with the appropriate unit of local government or use third-party providers if the unit of local government has such providers or has such providers under contract. Proof of inspection shall be filed before an occupancy permit is issued.

(c) Buildings constructed under the requirements of this Section must be inspected in accordance with the codes in effect on the date of the issuance of the original building permit.

(d) New residential construction is exempt from this Section and is defined as any original construction of a single-family home or a dwelling containing 2 or fewer apartments, condominiums, or town houses in accordance with the Illinois Residential Building Code Act.

(e) As used in this Section, "local government" means a city, village, incorporated town, county, or fire protection district.

(f) Each local government, other than a municipality over 500,000 population, shall provide notice of its adopted building code to the Capital Development Board, Division of Building Regulations, within 60 days after the effective date of this amendatory Act of the 96th General Assembly. The notice shall be electronic wherever possible and contain the division of government, the name of contact, and date of and codes modified or adopted.

(g) All other statutorily authorized codes and regulations administered by Illinois State agencies are exempt from this Section. These include but are not limited to: the Illinois Plumbing Code, the Illinois Environmental Barriers Act, the International Energy Conservation Code for Commercial Construction, and Administrative Rules adopted by the Office of the State Fire Marshal.

(h) Subsections (a), (b), (c), and (g) apply beginning July 1, 2011.".

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 138

AMENDMENT NO. 2. Amend Senate Bill 138, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Capital Development Board Act is amended by adding Section 10.09-1 as follows:

(20 ILCS 3105/10.09-1 new)

Sec. 10.09-1. Adoption of building code; enforcement.

(a) After July 1, 2011, no person may occupy a newly constructed commercial building in a non-building code jurisdiction until:

(1) The property owner or his or her agent has first contracted for the inspection of the building by an inspector who meets the qualifications established by the Board; and

(2) The qualified inspector files a certification of inspection with the municipality or county having such jurisdiction over the property indicating that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:

(A) The 2006 or later editions of the following codes developed by the International Code Council:

(i) International Building Code;

(ii) International Existing Building Code; and

(iii) International Property Maintenance Code.

(B) The 2008 or later edition of the National Electrical Code NFPA 70.

(b) This Section does not apply to any area in a municipality or county having jurisdiction that has registered its adopted building code with the Board as required by Section 55 of the Illinois Building Commission Act.

(c) The qualification requirements of this Section do not apply to building enforcement personnel employed by jurisdictions as defined in subsection (b).

(d) For purposes of this Section:

"Commercial building" means any building other than a single-family home or a dwelling containing 2 or fewer apartments, condominiums, or townhomes or a farm building as exempted from Section 3 of the Illinois Architecture Practice Act.

"Newly constructed commercial building" means any commercial building for which original construction has commenced on or after July 1, 2011.

"Non-building code jurisdiction" means any area of the State not subject to a building code imposed by either a county or municipality.

"Qualified inspector" means an individual qualified by the State of Illinois, certified by a nationally recognized building official certification organization, or who has filed verification of inspection experience according to rules adopted by the Board for the purposes of conducting inspections in non-building code jurisdictions.

(e) New residential construction is exempt from this Section and is defined as any original construction of a single-family home or a dwelling containing 2 or fewer apartments, condominiums, or townhomes in accordance with the Illinois Residential Building Code Act.

(f) Local governments may establish agreements with other governmental entities within the State to issue permits and enforce building codes and may hire third-party providers that are qualified in accordance with this Section to provide inspection services.

(g) This Section does not regulate any other statutorily authorized code or regulation administered by State agencies. These include without limitation the Illinois Plumbing Code, the Illinois Environmental Barriers Act, the International Energy Conservation Code, and administrative rules adopted by the Office of the State Fire Marshal.

(h) This Section applies beginning July 1, 2011.

Section 10. The Illinois Building Commission Act is amended by changing Section 55 as follows:

(20 ILCS 3918/55)

Sec. 55. Identification of local building codes. Beginning on the effective date of this amendatory Act of the 92nd General Assembly, a municipality with a population of less than 1,000,000 or a county adopting a new building code or amending an existing building code must, at least 30 days before adopting the code or amendment, provide an identification of the code, by title and edition, or the amendment to the Commission. The Commission must identify the proposed code, by the title and edition, or the amendment to the public on the Internet through the State of Illinois World Wide Web site.

A municipality with a population of less than 1,000,000 or county shall provide notice of the title and editions of any adopted building codes to the Capital Development Board, Division of Building Codes and Regulations, prior to July 1, 2011. The notice shall be electronic whenever possible and also contain the division of government, the name of contact, and the date of the adoption of the codes.

The Commission may adopt any rules necessary to implement this Section.

For the purposes of this Section, "building code" means any municipal or county ordinance or resolution regulating the construction and maintenance of all structures within the municipality or county ~~ordinance, resolution, law, housing or building code, or zoning ordinance that establishes construction related activities applicable to structures in a municipality or county, as the case may be~~.

(Source: P.A. 92-489, eff. 7-1-02.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senate Floor Amendment No. 3 was held in the Committee on Executive.

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

On motion of Senator Lightford, **Senate Bill No. 186,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 224** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 224

AMENDMENT NO. 1. Amend Senate Bill 224 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Nursing Care and Quality Improvement Act.".

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

On motion of Senator Althoff, **Senate Bill No. 228,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 240** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 240

AMENDMENT NO. 1. Amend Senate Bill 240 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Section 1 as follows:

(215 ILCS 5/1) (from Ch. 73, par. 613)

Sec. 1. Short title. This Act shall be known and ~~and~~ may be cited as the "Illinois Insurance Code." (Source: Laws 1937, p. 696; revised 10-28-08.)".

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

On motion of Senator Link, **Senate Bill No. 253,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 297,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 316** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 316

AMENDMENT NO. 1. Amend Senate Bill 316 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 11-6 as follows:

(305 ILCS 5/11-6) (from Ch. 23, par. 11-6)

Sec. 11-6. Decisions on applications. Within 10 days after a decision is reached on an application, the applicant shall be notified in writing of the decision. If the applicant resides in a facility licensed under the Nursing Home Care Act, the facility shall also receive written notice of the decision. The Department shall consider eligibility for, and the notice shall contain a decision on, each of the following assistance programs for which the client may be eligible based on the information contained in the application: Temporary Assistance to Needy Families, Medical Assistance, Aid to the Aged, Blind and Disabled, General Assistance (in the City of Chicago), and food stamps. No decision shall be required for any assistance program for which the applicant has expressly declined in writing to apply. If the applicant is determined to be eligible, the notice shall include a statement of the amount of financial aid to be provided and a statement of the reasons for any partial grant amounts. If the applicant is determined ineligible for any public assistance the notice shall include the reason why the applicant is ineligible. If the application for any public assistance is denied, the notice shall include a statement defining the applicant's right to appeal the decision. The Illinois Department, by rule, shall determine the date on which assistance shall begin for applicants determined eligible. That date may be no later than 30 days after the date of the application.

Under no circumstances may any application be denied solely to meet an application-processing deadline.

(Source: P.A. 90-17, eff. 7-1-97.)

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

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 316

AMENDMENT NO. 2. Amend Senate Bill 316, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 11-6 as follows:
(305 ILCS 5/11-6) (from Ch. 23, par. 11-6)
Sec. 11-6. Decisions on applications. Within 10 days after a decision is reached on an application, the applicant shall be notified in writing of the decision. If the applicant resides in a facility licensed under the Nursing Home Care Act or a supportive living facility authorized under Section 5-5.01a, the facility shall also receive written notice of the decision, provided that the notification is related to a Department payment for services received by the applicant in the facility. Only facilities enrolled in and subject to a provider agreement under the medical assistance program under Article V may receive such notices of decisions. The Department shall consider eligibility for, and the notice shall contain a decision on, each of the following assistance programs for which the client may be eligible based on the information contained in the application: Temporary Assistance to Needy Families, Medical Assistance, Aid to the Aged, Blind and Disabled, General Assistance (in the City of Chicago), and food stamps. No decision shall be required for any assistance program for which the applicant has expressly declined in writing to apply. If the applicant is determined to be eligible, the notice shall include a statement of the amount of financial aid to be provided and a statement of the reasons for any partial grant amounts. If the applicant is determined ineligible for any public assistance the notice shall include the reason why the applicant is ineligible. If the application for any public assistance is denied, the notice shall include a statement defining the applicant's right to appeal the decision. The Illinois Department, by rule, shall determine the date on which assistance shall begin for applicants determined eligible. That date may be no later than 30 days after the date of the application.
Under no circumstances may any application be denied solely to meet an application-processing deadline.
(Source: P.A. 90-17, eff. 7-1-97.)

Section 99. Effective date. This Act takes effect January 1, 2010.".

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Frerichs, **Senate Bill No. 583** having been printed, was taken up, read by title a second time.
Senator Frerichs offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 583

AMENDMENT NO. 1. Amend Senate Bill 583 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by adding Section 1-1-11 as follows:
(65 ILCS 5/1-1-11 new)
Sec. 1-1-11. Contractual assessments; renewable energy sources. A municipality may enter into voluntary agreements with the owners of property within the municipality to provide for contractual assessments to finance the installation of distributed generation renewable energy sources or energy efficiency improvements that are permanently fixed to real property.".

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

On motion of Senator Haine, **Senate Bill No. 1066** having been printed, was taken up, read by title a second time.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1066

AMENDMENT NO. 1. Amend Senate Bill 1066 by replacing everything after the enacting clause with the following:

"Section 5. The Trusts and Trustees Act is amended by adding Section 5.4 as follows:

(760 ILCS 5/5.4 new)

Sec. 5.4. Spendthrift trusts.

(a) For trusts created on or after the effective date of this amendatory Act of the 96th General Assembly, a settlor who in writing irrevocably transfers property in any manner to a trust having at least one trustee as defined in subsection (b) of this Section may, subject to the limitations in subsection (c) of this Section, provide that the income or principal interest of the settlor as beneficiary may not be either voluntarily or involuntarily transferred before payment or delivery to the settlor as beneficiary by the trustee. This Section shall be considered to be a restriction on the transfer of the settlor's beneficial interest in the trust that is enforceable under applicable nonbankruptcy law within the meaning of Section 541(c)(2) of the Bankruptcy Code or any successor provision.

(b) If the settlor is a beneficiary of the trust, at least one trustee of a trust described in this Section must be a corporate fiduciary who:

(1) is authorized by the laws of this State to act as a trustee and whose activities are subject to supervision by the Director of the Division of Banking of this State, the Office of the Comptroller of the Currency, or the Office of Thrift Supervision, or any successor thereto; and

(2) maintains or arranges for custody in this State of some or all of the property that is the subject of the trust described in this Section, maintains records for the trust on an exclusive or nonexclusive basis, prepares or arranges for the preparation of fiduciary income tax returns for the trust, or otherwise materially participates in the administration of the trust.

(c)(1) Except as provided in this subsection, if a trust has a restriction as provided in subsection (a) of this Section, a creditor or other claimant of the settlor may not satisfy a claim, or liability on a claim, in either law or equity, out of the settlor's transfer or the settlor's beneficial interest in the trust. For purposes of this Section, a creditor includes one holding or seeking to enforce a judgment entered by a court or other body having adjudicative authority as well as one with a right to payment, whether or not reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.

(2) A trust described in this Section does not prevent a creditor or person described in this subsection (c) from satisfying a claim or liability out of the settlor's beneficial interest in or transfer into trust if:

(A) the claim is a judgment, order, decree, or other legally enforceable decision or ruling resulting from a judicial, arbitration, mediation, or administrative proceeding commenced prior to or within 3 years after the trust is created;

(B) the settlor's transfer into trust is made with actual intent to hinder, delay, or defraud that creditor or claimant;

(C) the trust provides that the settlor may revoke or terminate all or part of the trust;

(D) the claim is for a payment owed by the settlor under a child support judgment or order;

(E) the claim is by a spouse or former spouse of the settlor on account of an agreement or court order for the payment of support or maintenance or for a division or distribution of property;

(F) the claim is a tax or other amount owed by the settlor to any governmental entity;

(G) the claim is by a governmental entity for recovery of public assistance received by the settlor from the governmental entity;

(H) the transfer is made when the settlor is insolvent or the transfer renders the settlor insolvent;

(I) the claim is a judgment, award, order, sentence, fine, penalty, or other determination of liability of the settlor for conduct of the settlor constituting fraud, intentional infliction of harm, or a crime; or

(J) the settlor transferred assets into the trust that: (i) were listed in a written representation of the settlor's assets given to a claimant to induce the claimant to enter into a transaction or agreement with the settlor; or (ii) were transferred from the settlor's control in breach of any written agreement, covenant, or security interest between the settlor and the claimant.

(d) The statute of limitations for actions to satisfy a claim or liability out of the settlor's beneficial interest in or transfer into trust under this Section is the statute of limitations applicable to the underlying

action.

(e) The satisfaction of a claim under this Section is limited to that part of the trust or transfer to which it applies.

(f) For purposes of this Section, a trust is not revoked or terminated by:

(1) a power to veto a distribution from the trust;

(2) a testamentary special power of appointment or similar power;

(3) the right to receive a distribution of income, principal, or both in the discretion of another, including a trustee other than the settlor;

(4) an interest in a charitable remainder unitrust or charitable remainder annuity trust as defined in Internal Revenue Code Section 664 or any successor provision;

(5) a right to receive principal subject to an ascertainable standard set forth in the trust; or

(6) the power to appoint a nonsubordinate adviser or trust protector who can remove and appoint trustees, who can direct, consent to, or disapprove distributions, or who is an investment adviser or has the power to appoint an investment adviser or investment director pursuant to the laws of this State.

(g) The courts of this State shall have exclusive jurisdiction over any action brought under this Section.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Link, **Senate Bill No. 1089** having been printed, was taken up, read by title a second time.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1089

AMENDMENT NO. 1. Amend Senate Bill 1089 by replacing everything after the enacting clause with the following:

"Section 5. The Residential Real Property Disclosure Act is amended by changing Section 70 as follows:

(765 ILCS 77/70)

Sec. 70. Predatory lending database program.

(a) As used in this Article:

"Adjustable rate mortgage" or "ARM" means a closed-end mortgage transaction that allows adjustments of the loan interest rate during the first 3 years of the loan term.

"Borrower" means a person seeking a mortgage loan.

"Broker" means a "broker" or "loan broker", as defined in subsection (p) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Closing agent" means an individual assigned by a title insurance company or a broker or originator to ensure that the execution of documents related to the closing of a real estate sale or the refinancing of a real estate loan and the disbursement of closing funds are in conformity with the instructions of the entity financing the transaction.

"Counseling" means in-person counseling provided by a counselor employed by a HUD-certified counseling agency to all borrowers, or documented telephone counseling where a hardship would be imposed on one or more borrowers. A hardship shall exist in instances in which the borrower is confined to his or her home due to medical conditions, as verified in writing by a physician, or the borrower resides 50 miles or more from the nearest participating HUD-certified housing counseling agency. In instances of telephone counseling, the borrower must supply all necessary documents to the counselor at least 72 hours prior to the scheduled telephone counseling session.

"Counselor" means a counselor employed by a HUD-certified housing counseling agency.

"Credit score" means a credit risk score as defined by the Fair Isaac Corporation, or its successor, and reported under such names as "BEACON", "EMPIRICA", and "FAIR ISAAC RISK SCORE" by one or more of the following credit reporting agencies or their successors: Equifax, Inc., Experian Information Solutions, Inc., and TransUnion LLC. If the borrower's credit report contains credit scores from 2 reporting agencies, then the broker or loan originator shall report the lower score. If the borrower's credit report contains credit scores from 3 reporting agencies, then the broker or loan originator shall report the middle score.

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

"Exempt person" means that term as it is defined in subsections (d)(1) and (d)(1.5) of Section 1-4 of the Residential Mortgage License Act of 1987.

"First-time homebuyer" means a borrower who has not held an ownership interest in residential property.

"HUD-certified counseling" or "counseling" means counseling given to a borrower by a counselor employed by a HUD-certified housing counseling agency.

"Interest only" means a closed-end loan that permits one or more payments of interest without any reduction of the principal balance of the loan, other than the first payment on the loan.

"Lender" means that term as it is defined in subsection (g) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Licensee" means that term as it is defined in subsection (e) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Mortgage loan" means that term as it is defined in subsection (f) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Negative amortization" means an amortization method under which the outstanding balance may increase at any time over the course of the loan because the regular periodic payment does not cover the full amount of interest due.

"Originator" means a "loan originator" as defined in subsection (hh) of Section 1-4 of the Residential Mortgage License Act of 1987, except an exempt person.

"Points and fees" has the meaning ascribed to that term in Section 10 of the High Risk Home Loan Act.

"Prepayment penalty" means a charge imposed by a lender under a mortgage note or rider when the loan is paid before the expiration of the term of the loan.

"Refinancing" means a loan secured by the borrower's or borrowers' primary residence where the proceeds are not used as purchase money for the residence.

"Title insurance company" means any domestic company organized under the laws of this State for the purpose of conducting the business of guaranteeing or insuring titles to real estate and any title insurance company organized under the laws of another State, the District of Columbia, or a foreign government and authorized to transact the business of guaranteeing or insuring titles to real estate in this State.

(a-5) A predatory lending database program shall be established within Cook County. The program shall be administered in accordance with this Article. The inception date of the program shall be July 1, 2008. Until the inception date, none of the duties, obligations, contingencies, or consequences of or from the program shall be imposed. The program shall apply to all mortgage applications that are governed by this Article and that are made or taken on or after the inception of the program.

(b) The database created under this program shall be maintained and administered by the Department. The database shall be designed to allow brokers, originators, counselors, title insurance companies, and closing agents to submit information to the database online. The database shall not be designed to allow those entities to retrieve information from the database, except as otherwise provided in this Article. Information submitted by the broker or originator to the Department may be used to populate the online form submitted by a counselor, title insurance company, or closing agent.

(c) Within 10 days after taking a mortgage application, the broker or originator for any mortgage on residential property within the program area must submit to the predatory lending database all of the information required under Section 72 and any other information required by the Department by rule. Within 7 days after receipt of the information, the Department shall compare that information to the housing counseling standards in Section 73 and issue to the borrower and the broker or originator a determination of whether counseling is recommended for the borrower. The borrower may not waive counseling. If at any time after submitting the information required under Section 72 the broker or originator (i) changes the terms of the loan or (ii) issues a new commitment to the borrower, then, within 5 days thereafter, the broker or originator shall re-submit all of the information required under Section 72 and, within 4 days after receipt of the information re-submitted by the broker or originator, the Department shall compare that information to the housing counseling standards in Section 73 and shall issue to the borrower and the broker or originator a new determination of whether re-counseling is recommended for the borrower based on the information re-submitted by the broker or originator. The Department shall require re-counseling if the loan terms have been modified to meet another counseling standard in Section 73, or if the broker has increased the interest rate by more than 200 basis points.

(d) If the Department recommends counseling for the borrower under subsection (c), then the Department shall notify the borrower of all participating HUD-certified counseling agencies located

within the State and direct the borrower to interview with a counselor associated with one of those agencies. Within 10 days after receipt of the notice of HUD-certified counseling agencies, the borrower shall select one of those agencies and shall engage in an interview with a counselor associated with that agency. Within 7 days after interviewing the borrower, the counselor must submit to the predatory lending database all of the information required under Section 74 and any other information required by the Department by rule. Reasonable and customary costs not to exceed $300 associated with counseling provided under the program shall be paid by the broker or originator. The Department shall annually calculate to the nearest dollar an adjusted rate for inflation. A counselor shall not recommend or suggest that a borrower contact any specific mortgage origination company, financial institution, or entity that deals in mortgage finance to obtain a loan, another quote, or for any other reason related to the specific mortgage transaction; however, a counselor may suggest that the borrower seek an opinion or a quote from another mortgage origination company, financial institution, or entity that deals in mortgage finance. A counselor or housing counseling agency that in good faith provides counseling shall not be liable to a broker or originator or borrower for civil damages, except for willful or wanton misconduct on the part of the counselor in providing the counseling.

(e) The broker or originator and the borrower may not take any legally binding action concerning the loan transaction until the later of the following:

(1) the Department issues a determination not to recommend HUD-certified counseling for the borrower in accordance with subsection (c); or

(2) the Department issues a determination that HUD-certified counseling is recommended for the borrower and the counselor submits all required information to the database in accordance with subsection (d).

(f) Within 10 days after closing, the title insurance company or closing agent must submit to the predatory lending database all of the information required under Section 76 and any other information required by the Department by rule.

(g) The title insurance company or closing agent shall attach to the mortgage a certificate of compliance with the requirements of this Article or a certificate of exemption, as generated by the database. If the title insurance company or closing agent fails to attach either the certificate of compliance or the certificate of exemption, then the mortgage is not recordable. The failure to attach the appropriate certificate shall not affect the enforceability of the lien of mortgage. In addition, if any lis pendens for a residential mortgage foreclosure is recorded on the property within the program area, a certificate of service must be simultaneously recorded that affirms that a copy of the lis pendens was filed with the Department. If the certificate of service is not recorded, then the lis pendens pertaining to the residential mortgage foreclosure in question is not recordable and is of no force and effect.

(h) All information provided to the predatory lending database under the program is confidential and is not subject to disclosure under the Freedom of Information Act, except as otherwise provided in this Article. Information or documents obtained by employees of the Department in the course of maintaining and administering the predatory lending database are deemed confidential. Employees are prohibited from making disclosure of such confidential information or documents. Any request for production of information from the predatory lending database, whether by subpoena, notice, or any other source, shall be referred to the Department of Financial and Professional Regulation. Any borrower may authorize in writing the release of database information. The Department may use the information in the database without the consent of the borrower: (i) for the purposes of administering and enforcing the program; (ii) to provide relevant information to a counselor providing counseling to a borrower under the program; or (iii) to the appropriate law enforcement agency or the applicable administrative agency if the database information demonstrates criminal, fraudulent, or otherwise illegal activity.

(i) Nothing in this Article is intended to prevent a borrower from making his or her own decision as to whether to proceed with a transaction.

(j) Any person who violates any provision of this Article commits an unlawful practice within the meaning of the Consumer Fraud and Deceptive Business Practices Act.

(k) During the existence of the program, the Department shall submit semi-annual reports to the Governor and to the General Assembly by May 1 and November 1 of each year detailing its findings regarding the program. The report shall include at least the following information for each reporting period:

(1) the number of loans registered with the program;

(2) the number of borrowers receiving counseling;

(3) the number of loans closed;

(4) the number of loans requiring counseling for each of the standards set forth in Section 73;

(5) the number of loans requiring counseling where the mortgage originator changed the loan terms subsequent to counseling.

(Source: P.A. 94-280, eff. 1-1-06; 94-1029, eff. 7-14-06; 95-691, eff. 6-1-08; revised 11-6-08.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Clayborne, **Senate Bill No. 1140** having been printed, was taken up, read by title a second time.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1140

AMENDMENT NO. 1. Amend Senate Bill 1140 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by adding Section 16-111.8 as follows:

(220 ILCS 5/16-111.8 new)

Sec. 16-111.8. Rate relief; electricity suppliers. Any electric utility providing rate relief pursuant to Section 16-111.5A of this Act shall not deem any residential or non-residential customer to be ineligible to receive that relief solely based upon that customer's purchase of electricity from a supplier other than that electric utility at the time the rate relief is to be credited to that customer.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Frerichs, **Senate Bill No. 1095** having been printed, was taken up, read by title a second time.

Senator Frerichs offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1095

AMENDMENT NO. 1. Amend Senate Bill 1095 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by adding Section 9-121 as follows:

(735 ILCS 5/9-121 new)

Sec. 9-121. Expungement; court file.

(a) Definitions. As used in this Section:

"Expungement" means the removal of evidence of the court file's existence from the publicly accessible records.

"Court file" means the court file created when a forcible entry and detainer action is filed with the court.

(b) Discretionary expungement. The court may order expungement of a court file in a forcible entry and detainer action if the court finds that the plaintiff's action is sufficiently without a basis in fact or law, which may include a lack of jurisdiction, that expungement is clearly in the interests of justice, and those interests are not outweighed by the public's interest in knowing about the record.

(c) Mandatory expungement. The court shall order expungement of a court file in a forcible entry and detainer action if the court finds that the defendant occupied real property that was subject to contract for deed cancellation or mortgage foreclosure and:

(1) the time for contract cancellation or foreclosure redemption has expired and the defendant vacated the property prior to commencement of the forcible entry and detainer action; or

(2) the defendant was a tenant during the contract cancellation or foreclosure redemption period and did not receive a notice under this Part to vacate on a date prior to commencement of the forcible entry and detainer action.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Link, **Senate Bill No. 1298** having been printed, was taken up, read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Assignments.

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

AMENDMENT NO. 2 TO SENATE BILL 1298

AMENDMENT NO. 2. Amend Senate Bill 1298, on page 1, line 6, by replacing "3.28 and 3.29" with "3.28, 3.29, and 3.30"; and

on page 1, by replacing lines 13 and 14 with the following:
"horse race is being conducted and excluding advance deposit wagering through an advance deposit wagering licensee."; and

on page 3, immediately below line 23, by inserting the following:
"(230 ILCS 5/3.30 new)
Sec. 3.30. Advance deposit wagering terminal. "Advance deposit wagering terminal" means any electronic devise placed by an advanced deposit wagering license at a wagering facility that facilitates the placement of an advance deposit wager and that can be electronically tracked so the location of the wagering facility where the advance deposit wagering terminal is located can be readily identified and so all wagers placed through the advance deposit wagering terminal are easily reportable."; and

on page 8, line 9, after the period, by inserting "The Board shall adopt rules limiting the interstate commission fees charged to an advance deposit wagering licensee."; and

on page 8, line 22, after the period, by inserting "Advance deposit wagering licensees may place advance deposit wagering terminals at wagering facilities as a convenience to customers. The advance deposit wagering licensee shall not charge or collect any fee from purses for the placement of the advance deposit wagering terminals."; and

on page 9, line 9, after "Act,", by inserting "for a period of 3 years after the effective date of this amendatory Act of the 96th General Assembly,"; and

on page 45, line 15, after the period, by inserting "In addition to the pari-mutuel tax imposed on advance deposit wagering pursuant to this subsection (a-5), an additional pari-mutuel tax at the rate of 0.25% shall be imposed on advance deposit wagering, the amount of which shall not exceed $250,000 in each calendar year. The additional 0.25% pari-mutuel tax imposed on advance deposit wagering by this amendatory Act of the 96th General Assembly shall be deposited into the Quarter Horse Purse Fund, which shall be created as a non-appropriated trust fund administered by the Board for grants to thoroughbred organization licensees for payment of purses for quarter horse races conducted by the organization licensee. Thoroughbred organization licensees may petition the Board to conduct quarter horse racing and receive purse grants from the Quarter Horse Purse Fund. The Board shall have complete discretion in distributing the Quarter Horse Purse Fund to the petitioning organization licensees.".

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 1298

AMENDMENT NO. 3. Amend Senate Bill 1298, on page 1, above line 4, by inserting the following:

"Section 3. The Executive Reorganization Implementation Act is amended by changing Section 3.1 as follows:

(15 ILCS 15/3.1) (from Ch. 127, par. 1803.1)

Sec. 3.1. "Agency directly responsible to the Governor" or "agency" means any office, officer, division, or part thereof, and any other office, nonelective officer, department, division, bureau, board, or commission in the executive branch of State government, except that it does not apply to any agency whose primary function is service to the General Assembly or the Judicial Branch of State government, or to any agency administered by the Attorney General, Secretary of State, State Comptroller or State Treasurer. In addition the term does not apply to the following agencies created by law with the primary responsibility of exercising regulatory or adjudicatory functions independently of the Governor:

(1) the State Board of Elections;

(2) the State Board of Education;

(3) the Illinois Commerce Commission;

(4) the Illinois Workers' Compensation Commission;

(5) the Civil Service Commission;

(6) the Fair Employment Practices Commission;

(7) the Pollution Control Board;

(8) the Department of State Police Merit Board;

(9) the Illinois Racing Board.

(Source: P.A. 93-721, eff. 1-1-05.)"; and

on page 1, line 5, by replacing "Sections" with "Sections 2.5,"; and

on page 1, immediately below line 6, by inserting the following:

"(230 ILCS 5/2.5 new)

Sec. 2.5. Separation from Department of Revenue. On the effective date of this amendatory Act of the 96th General Assembly, all of the powers, duties, assets, liabilities, employees, contracts, property, records, pending business, and unexpended appropriations of the Department of Revenue related to the administration and enforcement of this Act are transferred to the Illinois Racing Board.

The status and rights of the transferred employees, and the rights of the State of Illinois and its agencies, under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement, or annuity plan are not affected (except as provided in the Illinois Pension Code) by that transfer or by any other provision of this amendatory Act of the 96th General Assembly.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 1298

AMENDMENT NO. 4. Amend Senate Bill 1298, on page 8, line 10, before "However,", by inserting "The Board shall adopt rules regarding advance deposit wagering on interstate simulcast races that shall reflect, among other things, the General Assembly's desire to maximize revenues to the State, horsemen purses, and organizational licensees.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 2, 3 and 4 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Millner, **Senate Bill No. 1375,** having been printed, was taken up, read by title a second time.

Senate Floor Amendment No. 1 was held in the Committee on Assignments.

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

On motion of Senator Haine, **Senate Bill No. 1381,** having been printed, was taken up, read by title a second time.

Senate Floor Amendment Nos. 1, 2, 3 and 4 were held in the Committee on Assignments.

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

On motion of Senator Haine, **Senate Bill No. 1384** having been printed, was taken up, read by title a second time.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1384

AMENDMENT NO. 1. Amend Senate Bill 1384 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.20 and adding Section 4.30 as follows:

(5 ILCS 80/4.20)

Sec. 4.20. Acts repealed on January 1, 2010 and December 31, 2010.

(a) The following Acts are repealed on January 1, 2010:

The Auction License Act.

The Illinois Architecture Practice Act of 1989.

The Illinois Landscape Architecture Act of 1989.

The Illinois Professional Land Surveyor Act of 1989.

The Land Sales Registration Act of 1999.

The Orthotics, Prosthetics, and Pedorthics Practice Act.

The Perfusionist Practice Act.

~~The Professional Engineering Practice Act of 1989.~~

The Real Estate License Act of 2000.

The Structural Engineering Practice Act of 1989.

(b) The following Act is repealed on December 31, 2010:

The Medical Practice Act of 1987.

(Source: P.A. 95-1018, eff. 12-18-08.)

(5 ILCS 80/4.30 new)

Sec. 4.30. Act repealed on January 1, 2020. The following Act is repealed on January 1, 2020:

The Professional Engineering Practice Act of 1989.

Section 10. The Professional Engineering Practice Act of 1989 is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 19, 21, 24, 26, 29, 31, 32, 33, 34, 36, 42, and 43 and adding Section 27.5 as follows:

(225 ILCS 325/3) (from Ch. 111, par. 5203)

(Section scheduled to be repealed on January 1, 2010)

Sec. 3. Application of the Act; Exemptions.

(a) Nothing in this Act shall be construed to prevent the practice of structural engineering as defined in the Structural Engineering Practice Act of 1989 or the practice of architecture as defined in the Illinois Architecture Practice Act of 1989 or the regular and customary practice of construction contracting and construction management as performed by construction contractors.

(b) Nothing in this Act shall be construed to prevent the regular and customary practice of an alarm contractor licensed pursuant to the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

(c) Nothing in this Act shall be construed to prevent a fire sprinkler contractor licensed under the Fire Sprinkler Contractor Licensing Act from providing fire protection system layout documents. For the purpose of this subsection (c), "fire protection system layout documents" means layout drawings, catalog information on standard products, and other construction data that provide detail on the location of risers, cross mains, branch lines, sprinklers, piping per applicable standard, and hanger locations. Fire protection system layout documents serve as a guide for fabrication and installation of a fire sprinkler system.

(d) ~~(b)~~ Nothing in this Act shall prevent:

(1) Employees, including project representatives, of professional engineers lawfully practicing as sole owners, partnerships or corporations under this Act, from acting under the direct supervision of their employers.

(2) The employment of owner's representatives by the owner during the constructing, adding to, or altering of a project, or any parts thereof, provided that such owner's representative shall not have the authority to deviate from the technical submissions without the prior approval of the professional engineer for the project.

(3) The practice of officers and employees of the Government of the United States while engaged within this State in the practice of the profession of engineering for the Government.

(4) Services performed by employees of a business organization engaged in utility, telecommunications, industrial, or manufacturing operations, or by employees of laboratory research affiliates of such business organization which are rendered in connection with the fabrication or production, sale, and installation of products, systems, or nonengineering services of the business organization or its affiliates.

(5) Inspection, maintenance and service work done by employees of the State of Illinois, any political subdivision thereof or any municipality.

(6) The activities performed by those ordinarily designated as chief engineer of plant operation, chief operating engineer, locomotive, stationary, marine, power plant or hoisting and portable engineers, electrical maintenance or service engineers, personnel employed in connection with construction, operation or maintenance of street lighting, traffic control signals, police and fire alarm systems, waterworks, steam, electric, and sewage treatment and disposal plants, or the services ordinarily performed by any worker regularly employed as a locomotive, stationary, marine, power plant, or hoisting and portable engineer or electrical maintenance or service engineer for any corporation, contractor or employer.

(7) The activities performed by a person ordinarily designated as a supervising engineer or supervising electrical maintenance or service engineer who supervises the operation of, or who operates, machinery or equipment, or who supervises construction or the installation of equipment within a plant which is under such person's immediate supervision.

(8) The services, for private use, of contractors or owners in the construction of engineering works or the installation of equipment.

(e) ~~(c)~~ No officer, board, commission, or other public entity charged with the enforcement of codes and ordinances involving a professional engineering project shall accept for filing or approval any technical submissions that do not bear the seal and signature of a professional engineer licensed under this Act.

(f) ~~(d)~~ Nothing contained in this Section imposes upon a person licensed under this Act the responsibility for the performance of any of the foregoing functions unless such person specifically contracts to provide it.

(Source: P.A. 91-91, eff. 1-1-00.)

(225 ILCS 325/4) (from Ch. 111, par. 5204)

(Section scheduled to be repealed on January 1, 2010)

Sec. 4. Definitions. As used in this Act:

(a) "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 website or by directly contacting the Department.

(a-5) ~~(a)~~ "Approved engineering curriculum" means an engineering curriculum or program of 4 academic years or more which meets the standards established by the rules of the Department.

(b) "Board" means the State Board of Professional Engineers of the Department ~~of Professional Regulation~~, previously known as the Examining Committee.

(c) "Department" means the Department of Financial and Professional Regulation.

(d) "Design professional" means an architect, structural engineer or professional engineer practicing in conformance with the Illinois Architecture Practice Act of 1989, the Structural Engineering Practice Act of 1989 or the Professional Engineering Practice Act of 1989.

(e) (Blank). ~~"Director" means the Director of Professional Regulation.~~

(f) "Direct supervision/responsible charge" means work prepared under the control of a licensed professional engineer or that work as to which that professional engineer has detailed professional knowledge. The Department may further define this term by rule.

(g) "Engineering college" means a school, college, university, department of a university or other educational institution, reputable and in good standing in accordance with rules prescribed by the Department, and which grants baccalaureate degrees in engineering.

(h) "Engineering system or facility" means a system or facility whose design is based upon the application of the principles of science for the purpose of modification of natural states of being.

(i) "Engineer intern" means a person who is a candidate for licensure as a professional engineer and who has been enrolled as an engineer intern.

(j) "Enrollment" means an action by the Department to record those individuals who have met the

Board's requirements for an engineer intern.

(k) "License" means an official document issued by the Department to an individual, a corporation, a partnership, a professional service corporation, a limited liability company, or a sole proprietorship, signifying authority to practice.

(l) "Negligence in the practice of professional engineering" means the failure to exercise that degree of reasonable professional skill, judgment and diligence normally rendered by professional engineers in the practice of professional engineering.

(m) "Professional engineer" means a person licensed under the laws of the State of Illinois to practice professional engineering.

(n) "Professional engineering" means the application of science to the design of engineering systems and facilities using the knowledge, skills, ability and professional judgment developed through professional engineering education, training and experience.

(o) "Professional engineering practice" means the consultation on, conception, investigation, evaluation, planning, and design of, and selection of materials to be used in, administration of construction contracts for, or site observation of, an engineering system or facility, where such consultation, conception, investigation, evaluation, planning, design, selection, administration, or observation requires extensive knowledge of engineering laws, formulae, materials, practice, and construction methods. A person shall be construed to practice or offer to practice professional engineering, within the meaning and intent of this Act, who practices, or who, by verbal claim, sign, advertisement, letterhead, card, or any other way, is represented to be a professional engineer, or through the use of the initials "P.E." or the title "engineer" or any of its derivations or some other title implies licensure as a professional engineer, or holds himself out as able to perform any service which is recognized as professional engineering practice.

Examples of the practice of professional engineering include, but need not be limited to, transportation facilities and publicly owned utilities for a region or community, railroads, railways, highways, subways, canals, harbors, river improvements; land development; stormwater detention, retention, and conveyance, excluding structures defined in Section 5 of the Structural Engineering Practice Act of 1989; irrigation works; aircraft and ~~,~~ airports traffic engineering ~~and landing fields~~; waterworks, piping systems ~~and appurtenances~~, sewers, and sewage disposal works; storm sewer, sanitary sewer, and water system modeling plants for the generation of power; devices for the utilization of power; boilers; refrigeration plants, air conditioning systems and plants; heating systems and plants; plants for the transmission or distribution of power; electrical plants which produce, transmit, distribute, or utilize electrical energy; works for the extraction of minerals from the earth; plants for the refining, alloying or treating of metals; chemical works and industrial plants involving the use of chemicals and chemical processes; plants for the production, conversion, or utilization of nuclear, chemical, or radiant energy; forensic engineering, geotechnical engineering including, subsurface investigations; soil and rock classification, geology and geohydrology, incidental to the practice of professional engineering; geohydrological investigations, migration pathway analysis (including evaluation of building and site elements), soil and groundwater management zone analysis and design; energy analysis, environmental risk assessments, corrective action plans, design, remediation, protection plans and systems, hazardous waste mitigation and control, environmental control or remediation systems; recognition, measurement, evaluation and control of environmental systems and emissions; control systems, evaluation and design of engineered barriers, excluding structures defined in Sections 5 of the Structural Engineering Practice Act of 1989; and modeling of pollutants in water, soil, and air; engineering surveys of sites, facilities, and topography specific to a design project, not including land boundary establishment; automated building management systems; computer-controlled or integrated systems; automatic fire notification and suppression systems; investigation and assessment of indoor air inhalation exposures and design of abatement and remediation systems; or the provision of professional engineering site observation of the construction of works and engineering systems. Nothing in this Section shall preclude an employee from acting under the direct supervision/responsible charge of a licensed professional engineer. Nothing contained in this Section imposes upon a person licensed under this Act the responsibility for the performance of any of the foregoing functions unless such person specifically contracts to provide it.

(p) "Project representative" means the professional engineer's representative at the project site who assists in the administration of the construction contract.

(q) "Registered" means the same as "licensed" for purposes of this Act.

(r) "Related science curriculum" means a 4 year program of study, the satisfactory completion of which results in a Bachelor of Science degree, and which contains courses from such areas as life, earth, engineering and computer sciences, including but not limited to, physics and chemistry. In the study of these sciences, the objective is to acquire fundamental knowledge about the nature of its phenomena,

including quantitative expression, appropriate to particular fields of engineering.

(s) "Rules" means those rules promulgated pursuant to this Act.

(t) "Seal" means the seal in compliance with Section 14 of this Act.

(t-5) "Secretary" means the Secretary of Financial and Professional Regulation.

(u) "Site observation" is visitation of the construction site for the purpose of reviewing, as available, the quality and conformance of the work to the technical submissions as they relate to design.

(v) "Support design professional" means a professional engineer practicing in conformance with the Professional Engineering Practice Act of 1989, who provides services to the design professional who has contract responsibility.

(w) "Technical submissions" are the ~~means~~ designs, drawings, and specifications which establish the scope and standard of quality for materials, workmanship, equipment, and ~~the construction~~ systems . "Technical submissions" also includes, but is not limited to, studies, analyses, calculations, and other technical reports prepared in the course of the practice of professional engineering or under the direct supervision/responsible charge of a licensed professional engineer ~~a design professional's practice~~.

(Source: P.A. 91-91, eff. 1-1-00; 91-92, eff. 1-1-00; 92-16, eff. 6-28-01; 92-145, eff. 1-1-02.)

(225 ILCS 325/5) (from Ch. 111, par. 5205)

(Section scheduled to be repealed on January 1, 2010)

Sec. 5. Powers and duties of the Department. Subject to the provisions of this Act, the Department shall exercise the following functions, powers and duties:

(a) To pass upon the qualifications and conduct examinations of applicants for licensure as professional engineers or enrollment as engineer interns and pass upon the qualifications of applicants by endorsement and issue a license or enrollment to those who are found to be fit and qualified.

(b) To prescribe rules for the method, conduct and grading of the examination of applicants.

(c) To license corporations, partnerships, professional service corporations, limited liability companies, and sole proprietorships for the practice of professional engineering and issue a license to those who qualify.

(d) To conduct investigations and hearings regarding violations of this Act and take disciplinary or other actions as provided in this Act as a result of the proceedings.

(e) To prescribe rules as to what shall constitute an engineering or related science curriculum and to determine if a specific engineering curriculum is in compliance with the rules, and to terminate the approval of a specific engineering curriculum for non-compliance with such rules.

(f) To promulgate rules required for the administration of this Act, including rules of professional conduct.

(g) To maintain membership in the National Council of Examiners for Engineering and Surveying and participate in activities of the Council by designation of individuals for the various classifications of membership, the appointment of delegates for attendance at zone and national meetings of the Council, and the funding of the delegates for attendance at the meetings of the Council.

(h) To obtain written recommendations from the Board regarding qualifications of individuals for licensure and enrollment, definitions of curriculum content and approval of engineering curricula, standards of professional conduct and formal disciplinary actions, and the promulgation of the rules affecting these matters.

Prior to issuance of any final decision or order that deviates from any report or recommendations of the Board relating to the qualification of applicants, discipline of licensees or registrants, or promulgation of rules, the Secretary ~~Director~~ shall notify the Board ~~in writing with an explanation of any such deviation and provide a reasonable time for the Board to submit written comments to the Director regarding the proposed action. In the event that the Board fails or declines to submit such written comments within 30 days of said notification, the Director may issue a final decision or orders consistent with the Director's original decision.~~ The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act.

(i) To ~~publish and distribute or to~~ post on the Department's website, at least semi-annually, ~~a newsletter to all persons licensed and registered under this Act. The newsletter shall describe~~ the most recent changes in this Act and the rules adopted under this Act and shall contain information of any final disciplinary action that has been ordered under this Act since the date of the last posting ~~newsletter~~.

~~None of the functions, powers or duties enumerated in this Section shall be exercised by the~~

~~Department except upon the action and report in writing of the Board.~~
(Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

(225 ILCS 325/6) (from Ch. 111, par. 5206)

(Section scheduled to be repealed on January 1, 2010)

Sec. 6. Composition, qualifications and terms of the Board.

(a) The Board shall be appointed by the Secretary ~~Director~~ and shall consist of 10 members, one of whom shall be a public member and 9 of whom shall be professional engineers licensed under this Act. In addition each member who is a professional engineer shall:

(1) be a citizen of the United States, and

(2) be a resident of this State.

(b) In addition, each member who is a professional engineer shall:

(1) have not less than 12 years of experience in the practice of professional engineering, and shall hold an active license as a professional engineer in Illinois;

(2) have been in charge of professional engineering work for at least 5 years. For the purposes of this Section, any period in which a person has been in charge of teaching engineering in an engineering college with the rank of assistant professor or higher shall be considered as time in which such person was in charge of professional engineering work.

The terms for all members shall be for 5 years. On the expiration of the term of any member or in the event of a vacancy, the Secretary ~~Director~~ shall appoint a member who shall hold office until the expiration of the term for which the member is appointed and until a successor has been appointed and qualified.

No member shall be reappointed to the Board for a term which would cause that individual's continuous service on the Board to be longer than 15 successive years.

In implementing the 5 year terms, the Secretary ~~Director~~ shall vary the terms to enable the Board to have no more than 2 terms expire in any one year.

The public member shall not be employed in an engineering-related field ~~an employee of the State of Illinois~~. The public member shall be an Illinois resident and a citizen of the United States.

In making appointments to the Board, the Secretary ~~Director~~ shall give due consideration to recommendations by members of the profession and by organizations therein.

The Secretary ~~Director~~ may remove any member of the Board for misconduct, incompetence, neglect of duty or for reasons prescribed by law for removal of State officials.

The Secretary ~~Director~~ may remove a member of the Board who does not attend 2 consecutive meetings.

A quorum of the Board shall consist of a majority of Board members appointed. Majority vote of the quorum is required for Board decisions.

Each member of the Board may ~~shall~~ receive compensation as determined by the Secretary ~~when attending Board meetings or meetings approved by the Director~~ and shall be reimbursed for all actual traveling expenses.

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.

Persons holding office as members of the Board immediately prior to the effective date of this Act under the Act repealed herein shall continue as members of the Board until the expiration of the term for which they were appointed and until their successors are appointed and qualified.
(Source: P.A. 91-92, eff. 1-1-00.)

(225 ILCS 325/7) (from Ch. 111, par. 5207)

(Section scheduled to be repealed on January 1, 2010)

Sec. 7. Powers and duties of the Board. Subject to the provisions of this Act, the Board shall exercise the following functions, powers and duties:

(a) Review education and experience qualifications of applicants, including conducting oral interviews as deemed necessary by the Board, to determine eligibility as an engineer intern or professional engineer and submit to the Secretary ~~Director~~ written recommendations on applicant qualifications for enrollment and licensure;

(b) The Board may appoint a subcommittee from its members to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule in the Illinois Administrative Code Title 68, Section 1380.305 as amended;

(c) Conduct hearings regarding disciplinary actions and submit a written report and recommendations to the Secretary ~~Director~~ as required by this Act and to provide a Board member at informal conferences;

(d) Make visits to universities or colleges to evaluate engineering curricula or to

otherwise evaluate engineering curricula and submit to the Secretary ~~Director~~ a written recommendation of acceptability of a curriculum;

(e) Submit a written recommendation to the Secretary ~~Director~~ concerning promulgation of rules as required in Section 5 and to recommend to the Secretary ~~Director~~ any rules or amendments thereto for the administration of this Act;

(f) Hold at least 3 regular meetings each year;

(g) Elect annually a chairperson and a vice-chairperson who shall be professional engineers; and

(h) Submit written comments to the Secretary ~~Director~~ within 30 days from notification of any final decision or order from the Secretary ~~Director~~ that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, or promulgation of rules.

(Source: P.A. 91-92, eff. 1-1-00.)

(225 ILCS 325/8) (from Ch. 111, par. 5208)

(Section scheduled to be repealed on January 1, 2010)

Sec. 8. Applications for licensure.

(a) Applications for licensure shall (1) be on forms prescribed and furnished by the Department, (2) contain statements made under oath showing the applicant's education and a detailed summary of the applicant's technical work, and (3) contain references as required by the Department.

(b) Applicants shall have obtained the education and experience as required in Section 10 or Section 11 prior to submittal of application for examination, except as provided in subsection (b) of Section 11. Allowable experience shall commence at the date of the baccalaureate degree, except:

(1) Credit for one year of experience shall be given for a graduate of a baccalaureate curriculum providing a cooperative program, which is supervised industrial or field experience of at least one academic year which alternates with periods of full-time academic training, when such program is certified by the university, or

(2) Partial credit may be given for professional engineering experience as defined by rule for employment prior to receipt of a baccalaureate degree if the employment is full-time while the applicant is a part-time student taking fewer than 12 hours per semester or 8 hours per quarter to earn the degree concurrent with the full-time engineering experience.

(3) If an applicant files an application and supporting documents containing a material misstatement of information or a misrepresentation for the purpose of obtaining licensure or enrollment or if an applicant performs any fraud or deceit in taking any examination to qualify for licensure or enrollment under this Act, the Department may issue a rule of intent to deny licensure or enrollment and may conduct a hearing in accordance with Sections 26 through 33 and Sections 37 and 38 of this Act.

The Board may conduct oral interviews of any applicant under Sections 10, 11, or 19 to assist in the evaluation of the qualifications of the applicant.

It is the responsibility of the applicant to supplement the application, when requested by the Board, by provision of additional documentation of education, including transcripts, course content and credentials of the engineering college or college granting related science degrees, or of work experience to permit the Board to determine the qualifications of the applicant. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by a nationally recognized evaluating service ~~educational body~~ approved by ~~the Board in accordance with rules prescribed by~~ the Department.

An applicant who graduated from an engineering program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and a test of spoken English ~~the Test of Spoken English (TSE)~~ as defined by rule.

(Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

(225 ILCS 325/9) (from Ch. 111, par. 5209)

(Section scheduled to be repealed on January 1, 2010)

Sec. 9. Licensure qualifications; Examinations; Failure or refusal to take examinations. Examinations provided for by this Act shall be conducted under rules prescribed by the Department. Examinations shall be held not less frequently than semi-annually, at times and places prescribed by the Department, of which applicants shall be notified by the Department in writing.

Examinations of the applicants who seek to practice professional engineering shall ascertain: (a) if the applicant has an adequate understanding of the basic and engineering sciences, which shall embrace subjects required of candidates for an approved baccalaureate degree in engineering, and (b) if the

training and experience of the applicant have provided a background for the application of the basic and engineering sciences to the solution of engineering problems. The Department may by rule prescribe additional subjects for examination. If an applicant neglects, fails to take ~~without an approved excuse~~, or refuses to take the next available examination offered for licensure under this Act within 3 years after filing the application, the fee paid by the applicant shall be forfeited and the application denied. If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee.
(Source: P.A. 94-452, eff. 1-1-06.)

(225 ILCS 325/10) (from Ch. 111, par. 5210)

(Section scheduled to be repealed on January 1, 2010)

Sec. 10. Minimum standards for examination for licensure as professional engineer. To qualify for licensure as a professional engineer each applicant shall be:

(a) A graduate of an approved engineering curriculum of at least 4 years who submits acceptable evidence to the Board of an additional 4 years or more of experience in engineering work of a grade and character which indicate that the individual may be competent to practice professional engineering, and who then passes a nominal 8-hour written examination in the fundamentals of engineering, and a nominal 8-hour written examination in the principles and practice of engineering. Upon passing both examinations, the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State; or

(b) A graduate of a non-approved engineering curriculum or a related science curriculum of at least 4 years and meeting the requirements as set forth by rule, who submits acceptable evidence to the Board of an additional 8 years or more of experience in engineering work of a grade and character which indicate that the individual may be competent to practice professional engineering, and who then passes a nominal 8-hour written examination in the fundamentals of engineering and a nominal 8-hour written examination in the principles and practice of engineering. Upon passing both examinations, the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State; or

(c) An engineer intern ~~who meets the education and experience qualifications of subsection (a) or (b) of this Section and has passed the nominal 8-hour written examination in the fundamentals of engineering~~, by application and payment of the required fee, may then take the nominal 8-hour written examination in the principles and practice of engineering. If the applicant passes ~~Upon passing~~ that examination and submits evidence to the Board that meets the experience qualification of subsection (a) or (b) of this Section, the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State.

(d) When considering an applicant's qualifications for licensure under this Act, the Department may take into consideration whether an applicant has engaged in conduct or actions that would constitute a violation of the Standards of Professional Conduct for this Act as provided for by administrative rules.
(Source: P.A. 91-92, eff. 1-1-00.)

(225 ILCS 325/11) (from Ch. 111, par. 5211)

(Section scheduled to be repealed on January 1, 2010)

Sec. 11. Minimum standards for examination for enrollment as engineer intern. Each of the following is considered a minimum standard that an applicant must satisfy to qualify for enrollment as an engineer intern.

(a) A graduate of an approved engineering curriculum of at least 4 years, who has passed a nominal 8-hour written examination in the fundamentals of engineering, shall be enrolled as an engineer intern, if the applicant is otherwise qualified; or

(b) An applicant in the last year of an approved engineering curriculum who passes a nominal 8-hour written examination in the fundamentals of engineering and furnishes proof that the applicant graduated within ~~of graduation within~~ a 12 month period following the examination shall be enrolled as an engineer intern, if the applicant is otherwise qualified; or

(c) A graduate of a non-approved engineering curriculum or a related science curriculum, of at least 4 years meeting the requirements as set forth by rule, who submits acceptable evidence to the Board of an additional 4 years or more of progressive experience in engineering work, and who then passes a nominal 8-hour written examination in the fundamentals of engineering shall be enrolled as an engineer intern, if the applicant is otherwise qualified.

The examination of applicants under subsection (b) of this Section who fail to furnish proof of graduation within the specified 12 month period after the examination shall be voided by the Department.

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

(225 ILCS 325/14) (from Ch. 111, par. 5214)

(Section scheduled to be repealed on January 1, 2010)

Sec. 14. Seal. Every professional engineer shall have a seal or stamp, the print of which shall be reproducible and contain the name of the professional engineer, the professional engineer's license number, and the words "Licensed Professional Engineer of Illinois". Any reproducible stamp heretofore authorized under the laws of this state for use by a professional engineer, including those with the words "Registered Professional Engineer of Illinois", shall serve the same purpose as the seal provided for by this Act. The engineer shall be responsible for his seal and signature as defined by rule. When technical submissions are prepared utilizing a computer or other electronic means, the seal may be generated by the computer. Signatures generated by computer shall not be permitted.

The use of a professional engineer's seal on technical submissions constitutes a representation by the professional engineer that the work has been prepared by or under the personal supervision of the professional engineer or developed in conjunction with the use of accepted engineering standards. The use of the seal further represents that the work has been prepared and administered in accordance with the standards of reasonable professional skill and diligence.

It is unlawful to affix one's seal to technical submissions if it masks the true identity of the person who actually exercised direction, control and supervision of the preparation of such work. A professional engineer who seals and signs technical submissions is not responsible for damage caused by subsequent changes to or uses of those technical submissions, where the subsequent changes or uses, including changes or uses made by State or local governmental agencies, are not authorized or approved by the professional engineer who originally sealed and signed the technical submissions.

(Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

(225 ILCS 325/15) (from Ch. 111, par. 5215)

(Section scheduled to be repealed on January 1, 2010)

Sec. 15. Technical submissions. All technical submissions prepared by or under the personal supervision of a professional engineer shall bear that professional engineer's seal, signature, and license expiration date. The licensee's written signature and date of signing, along with the date of license expiration, shall be placed adjacent to the seal. Computer generated signatures are not permitted.

The professional engineer who has contract responsibility shall seal a cover sheet of the technical submissions, and those individual portions of the technical submissions for which the professional engineer is legally and professionally responsible. The professional engineer practicing as the support design professional shall seal those individual portions of technical submissions for which the professional engineer is legally and professionally responsible.

All technical submissions intended for use in construction in the State of Illinois shall be prepared and administered in accordance with standards of reasonable professional skill and diligence. Care shall be taken to reflect the requirements of State statutes and, where applicable, county and municipal ordinances in such documents. In recognition that professional engineers are licensed for the protection of the public health, safety and welfare, documents shall be of such quality and scope, and be so administered as to conform to professional standards.

(Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

(225 ILCS 325/16) (from Ch. 111, par. 5216)

(Section scheduled to be repealed on January 1, 2010)

Sec. 16. Issuance of license. Whenever the provisions of this Act and all other applicable Illinois laws have been complied with the Department shall issue a license as a professional engineer and enroll the engineer intern.

Every holder of a license as a professional engineer shall display the license in a conspicuous place in the professional engineer's principal office.

It is the professional engineer's and engineer intern's responsibility to inform the Department of any change of address.

(Source: P.A. 86-667.)

(225 ILCS 325/17) (from Ch. 111, par. 5217)

(Section scheduled to be repealed on January 1, 2010)

Sec. 17. Licensure; Renewal; Restoration; Person in military service; Retired. The expiration date and renewal period for each professional engineer license issued under this Act shall be set by the Department by rule. The enrollment of an engineer intern shall not expire.

Any person whose license has expired or whose license is on inactive status may have such license restored by making application to the Department and filing proof acceptable to the Department of that person's fitness to have such license restored, which may include sworn evidence certifying to active

practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee. If the person has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program established by rule, the person's fitness to resume active status and may require the person to complete a period of evaluated experience and may require successful completion of the principles and practice examination.

However, any person whose license expired while that person was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have such license renewed or restored without paying any lapsed renewal fees if, within 2 years after honorable termination of such service, training, or education, except under conditions other than honorable, the Department is furnished with satisfactory evidence that the person has been so engaged and has maintained professional competence and that such service, training or education has been so terminated.

Each application for renewal shall contain the original seal and signature of the professional engineer. Applicants for renewal or restoration shall certify that all conditions of their license meet the requirements of the Illinois Professional Engineering Practice Act of 1989.

The Department may grant the title "Professional Engineer, Retired" to any person who has been duly licensed as a professional engineer by the Department and who chooses to relinquish or not renew his or her license. The Department may, by rule, exempt from continuing education requirements those who are granted the title "Professional Engineer, Retired". Those persons granted the title "Professional Engineer, Retired" may request restoration to active status under the applicable provisions of Sections 17, 17.5, and 18 of this Act.

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

(225 ILCS 325/19) (from Ch. 111, par. 5219)

(Section scheduled to be repealed on January 1, 2010)

Sec. 19. Endorsement. The Department may, upon the recommendation of the Board, license as a professional engineer, on payment of the required fee, an applicant who is a professional engineer registered or licensed under the laws of another state or territory of the United States or the District of Columbia or parties to the North American Free Trade Agreement if the applicant qualifies under Section 8 and Section 10 of this Act, or if the qualifications of the applicant were at the time of registration or licensure in another jurisdiction substantially equal to the requirements in force in this State on that date.

The Department may refuse to endorse ~~by comity~~ the applicants from any state, District of Columbia or territory if the requirements for registration or licensure in such jurisdiction are not substantially equal to the requirements of this Act.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed during the 3 year time frame, the application shall be denied, the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 88-595, eff. 8-26-94; 89-61, eff. 6-30-95.)

(225 ILCS 325/21) (from Ch. 111, par. 5221)

(Section scheduled to be repealed on January 1, 2010)

Sec. 21. Rosters. The Department shall maintain a roster of the names and addresses of all professional engineers and professional design firms, partnerships, and corporations licensed or registered under this Act. This roster shall be available upon ~~written~~ request and payment of the required fee.

(Source: P.A. 88-428.)

(225 ILCS 325/24) (from Ch. 111, par. 5224)

(Section scheduled to be repealed on January 1, 2010)

Sec. 24. Rules of professional conduct; disciplinary or administrative action.

(a) The Department shall adopt rules setting standards of professional conduct and establish appropriate penalty for the breach of such rules.

(a-1) The Department may~~, singularly or in combination,~~ refuse to issue, renew, or restore ~~, or renew~~ a license or may ~~registration,~~ revoke or suspend a license ~~or registration,~~ or place on probation, reprimand, or take other disciplinary or non-disciplinary action with regard to a person licensed under this Act, including but not limited to, the imposition of a fine ~~impose a civil penalty~~ not to exceed $10,000 upon any person, corporation, partnership, or professional design firm licensed or registered under this Act , for any one or combination of the following causes:

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

(2) Violations ~~Failure to comply with any provisions~~ of this Act or any of its rules.

(3) Conviction of or entry of a plea of guilty or nolo contender any crime that is a felony under the laws of the United States, or any state or territory thereof, or a ~~which is a felony, whether related to practice or not, or conviction of any crime, whether a felony,~~ misdemeanor of which ~~, or otherwise,~~ an essential element ~~of which~~ is dishonesty or any crime that is ~~which is~~ directly related to the practice of engineering.

(4) Making any misrepresentation for the purpose of obtaining, renewing, or restoring a license ~~licensure,~~ or violating any provision of this Act or the rules adopted under this Act pertaining to advertising ~~in applying for restoration or renewal; or practice of any fraud or deceit in taking any examination to qualify for licensure under this Act~~.

(5) Willfully ~~Purposefully~~ making or signing a false statement, certificate, or affidavit ~~false statements or signing false statements, certificates, or affidavits~~ to induce payment.

(6) Negligence, incompetence or misconduct in the practice of professional engineering as a licensed professional engineer or in working as an engineer intern.

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

(8) Failing to provide information in response to a written request made by the Department within 30 days after receipt of such written request.

(9) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(10) Inability to practice the profession with reasonable judgment, skill, or safety as a result of a physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill or mental illness or disability. ~~Habitual intoxication or addiction to the use of drugs.~~

(11) Discipline by the United States Government, another state, District of Columbia, territory, foreign nation or government agency, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for any professional services not actually or personally rendered.

(13) A finding by the Board that an applicant or registrant has failed to pay a fine imposed by the Department, a registrant whose license has been placed on probationary status has violated the terms of probation, or a registrant has practiced on an expired, inactive, suspended, or revoked license.

(14) Signing, affixing the professional engineer's seal or permitting the professional engineer's seal to be affixed to any technical submissions not prepared as required by Section 14 or completely reviewed by the professional engineer or under the professional engineer's direct supervision.

(15) Inability ~~Physical illness, including but not limited to deterioration through the aging process or loss of motor skill, which results in the inability~~ to practice the profession with reasonable judgment, skill , or safety as a result of habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug.

(16) The making of a statement pursuant to the Environmental Barriers Act that a plan for construction or alteration of a public facility or for construction of a multi-story housing unit is in compliance with the Environmental Barriers Act when such plan is not in compliance.

(17) Failure to file a return, pay the tax, penalty, or interest shown in a filed return, or pay any final assessment of tax, penalty or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105/2105-15). ~~Failing to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest as required by a tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.~~

(a-3) The Department shall deny a license or renewal authorized by this Act to a person who has defaulted on an educational loan or scholarship provided or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State in accordance with subdivision (a) (5) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105/2105-15). In cases where the Department of Healthcare and Family Services (formerly the Department of Public Aid) has previously determined that a license or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license

or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with subdivision (a) (5) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

(a-5) In enforcing this Sections 10 and 15 of this Act, the Department or Board, upon showing of a possible violation, may order a licensee or applicant to submit to a mental or physical examination, or both, at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning his or her examination of the licensee or applicant. No information shall be excluded by any reason of common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The licensee or applicant may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of a licensee or applicant to submit to any such examination when directed, without reasonable cause as defined by rule, shall be grounds for either the immediate suspension of his or her license or immediate denial of his or her application.

If the Secretary immediately suspends the license of a licensee for his or her own failure to submit to a mental or physical examination when directed, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay.

If the Secretary otherwise suspends a license pursuant to the results of the licensee's mental or physical examination, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the licensee's record of treatment and counseling regarding the relevant impairment or impairments to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

Any licensee suspended under this subsection (a-5) shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with the acceptable and prevailing standards under the provisions of his or her license.

~~(a-5) In enforcing this Section, the Board upon a showing of a possible violation may compel a 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 Board. The Board or 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 Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.~~

~~If the Board finds a person unable to practice because of the reasons set forth in this Section, the Board may require that person to submit to care, counseling, or treatment by physicians approved or designated by the Board as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the person. 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 Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.~~

~~(b) The determination by a circuit court that a registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, as now or hereafter amended, operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient 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 Director that the registrant be allowed to resume practice.~~

(Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

(225 ILCS 325/26) (from Ch. 111, par. 5226)

(Section scheduled to be repealed on January 1, 2010)

Sec. 26. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person or entity holding or claiming to hold a license or registration or offering

professional engineering services. Before the initiation of an investigation, the matter shall be reviewed by a subcommittee of the Board according to procedure established by rule for the Complaint Committee. The Department shall, before refusing to issue, restore or renew a license or registration or otherwise discipline a licensee or registrant, at least 30 days prior to the date set for the hearing, notify in writing the applicant for, or holder of, a license or registration of the nature of the charges, that a hearing will be held on the date designated, and direct the applicant or entity or licensee or registrant to file a written answer to the Department ~~Board~~ under oath within 20 days after the service of the notice and inform the applicant or entity or licensee or registrant that failure to file an answer will result in default being taken against the applicant or entity or licensee or registrant and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Director may deem proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the address of record currently on file with the Department. In case the person or entity 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 whatever disciplinary action deemed 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 such statements, testimony, evidence and argument as may be pertinent to the charges or to their defense. The Board may continue the hearing from time to time.

(Source: P.A. 87-1031; 88-428.)

(225 ILCS 325/27.5 new)

Sec. 27.5. Subpoenas; depositions; oaths. The Department has the power to subpoena documents, books, records, or other materials, 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 proscribed in civil cases in courts of this State.

The Secretary, 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 oaths authorized in any Act administered by the Department.

(225 ILCS 325/29) (from Ch. 111, par. 5229)

(Section scheduled to be repealed on January 1, 2010)

Sec. 29. Notice of hearing; Findings and recommendations. At the conclusion of the hearing, the Board shall present to the Secretary ~~Director~~ a written report of its finding and recommendations. The report shall contain a finding whether or not the accused person violated this Act or its rules or failed to comply with the conditions required in this Act or its rules. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary ~~Director~~. The Board may take into consideration in making its recommendations for discipline all facts and circumstances bearing upon the reasonableness of the conduct of the respondent and the potential for future harm to the public, including but not limited to previous discipline by the Department, intent, degree of harm to the public and likelihood of harm in the future, any restitution made, and whether the incident or incidents complained of appear to be isolated or a pattern of conduct. In making its recommendations for discipline, the Board shall endeavor to ensure that the severity of the discipline recommended bears some reasonable relationship to the severity of the violation. The report of findings of fact, conclusions of law and recommendation of the Board shall be the basis for the Department's order refusing to issue, restore or renew a license, or otherwise discipline a registrant. If the Secretary ~~Director~~ disagrees in any regard with the report of the Board, the Secretary ~~Director~~ may issue an order in contravention thereof, following the procedures set forth in Section 7. The Secretary ~~Director~~ shall provide a written report to the Board on any deviation, and shall specify with particularity the reasons for said action. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 86-667.)

(225 ILCS 325/31) (from Ch. 111, par. 5231)

(Section scheduled to be repealed on January 1, 2010)

Sec. 31. Secretary ~~Director~~; Rehearing. Whenever the Secretary ~~Director~~ is not satisfied that substantial justice has been done in the refusal to issue, restore or renew a license, or otherwise discipline a registrant, the Secretary ~~Director~~ may order a rehearing by the same or other examiners.

(Source: P.A. 86-667.)

(225 ILCS 325/32) (from Ch. 111, par. 5232)

(Section scheduled to be repealed on January 1, 2010)

Sec. 32. Appointment of a hearing officer. Notwithstanding the provisions of Section 26, the Secretary ~~Director~~ has the authority to appoint any attorney duly registered to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, restore or renew a license or to discipline a registrant. The hearing officer has full authority to conduct the hearing. The hearing officer shall report the findings and recommendations to the Board and the Secretary ~~Director~~. The Board has 60 days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law and recommendations to the Secretary ~~Director~~. If the Board fails to present its report within the 60 day period, the Secretary ~~Director~~ shall issue an order based on the report of the hearing officer except as herein noted. However, if the Secretary ~~Director~~ disagrees in any regard with the report of the Board or hearing officer, the Secretary ~~Director~~ may issue an order in contravention thereof, following the procedures set forth in Section 7. The Secretary ~~Director~~ shall provide a written report to the Board on any deviation, and shall specify with particularity the reasons for said action.

(Source: P.A. 86-667.)

(225 ILCS 325/33) (from Ch. 111, par. 5233)

(Section scheduled to be repealed on January 1, 2010)

Sec. 33. Order or certified copy; Prima facie proof. 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:

(a) That such signature is the genuine signature of the Secretary ~~Director~~;

(b) That such Secretary ~~Director~~ is duly appointed and qualified; and

(c) That the Board and the members thereof are qualified to act.

(Source: P.A. 86-667.)

(225 ILCS 325/34) (from Ch. 111, par. 5234)

(Section scheduled to be repealed on January 1, 2010)

Sec. 34. Restoration of suspended or revoked license. At any time after successful completion of a term of ~~the~~ suspension , ~~or~~ revocation or probation of any license, the Department may restore it to the accused person, upon the ~~written~~ recommendation of the Board, unless after an investigation and a hearing, the Department ~~Board~~ determines that restoration is not in the public interest.

(Source: P.A. 86-667.)

(225 ILCS 325/36) (from Ch. 111, par. 5236)

(Section scheduled to be repealed on January 1, 2010)

Sec. 36. Temporary suspension of a license. The Secretary ~~Director~~ may temporarily suspend the license of a professional engineer without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 26 of this Act, if the Secretary ~~Director~~ finds that evidence in the Secretary's ~~Director's~~ possession indicates that a professional engineer's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary ~~Director~~ temporarily suspends the license of a professional engineer without a hearing, a hearing by the Board must be held within 30 days after such suspension has occurred.

(Source: P.A. 86-667.)

(225 ILCS 325/42) (from Ch. 111, par. 5242)

(Section scheduled to be repealed on January 1, 2010)

Sec. 42. Civil penalties.

(1) In addition to any other penalty provided by law, any person, sole proprietorship, professional service corporation, limited liability company, partnership, or other entity who violates Section 40 of this Act shall forfeit and pay to the Design Professionals Administration and Investigation Fund a civil penalty in an amount determined by the Department of not more than $10,000 ~~$5,000~~ for each offense. The penalty shall be assessed in proceedings as provided in Sections 26 through 33 and Section 37 of this Act.

(2) Unless the amount of the penalty is paid within 60 days after the order becomes final, the order shall constitute a judgment and shall be filed and execution issued thereon in the same manner as the judgment of a court of record.

(Source: P.A. 88-595, eff. 8-26-94; 89-61, eff. 6-30-95.)

(225 ILCS 325/43) (from Ch. 111, par. 5243)

(Section scheduled to be repealed on January 1, 2010)

Sec. 43. Consent order. At any point in the proceedings as provided in Sections 25 through 33 and Section 37, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary ~~Director~~.

(Source: P.A. 86-667.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Clayborne, **Senate Bill No. 1391,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1449** having been printed, was taken up, read by title a second time.

Senator Jacobs offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1449

AMENDMENT NO. 1. Amend Senate Bill 1449 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Free Healthcare Benefits Application Assistance Act.

Section 5. Healthcare program application assistance. It is a Class C misdemeanor for any person, including an individual, firm, corporation, association, partnership, joint venture, or any employee or agent thereof, to charge another person for assisting in completing and submitting an application for enrollment in any means-tested healthcare program administered by the Department of Healthcare and Family Services.

Nothing in this Act shall be construed as prohibiting a person or other entity from receiving payment from the Department of Healthcare and Family Services or other State agency for assisting persons in applying for healthcare benefits.

Section 10. The Covering ALL KIDS Health Insurance Act is amended by changing Section 25 as follows:

(215 ILCS 170/25)

(Section scheduled to be repealed on July 1, 2011)

Sec. 25. Enrollment in Program. The Department shall develop procedures to allow application agents to assist in enrolling children in the Program or other children's health programs operated by the Department. At the Department's discretion, technical assistance payments may be made available for approved applications facilitated by an application agent. The Department shall permit day and temporary labor service agencies, as defined in the Day and Temporary Labor Services Act and doing business in Illinois, to enroll as unpaid application agents. As established in the Free Healthcare Benefits Application Assistance Act, it shall be unlawful for any person to charge another person or family for assisting in completing and submitting an application for enrollment in this Program.

(Source: P.A. 94-693, eff. 7-1-06.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Viverito, **Senate Bill No. 1493,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **Senate Bill No. 1506** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1506

AMENDMENT NO. 1. Amend Senate Bill 1506 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act shall be known and may be cited as the Health Carrier External Review Act.

Section 5. Legislative findings and intent. The purpose of this Act is to provide uniform standards for the establishment and maintenance of external review procedures to ensure that covered persons have the opportunity for an independent review of an adverse determination or final adverse determination, as defined in this Act.

Section 10. The Illinois Insurance Code is amended by changing Section 1 as follows:

(215 ILCS 5/1) (from Ch. 73, par. 613)

Sec. 1. Short title. This Act shall be known and ~~and~~ may be cited as the "Illinois Insurance Code." (Source: Laws 1937, p. 696; revised 10-28-08.)".

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1506

AMENDMENT NO. 2. Amend Senate Bill 1506, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Health Carrier External Review Act.

Section 5. Purpose and intent. The purpose of this Act is to provide uniform standards for the establishment and maintenance of external review procedures to assure that covered persons have the opportunity for an independent review of an adverse determination or final adverse determination, as defined in this Act.

Section 10. Definitions. For the purposes of this Act:

"Adverse determination" means a determination by a health carrier or its designee utilization review organization that an admission, availability of care, continued stay, or other health care service that is a covered benefit has been reviewed and, based upon the information provided, does not meet the health carrier's requirements for medical necessity, appropriateness, health care setting, level of care, or effectiveness, and the requested service or payment for the service is therefore denied, reduced, or terminated.

"Authorized representative" means:

(1) a person to whom a covered person has given express written consent to represent the covered person in an external review;

(2) a person authorized by law to provide substituted consent for a covered person; or

(3) a family member of the covered person or the covered person's health care provider only when the covered person is unable to provide consent.

"Best evidence " means evidence based on:

(1) randomized clinical trials;

(2) if randomized clinical trials are not available, then cohort studies or case-control studies;

(3) if items (1) and (2) are not available, then case-series; or

(4) if items (1), (2), and (3) are not available, then expert opinion.

"Case-series " means an evaluation of a series of patients with a particular outcome, without the use of a control group.

"Clinical review criteria" means the written screening procedures, decision abstracts, clinical protocols, and practice guidelines used by a health carrier to determine the necessity and appropriateness of health care services.

"Cohort study" means a prospective evaluation of 2 groups of patients with only one group of patients receiving specific intervention.

"Covered benefits" or "benefits" means those health care services to which a covered person is entitled under the terms of a health benefit plan.

"Covered person" means a policyholder, subscriber, enrollee, or other individual participating in a health benefit plan.

"Director" means the Director of the Division of Insurance within the Illinois Department of Financial and Professional Regulation.

"Emergency medical condition" means the sudden onset of a health condition or illness that requires immediate medical attention, where failure to provide medical attention would result in a serious impairment to bodily functions, serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

"Emergency services" means health care items and services furnished or required to evaluate and treat an emergency medical condition.

"Evidence-based standard" means the conscientious, explicit, and judicious use of the current best evidence based on an overall systematic review of the research in making decisions about the care of individual patients.

"Expert opinion" means a belief or an interpretation by specialists with experience in a specific area about the scientific evidence pertaining to a particular service, intervention, or therapy.

"Facility" means an institution providing health care services or a health care setting.

"Final adverse determination" means an adverse determination involving a covered benefit that has been upheld by a health carrier, or its designee utilization review organization, at the completion of the health carrier's internal grievance process procedures as set forth by the American Accreditation Health Care Commission.

"Health benefit plan" means a policy, contract, certificate, plan, or agreement offered or issued by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services.

"Health care provider" or "provider" means a physician or other health care practitioner licensed, accredited, or certified to perform specified health care services consistent with State law, responsible for recommending health care services on behalf of a covered person.

"Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

"Health carrier" means an entity subject to the insurance laws and regulations of this State, or subject to the jurisdiction of the Director, that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation, or any other entity providing a plan of health insurance, health benefits, or health care services. "Health carrier" also means Limited Health Service Organizations (LHSO) and Voluntary Health Service Plans.

"Health carrier" does not include a managed care plan as defined in the Managed Care Reform and Patient Rights Act.

"Health information" means information or data, whether oral or recorded in any form or medium, and personal facts or information about events or relationships that relate to:

(1) the past, present, or future physical, mental, or behavioral health or condition of an individual or a member of the individual's family;

(2) the provision of health care services to an individual; or

(3) payment for the provision of health care services to an individual.

"Independent review organization" means an entity that conducts independent external reviews of adverse determinations and final adverse determinations.

"Medical or scientific evidence" means evidence found in the following sources:

(1) peer-reviewed scientific studies published in or accepted for publication by medical journals that meet nationally recognized requirements for scientific manuscripts and that submit most of their published articles for review by experts who are not part of the editorial staff;

(2) peer-reviewed medical literature, including literature relating to therapies reviewed and approved by a qualified institutional review board, biomedical compendia, and other medical literature that meet the criteria of the National Institutes of Health's Library of Medicine for indexing in Index Medicus (Medline) and Elsevier Science Ltd. for indexing in Excerpta Medicus (EMBASE);

(3) medical journals recognized by the Secretary of Health and Human Services under Section 1861(t)(2) of the federal Social Security Act;

(4) the following standard reference compendia:

(a) The American Hospital Formulary Service-Drug Information;

(b) Drug Facts and Comparisons;

(c) The American Dental Association Accepted Dental Therapeutics; and

(d) The United States Pharmacopoeia-Drug Information;

(5) findings, studies, or research conducted by or under the auspices of federal government agencies and nationally recognized federal research institutes, including:

(a) the federal Agency for Healthcare Research and Quality;

(b) the National Institutes of Health;

(c) the National Cancer Institute;

(d) the National Academy of Sciences;

(e) the Centers for Medicare & Medicaid Services;

(f) the federal Food and Drug Administration; and

(g) any national board recognized by the National Institutes of Health for the purpose of evaluating the medical value of health care services; or

(6) any other medical or scientific evidence that is comparable to the sources listed in items (1) through (5).

"Protected health information" means health information (i) that identifies an individual who is the subject of the information; or (ii) with respect to which there is a reasonable basis to believe that the information could be used to identify an individual.

"Retrospective review" means a review of medical necessity conducted after services have been provided to a patient, but does not include the review of a claim that is limited to an evaluation of reimbursement levels, veracity of documentation, accuracy of coding, or adjudication for payment.

"Utilization review" has the meaning provided by the American Accreditation Health Care Commission.

"Utilization review organization" means a utilization review program as defined by the American Accreditation Health Care Commission.

Section 15. Applicability and scope.

(a) Except as provided in subsection (b) of this Section, this Act shall apply to all health carriers.

(b) The provisions of this Act shall not apply to a policy or certificate that provides coverage only for a specified disease, specified accident or accident-only coverage, credit, dental, disability income, hospital indemnity, long-term care insurance as defined by Article XIXA of the Illinois Insurance Code, vision care, or any other limited supplemental benefit; a Medicare supplement policy of insurance as defined by the Director by regulation; coverage under a plan through Medicare, Medicaid, or the federal employees health benefits program; any coverage issued under Chapter 55 of Title 10, U.S. Code and any coverage issued as supplement to that coverage; any coverage issued as supplemental to liability insurance, workers' compensation, or similar insurance; automobile medical-payment insurance or any insurance under which benefits are payable with or without regard to fault, whether written on a group blanket or individual basis; or any managed care plan as defined in the Managed Care Reform and Patient Rights Act.

Section 20. Notice of right to external review.

(a) At the same time the health carrier sends written notice of an adverse determination upon completion of the health carrier's utilization review process as provided by the American Accreditation Health Care Commission and a final adverse determination, a health carrier shall notify a covered person and a covered person's health care provider in writing of the covered person's right to request an external review as provided by this Act.

(1) The written notice required shall include the following, or substantially equivalent, language: "We have denied your request for the provision of or payment for a health care service or course of treatment. You have the right to have our decision reviewed by an independent review organization not associated with us if our decision involved making a judgment as to the medical necessity, appropriateness, health care setting, level of care, or effectiveness of the health care service or treatment you requested by submitting a written request for an external review to us. Upon receipt of your request an independent review organization registered with the Department of Financial and Professional Regulation, Division of Insurance will be assigned to review our decision.".

(2) The notice shall also include the appropriate statements and information set forth in subsections (b) and (c) of this Section.

(b) The health carrier shall include in the notice required under subsection (a) of this Section for a notice related to an adverse determination, a statement informing the covered person that:

(1) if the covered person has a medical condition where the timeframe for completion of

an expedited internal review of a grievance involving an adverse determination would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function or if the adverse determination involves a denial of coverage based on a determination that the recommended or requested health care service or treatment is experimental or investigational and the covered person's treating physician certifies in writing that the recommended or requested health care service or treatment that is the subject of the adverse determination would be significantly less effective if not promptly initiated, then the covered person or the covered person's authorized representative may file a request for an expedited external review at the same time the covered person or the covered person's authorized representative files a request for an expedited internal appeal involving an adverse determination as set forth by the American Accreditation Health Care Commission. The independent review organization assigned to conduct the expedited external review will determine whether the covered person shall be required to complete the expedited review of the grievance prior to conducting the expedited external review; and

(2) the covered person or the covered person's authorized representative may file a grievance under the health carrier's internal grievance process as set forth by the American Accreditation Health Care Commission, but if the health carrier has not issued a written decision to the covered person or the covered person's authorized representative within 30 days following the date the covered person or the covered person's authorized representative files the grievance with the health carrier and the covered person or the covered person's authorized representative has not requested or agreed to a delay, then the covered person or the covered person's authorized representative may file a request for external review and shall be considered to have exhausted the health carrier's internal grievance process.

(c) The health carrier shall include in the notice required under subsection (a) of this Section for a notice related to a final adverse determination, a statement informing the covered person that:

(1) if the covered person has a medical condition where the timeframe for completion of a standard external review would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function, then the covered person or the covered person's authorized representative may file a request for an expedited external review; or

(2) if a final adverse determination concerns:

(i) an admission, availability of care, continued stay, or health care service for which the covered person received emergency services, but has not been discharged from a facility, then the covered person, or the covered person's authorized representative, may request an expedited external review; or

(ii) a denial of coverage based on a determination that the recommended or requested health care service or treatment is experimental or investigational, and the covered person's health care provider certifies in writing that the recommended or requested health care service or treatment that is the subject of the request would be significantly less effective if not promptly initiated, then the covered person or the covered person's authorized representative may request an expedited external review.

(d) In addition to the information to be provided pursuant to subsections (a), (b), and (c) of this Section, the health carrier shall include a copy of the description of both the required standard and expedited external review procedures. The description shall highlight the external review procedures that give the covered person or the covered person's authorized representative the opportunity to submit additional information, including any forms used to process an external review.

Section 25. Request for external review. A covered person or the covered person's authorized representative may make a request for a standard external or expedited external review of an adverse determination or final adverse determination. Requests under this Section shall be made directly to the health carrier that made the adverse or final adverse determination. All requests for external review shall be in writing except for requests for expedited external reviews which may me made orally. Health carriers must provide covered persons with forms to request external reviews.

Section 30. Exhaustion of internal grievance process.

(a) Except as provided in item (1) of subsection (b) of Section 20 of this Act, a request for an external review shall not be made until the covered person has exhausted the health carrier's internal grievance process as set forth by the American Accreditation Health Care Commission.

(b) A covered person shall be considered to have exhausted the health carrier's internal grievance process for purposes of this Section if the covered person or the covered person's authorized representative filed a request for an internal review of an adverse determination pursuant to the

American Accreditation Health Care Commission and has not received a written decision on the request from the health carrier within 30 days after the request is filed, except to the extent the covered person or the covered person's authorized representative requested or agreed to a delay.

(c) Notwithstanding subsection (b) of this Section, a covered person or the covered person's authorized representative may not make a request for an external review of an adverse determination involving a retrospective review determination until the covered person has exhausted the health carrier's internal grievance process.

(d) Upon request for an expedited external review pursuant to item (1) of subsection (b) of Section 20 of this Act, the independent review organization conducting the external review shall determine whether the covered person shall be required to complete the expedited review process set forth by the American Accreditation Health Care Commission before it conducts the expedited external review. Upon determination that the covered person must first complete the expedited grievance review process, the independent review organization immediately shall notify the covered person and, if applicable, the covered person's authorized representative of this determination and that it will not proceed with the expedited external review until completion of the expedited grievance review process and that covered person's grievance at the completion of the expedited grievance review process remains unresolved.

(e) A covered person need not exhaust a heath carrier's internal grievance procedures as set forth by the American Accreditation Health Care Commission, if the health carrier agrees to waive the exhaustion requirement.

Section 35. Standard external review.

(a) Within 4 months after the date of receipt of a notice of an adverse determination or final adverse determination, a covered person or the covered person's authorized representative may file a request for an external review with the health carrier.

(b) Within 5 business days following the date of receipt of the external review request, the health carrier shall complete a preliminary review of the request to determine whether:

(1) the individual is or was a covered person in the health benefit plan at the time the health care service was requested or at the time the health care service was provided;

(2) either of the following situations is applicable:

(A) the health care service that is the subject of the adverse determination or the final adverse determination is a covered service under the covered person's health benefit plan, but the health carrier has determined that the health care service is not covered because it does not meet the health carrier's requirements for medical necessity, appropriateness, health care setting, level of care, or effectiveness; or

(B) the recommended or requested health care service or treatment that is the subject of the adverse determination or final adverse determination is a covered benefit under the covered person's health benefit plan except for the health carrier's determination that the service or treatment is experimental or investigational for a particular medical condition and is not explicitly listed as an excluded benefit under the covered person's health benefit plan with the health carrier;

(3) the covered person's treating physician has certified that one of the following situations is applicable:

(A) standard health care services or treatments have not been effective in improving the condition of the covered person;

(B) standard health care services or treatments are not medically appropriate for the covered person; or

(C) there is no available standard health care service or treatment covered by the health carrier that is more beneficial than the recommended or requested health care service or treatment described in item (4) of this subsection (b);

(4) the covered person's treating physician:

(A) has recommended a health care service or treatment that the physician certifies, in writing, is likely to be more beneficial to the covered person, in the physician's opinion, than any available standard health care service or treatment; or

(B) who is a licensed, board certified, or board eligible physician qualified to practice in the area of medicine appropriate to treat the covered person's condition, has certified in writing that scientifically valid studies using accepted protocols demonstrate that the health care service or treatment requested by the covered person that is the subject of the adverse determination or final adverse determination is likely to be more beneficial to the covered person than any available standard health care services or treatments;

(5) the covered person has exhausted the health carrier's internal grievance process as

set forth in Section 30 of this Act; and

(6) the covered person has provided all the information and forms required to process an external review as specified in this Act.

(c) Within one business day after completion of the preliminary review, the health carrier shall notify the covered person and, if applicable, the covered person's authorized representative in writing whether the request is complete and eligible for external review. If the request:

(1) is not complete, the health carrier shall inform the covered person and, if applicable, the covered person's authorized representative in writing and include in the notice what information or materials are required by this Act to make the request complete; or

(2) is not eligible for external review, the health carrier shall inform the covered person and, if applicable, the covered person's authorized representative in writing and include in the notice the reasons for its ineligibility.

The notice of initial determination of ineligibility shall include a statement informing the covered person and, if applicable, the covered person's authorized representative that a health carrier's initial determination that the external review request is ineligible for review may be appealed to the Director by filing a complaint with the Director.

Notwithstanding a health carrier's initial determination that the request is ineligible for external review, the Director may determine that a request is eligible for external review and require that it be referred for external review. In making such determination, the Director's decision shall be in accordance with the terms of the covered person's health benefit plan and shall be subject to all applicable provisions of this Act.

(d) Whenever a request is eligible for external review the health carrier shall, within 5 business days:

(1) assign an independent review organization from the list of approved independent review organizations compiled and maintained by the Director; and

(2) notify in writing the covered person and, if applicable, the covered person's authorized representative of the request's eligibility and acceptance for external review and the name of the independent review organization.

The health carrier shall include in the notice provided to the covered person and, if applicable, the covered person's authorized representative a statement that the covered person or the covered person's authorized representative may, within 5 business days following the date of receipt of the notice provided pursuant to item (2) of this subsection (d), submit in writing to the assigned independent review organization additional information that the independent review organization shall consider when conducting the external review. The independent review organization is not required to, but may, accept and consider additional information submitted after 5 business days.

(e) The assignment of an approved independent review organization to conduct an external review in accordance with this Section shall be done on a random basis among those approved independent review organizations qualified to conduct external review except for instances of conflict of interest concerns pursuant to this Act.

(f) Upon assignment of an independent review organization, the health carrier or its designee utilization review organization shall, within 5 business days, provide to the assigned independent review organization the documents and any information considered in making the adverse determination or final adverse determination; in such cases, the following provisions shall apply:

(1) Except as provided in item (2) of this subsection (f), failure by the health carrier or its utilization review organization to provide the documents and information within the specified time frame shall not delay the conduct of the external review.

(2) If the health carrier or its utilization review organization fails to provide the documents and information within the specified time frame, the assigned independent review organization may terminate the external review and make a decision to reverse the adverse determination or final adverse determination.

(3) Within one business day after making the decision to terminate the external review and make a decision to reverse the adverse determination or final adverse determination under item (2) of this subsection (f), the independent review organization shall notify the health carrier, the covered person and, if applicable, the covered person's authorized representative, of its decision to reverse the adverse determination.

(g) Upon receipt of the information from the health carrier or its utilization review organization, the assigned independent review organization shall review all of the information and documents and any other information submitted in writing to the independent review organization by the covered person and the covered person's authorized representative.

(h) Upon receipt of any information submitted by the covered person or the covered person's

authorized representative, the independent review organization shall forward the information to the health carrier within 1 business day.

(1) Upon receipt of the information, if any, the health carrier may reconsider its adverse determination or final adverse determination that is the subject of the external review.

(2) Reconsideration by the health carrier of its adverse determination or final adverse determination shall not delay or terminate the external review.

(3) The external review may only be terminated if the health carrier decides, upon completion of its reconsideration, to reverse its adverse determination or final adverse determination and provide coverage or payment for the health care service that is the subject of the adverse determination or final adverse determination. In such cases, the following provisions shall apply:

(A) Within one business day after making the decision to reverse its adverse determination or final adverse determination, the health carrier shall notify the covered person, if applicable, the covered person's authorized representative, and the assigned independent review organization in writing of its decision.

(B) Upon notice from the health carrier that the health carrier has made a decision to reverse its adverse determination or final adverse determination, the assigned independent review organization shall terminate the external review.

(i) In addition to the documents and information provided by the health carrier or its utilization review organization and the covered person and the covered person's authorized representative, if any, the independent review organization, to the extent the information or documents are available and the independent review organization considers them appropriate, shall consider the following in reaching a decision:

(1) for an adverse determination or final adverse determination:

(A) the covered person's pertinent medical records;

(B) the covered person's health care provider's recommendation;

(C) consulting reports from appropriate health care providers and other documents submitted by the health carrier, the covered person, the covered person's authorized representative, or the covered person's treating provider;

(D) the terms of coverage under the covered person's health benefit plan with the health carrier to ensure that the independent review organization's decision is not contrary to the terms of coverage under the covered person's health benefit plan with the health carrier;

(E) the most appropriate practice guidelines, which shall include applicable evidence-based standards and may include any other practice guidelines developed by the federal government, national or professional medical societies, boards, and associations;

(F) any applicable clinical review criteria developed and used by the health carrier or its designee utilization review organization; and

(G) the opinion of the independent review organization's clinical reviewer or reviewers after considering paragraphs (A) through (G) of this item (1) of this subsection (i) to the extent the information or documents are available and the clinical reviewer or reviewers considers the information or documents appropriate;

(2) for an adverse determination or final adverse determination that involves a denial of coverage based on a determination that the health care service or treatment recommended or requested is experimental or investigational:

(A) the covered person's pertinent medical records;

(B) the covered person's health care provider's recommendation;

(C) consulting reports from appropriate health care providers and other documents submitted by the health carrier, the covered person, the covered person's authorized representative, or the covered person's treating physician or health care professional;

(D) the terms of coverage under the covered person's health benefit plan with the health carrier to ensure that, but for the health carrier's determination that the recommended or requested health care service or treatment that is the subject of the opinion is experimental or investigational, the independent review organization's opinion is not contrary to the terms of coverage under the covered person's health benefit plan with the health carrier; and

(E) whether and to what extent:

(i) the recommended or requested health care service or treatment has been approved by the federal Food and Drug Administration, if applicable, for the condition; or

(ii) medical or scientific evidence or evidence-based standards demonstrate that the expected benefits of the recommended or requested health care service or treatment is more likely than not to be beneficial to the covered person than any available standard health care

service or treatment and the adverse risks of the recommended or requested health care service or treatment would not be substantially increased over those of available standard health care services or treatments; or

(3) except for an expedited external review, for an adverse determination or final adverse determination that involves a denial of coverage based on a determination that the health care service or treatment recommended or requested is experimental or investigational, each clinical reviewer selected by the independent review organization shall provide its opinion to the independent review organization in writing and include the following information:

(A) a description of the covered person's medical condition;

(B) a description of the indicators relevant to determining whether there is sufficient evidence to demonstrate that the recommended or requested health care service or treatment is more likely than not to be beneficial to the covered person than any available standard health care services or treatments and the adverse risks of the recommended or requested health care service or treatment would not be substantially increased over those of available standard health care services or treatments;

(C) a description and analysis of any medical or scientific evidence considered in reaching the opinion;

(D) a description and analysis of any evidence-based standard; and

(E) information on whether the reviewer's rationale for the opinion is based on paragraphs (i) or (ii) of subitem (E) of item (2) of this subsection (i).

(j) Within 5 days after the date of receipt of all necessary information, the assigned independent review organization shall provide written notice of its decision to uphold or reverse the adverse determination or the final adverse determination to the health carrier, the covered person and, if applicable, the covered person's authorized representative. In reaching a decision, the assigned independent review organization is not bound by any decisions or conclusions reached during the health carrier's utilization review process as set forth by the American Accreditation Health Care Commission. In such cases, the following provisions shall apply:

(1) The independent review organization shall include in the notice:

(A) a general description of the reason for the request for external review;

(B) the date the independent review organization received the assignment from the health carrier to conduct the external review;

(C) the time period during which the external review was conducted;

(D) references to the evidence or documentation, including the evidence-based standards, considered in reaching its decision.

(E) the date of its decision; and

(F) the principal reason or reasons for its decision, including what applicable, if any, evidence-based standards that were a basis for its decision.

(2) For reviews of experimental or investigational treatments, the notice shall include the following information:

(A) a general description of the reason for the request for external review;

(B) the written opinion of each clinical reviewer, including the recommendation of each clinical reviewer as to whether the recommended or requested health care service or treatment should be covered and the rationale for the reviewer's recommendation;

(C) the date that the independent review organization received assignment from the health carrier to conduct the external review;

(D) the time period during which the external review was conducted; and

(E) the principal reason or reasons for its decision.

(3) Upon receipt of a notice of a decision reversing the adverse determination or final adverse determination, the health carrier immediately shall approve the coverage that was the subject of the adverse determination or final adverse determination.

Section 40. Expedited external review.

(a) A covered person or a covered person's authorized representative may file a request for an expedited external review with the health carrier either orally or in writing at the time the covered person receives:

(1) an adverse determination, if:

(A) the adverse determination involves a medical condition of the covered person for which the timeframe for completion of an expedited internal review of a grievance involving an

adverse determination as set forth by the American Accreditation Health Care Commission would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function; and

(B) the covered person or the covered person's authorized representative has filed a request for an expedited review of a grievance involving an adverse determination as set forth by the American Accreditation Health Care Commission; or

(2) a final adverse determination, if:

(A) the covered person has a medical condition where the timeframe for completion of a standard external review would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function; or

(B) the final adverse determination concerns an admission, availability of care, continued stay, or health care service for which the covered person received emergency services but has not been discharged from a facility.

(b) Upon receipt of a request for an expedited external review as provided in Section 20 of this Act, the health carrier shall determine whether the request meets the reviewability requirements set forth in subsection (b) of Section 35 of this Act. The health carrier shall immediately notify the covered person and, if applicable, the covered person's authorized representative of its eligibility determination. The notice of initial determination shall include a statement informing the covered person and, if applicable, the covered person's authorized representative that a health carrier's initial determination that an external review request is ineligible for review may be appealed to the Director.

(c) The Director may determine that a request is eligible for external review under subsection (b) of Section 35 of this Act, notwithstanding a health carrier's initial determination that the request is ineligible and require that it be referred for external review. In making a determination, the Director's decision shall be made in accordance with the terms of the covered person's health benefit plan and shall be subject to all applicable provisions of this Act.

(d) Whenever a request is eligible for external review, the health carrier shall immediately assign an independent review organization from the list of approved independent review organizations compiled and maintained by the Director to conduct the expedited review. In such cases, the following provisions shall apply:

(1) The assignment by the health carrier of an approved independent review organization to conduct an external review in accordance with this Section shall be done on a random basis among those approved independent review organizations except as may be prohibited by conflict of interest concerns pursuant to Section 60 of this Act.

(2) Immediately upon assigning an independent review organization to perform an expedited external review, but in no case less than 24 hours after assigning the independent review organization, the health carrier or its designee utilization review organization shall provide or transmit all necessary documents and information considered in making the final adverse determination to the assigned independent review organization electronically or by telephone or facsimile or any other available expeditious method.

(3) If the health carrier or its utilization review organization fails to provide the documents and information within the specified time frame, the assigned independent review organization may terminate the external review and make a decision to reverse the adverse determination or final adverse determination.

(4) Within one business day after making the decision to terminate the external review and make a decision to reverse the adverse determination or final adverse determination under item (2) of this subsection (d), the independent review organization shall notify the health carrier, the covered person and, if applicable, the covered person's authorized representative of its decision to reverse the adverse determination.

(e) In addition to the documents and information provided by the health carrier or its utilization review organization and any documents and information provided by the covered person and the covered person's authorized representative, the independent review organization shall consider the following in reaching a decision:

(1) for an adverse determination or final adverse determination, the provisions included in subitems (A) through (G) of item (1) of subsection (i) of Section 35 of this Act; or

(2) for an adverse determination or final adverse determination that involves a denial of coverage based on a determination that the health care service or treatment recommended or requested is experimental or investigational, the provisions included in subitems (A) through (E) of item (2) of subsection (i) of Section 35 of this Act.

(f) As expeditiously as the covered person's medical condition or circumstances requires,

but in no event more than 72 hours after the receipt of all pertinent information, the assigned independent review organization shall:

(1) make a decision to uphold or reverse the final adverse determination; and

(2) notify the health carrier, the covered person, the covered person's health care provider, and if applicable, the covered person's authorized representative, of the decision.

(g) In reaching a decision, the assigned independent review organization is not bound by any decisions or conclusions reached during the health carrier's utilization review process or the health carrier's internal grievance process as set forth by the American Accreditation Health Care Commission.

(h) Upon receipt of notice of a decision reversing the final adverse determination, the health carrier shall immediately approve the coverage that was the subject of the final adverse determination. Within 48 hours after the date of providing the notice required in this subsection (h), the assigned independent review organization shall provide written confirmation of the decision to the health carrier, the covered person, and if applicable, the covered person's authorized representative including the information set forth in subsection (j) of Section 35 of this Act as applicable.

(i) An expedited external review may not be provided for retrospective adverse or final adverse determinations.

Section 45. Binding nature of external review decision. An external review decision is binding on the health carrier. An external review decision is binding on the covered person except to the extent the covered person has other remedies available under applicable federal or State law. A covered person or the covered person's authorized representative may not file a subsequent request for external review involving the same adverse determination or final adverse determination for which the covered person has already received an external review decision pursuant to this Act.

Section 50. Approval of independent review organizations.

(a) The Director shall approve independent review organizations eligible to be assigned to conduct external reviews under this Act.

(b) In order to be eligible for approval by the Director under this Section to conduct external reviews under this Act an independent review organization:

(1) except as otherwise provided in this Section, shall be accredited by a nationally recognized private accrediting entity that the Director has determined has independent review organization accreditation standards that are equivalent to or exceed the minimum qualifications for independent review; and

(2) shall submit an application for approval in accordance with subsection (d) of this Section.

(c) The Director shall develop an application form for initially approving and for reapproving independent review organizations to conduct external reviews.

(d) Any independent review organization wishing to be approved to conduct external reviews under this Act shall submit the application form and include with the form all documentation and information necessary for the Director to determine if the independent review organization satisfies the minimum qualifications established under this Act. The Director may:

(1) approve independent review organizations that are not accredited by a nationally recognized private accrediting entity if there are no acceptable nationally recognized private accrediting entities providing independent review organization accreditation; and

(2) by rule establish an application fee that independent review organizations shall submit to the Director with an application for approval and renewing.

(e) An approval is effective for 2 years, unless the Director determines before its expiration that the independent review organization is not satisfying the minimum qualifications established under this Act.

(f) Whenever the Director determines that an independent review organization has lost its accreditation or no longer satisfies the minimum requirements established under this Act, the Director shall terminate the approval of the independent review organization and remove the independent review organization from the list of independent review organizations approved to conduct external reviews under this Act that is maintained by the Director.

(g) The Director shall maintain and periodically update a list of approved independent review organizations.

(h) The Director may promulgate regulations to carry out the provisions of this Section.

Section 55. Minimum qualifications for independent review organizations.

(a) To be approved to conduct external reviews, an independent review organization shall have and maintain written policies and procedures that govern all aspects of both the standard external review process and the expedited external review process set forth in this Act that include, at a minimum:

(1) a quality assurance mechanism that ensures that:

(A) external reviews are conducted within the specified time frames and required notices are provided in a timely manner;

(B) selection of qualified and impartial clinical reviewers to conduct external reviews on behalf of the independent review organization and suitable matching of reviewers to specific cases and that the independent review organization employs or contracts with an adequate number of clinical reviewers to meet this objective;

(C) the health carrier, the covered person, and the covered person's authorized representative shall not choose or control the choice of the physicians or other health care professionals to be selected to conduct the external review;

(D) confidentiality of medical and treatment records and clinical review criteria; and

(E) any person employed by or under contract with the independent review organization adheres to the requirements of this Act;

(2) a toll-free telephone service operating on a 24-hour-day, 7-day-a-week basis that accepts, receives, and records information related to external reviews and provides appropriate instructions; and

(3) an agreement to maintain and provide to the Director the information set out in Section 70 of this Act.

(b) All clinical reviewers assigned by an independent review organization to conduct external reviews shall be physicians or other appropriate health care providers who meet the following minimum qualifications:

(1) be an expert in the treatment of the covered person's medical condition that is the subject of the external review;

(2) be knowledgeable about the recommended health care service or treatment through recent or current actual clinical experience treating patients with the same or similar medical condition of the covered person;

(3) hold a non-restricted license in a state of the United States and, for physicians, a current certification by a recognized American medical specialty board in the area or areas appropriate to the subject of the external review;

(4) have no history of disciplinary actions or sanctions, including loss of staff privileges or participation restrictions, that have been taken or are pending by any hospital, governmental agency or unit, or regulatory body that raise a substantial question as to the clinical reviewer's physical, mental, or professional competence or moral character; and

(5) for purposes of conducting an external review of experimental or investigational treatment adverse determinations, through clinical experience in the past 3 years, be an expert in the treatment of the covered person's condition and knowledgeable about the recommended or requested health care service or treatment; neither the covered person, the covered person's authorized representative, if applicable, nor the health carrier shall choose or control the choice of the physicians or other health care professionals selected to conduct the external review.

(c) In addition to the requirements set forth in subsection (a), an independent review organization may not own or control, be a subsidiary of, or in any way be owned, or controlled by, or exercise control with a health benefit plan, a national, State, or local trade association of health benefit plans, or a national, State, or local trade association of health care providers.

(d) Conflicts of interest prohibited. In addition to the requirements set forth in subsections (a), (b), and (c) of this Section, to be approved pursuant to this Act to conduct an external review of a specified case, neither the independent review organization selected to conduct the external review nor any clinical reviewer assigned by the independent organization to conduct the external review may have a material professional, familial or financial conflict of interest with any of the following:

(1) the health carrier that is the subject of the external review;

(2) the covered person whose treatment is the subject of the external review or the covered person's authorized representative;

(3) any officer, director or management employee of the health carrier that is the subject of the external review;

(4) the health care provider, the health care provider's medical group or independent

practice association recommending the health care service or treatment that is the subject of the external review;

(5) the facility at which the recommended health care service or treatment would be provided; or

(6) the developer or manufacturer of the principal drug, device, procedure, or other therapy being recommended for the covered person whose treatment is the subject of the external review.

(e) An independent review organization that is accredited by a nationally recognized private accrediting entity that has independent review accreditation standards that the Director has determined are equivalent to or exceed the minimum qualifications of this Section shall be presumed to be in compliance with this Section and shall be eligible for approval under this Section.

(f) An independent review organization shall be unbiased. An independent review organization shall establish and maintain written procedures to ensure that it is unbiased in addition to any other procedures required under this Section.

Section 60. Hold harmless for independent review organizations. No independent review organization or clinical reviewer working on behalf of an independent review organization or an employee, agent or contractor of an independent review organization shall be liable for damages to any person for any opinions rendered or acts or omissions performed within the scope of the organization's or person's duties under the law during or upon completion of an external review conducted pursuant to this Act, unless the opinion was rendered or act or omission performed in bad faith or involved gross negligence.

Section 65. External review reporting requirements.

(a) Each health carrier shall maintain written records in the aggregate on all requests for external review for each calendar year and submit a report to the Director in the format specified by the Director by March 1 of each year.

(b) The report shall include in the aggregate:

(1) the total number of requests for external review;

(2) the total number of requests for expedited external review;

(3) the total number of requests for external review denied;

(4) the number of requests for external review resolved, including:

(A) the number of requests for external review resolved upholding the adverse determination or final adverse determination;

(B) the number of requests for external review resolved reversing the adverse determination or final adverse determination;

(C) the number of requests for expedited external review resolved upholding the adverse determination or final adverse determination; and

(D) the number of requests for expedited external review resolved reversing the adverse determination or final adverse determination;

(5) the average length of time for resolution for an external review;

(6) the average length of time for resolution for an expedited external review;

(7) a summary of the types of coverages or cases for which an external review was sought, as specified below:

(A) denial of care or treatment (dissatisfaction regarding prospective non-authorization of a request for care or treatment recommended by a provider excluding diagnostic procedures and referral requests; partial approvals and care terminations are also considered to be denials);

(B) denial of diagnostic procedure (dissatisfaction regarding prospective non-authorization of a request for a diagnostic procedure recommended by a provider; partial approvals are also considered to be denials);

(C) denial of referral request (dissatisfaction regarding non-authorization of a request for a referral to another provider recommended by a PCP);

(D) claims and utilization review (dissatisfaction regarding the concurrent or retrospective evaluation of the coverage, medical necessity, efficiency or appropriateness of health care services or treatment plans; prospective "Denials of care or treatment," "Denials of diagnostic procedures" and "Denials of referral requests" should not be classified in this category, but the appropriate one above);

(8) the number of external reviews that were terminated as the result of a reconsideration by the health carrier of its adverse determination or final adverse determination after

the receipt of additional information from the covered person or the covered person's authorized representative; and

(9) any other information the Director may request or require.

Section 70. Funding of external review. The health carrier shall be solely responsible for paying the cost of external reviews conducted by independent review organizations.

Section 75. Disclosure requirements.

(a) Each health carrier shall include a description of the external review procedures in, or attached to, the policy, certificate, membership booklet, and outline of coverage or other evidence of coverage it provides to covered persons.

(b) The description required under subsection (a) of this Section shall include a statement that informs the covered person of the right of the covered person to file a request for an external review of an adverse determination or final adverse determination with the health carrier. The statement shall explain that external review is available when the adverse determination or final adverse determination involves an issue of medical necessity, appropriateness, health care setting, level of care, or effectiveness. The statement shall include the toll-free telephone number and address of the Office of Consumer Health Insurance within the Division of Insurance.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect January 1, 2010.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Clayborne, **Senate Bill No. 1514** having been printed, was taken up, read by title a second time.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1514

AMENDMENT NO. 1. Amend Senate Bill 1514 on page 17, by deleting lines 22 and 23; and

on page 17, by replacing line 24 with the following: "The commission may also have".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Maloney, **Senate Bill No. 1556** having been printed, was taken up, read by title a second time.

Senator Maloney offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1556

AMENDMENT NO. 1. Amend Senate Bill 1556, by replacing everything after the enacting clause with the following:

"Section 5. The Local Governmental and Governmental Employees Tort Immunity Act is amended by changing Section 1-206 as follows:

(745 ILCS 10/1-206) (from Ch. 85, par. 1-206)

Sec. 1-206. "Local public entity" includes a county ~~county~~, township, municipality, municipal corporation, school district, school board, educational service region, regional board of school trustees, trustees of schools of townships, treasurers of schools of townships, community college district, community college board, forest preserve district, park district, fire protection district, sanitary district, museum district, emergency telephone system board, and all other local governmental bodies. "Local

public entity" also includes library systems and any intergovernmental agency or similar entity formed pursuant to the Constitution of the State of Illinois or the Intergovernmental Cooperation Act as well as any not-for-profit corporation organized for the purpose of conducting public business. It does not include the State or any office, officer, department, division, bureau, board, commission, university or similar agency of the State.

The changes made by this amendatory Act of the 94th General Assembly do not apply to an action or proceeding accruing on or before its effective date.

(Source: P.A. 94-424, eff. 8-2-05.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Wilhelmi, **Senate Bill No. 1578** having been printed, was taken up, read by title a second time.

Senate Floor Amendment No. 1 was held in the Committee on Assignments.

Senator Wilhelmi offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1578

AMENDMENT NO. 2. Amend Senate Bill 1578 by replacing everything after the enacting clause with the following:

"Section 5. The Credit Agreements Act is amended by changing Section 3.1 as follows:

(815 ILCS 160/3.1)

Sec. 3.1. Liability; privity of contract. No creditor shall be liable to a person not in privity of contract with the ~~the~~ creditor for civil damages arising out of a credit agreement, or any conditions precedent thereto, except for acts or conduct by the creditor that constitute fraud against the person.

(Source: P.A. 89-309, eff. 8-11-95.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1611** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1611

AMENDMENT NO. 1. Amend Senate Bill 1611, on page 8, by replacing line 20 with the following:

"xix. United Counties Council (formerly the Urban Counties Council), but only if the Council has a ruling from the United States Internal Revenue Service that it is a governmental entity.".

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1611

AMENDMENT NO. 2. Amend Senate Bill 1611, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 4, by replacing "xix." with "xxix.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Steans, **Senate Bill No. 1617,** having been printed, was taken up, read by title a second time.

Senate Floor Amendment No. 1 was postponed in the Committee on Public Health.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Delgado, **Senate Bill No. 1643,** having been printed, was taken up, read by title a second time.
Senate Committee Amendment No. 1 was held in the Committee on Assignments.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1647** having been printed, was taken up, read by title a second time.
The following amendment was offered in the Committee on Financial Institutions, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 1647

AMENDMENT NO. 1. Amend Senate Bill 1647 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Section 1 as follows:
(215 ILCS 5/1) (from Ch. 73, par. 613)
Sec. 1. Short title. This Act shall be known and ~~and~~ may be cited as the "Illinois Insurance Code." (Source: Laws 1937, p. 696; revised 10-28-08.)".

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

On motion of Senator Murphy, **Senate Bill No. 1675** having been printed, was taken up, read by title a second time.
Senator Murphy offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1675

AMENDMENT NO. 1. Amend Senate Bill 1675 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 27-3.5 as follows:
(105 ILCS 5/27-3.5 new)
Sec. 27-3.5. Congressional Medal of Honor film. Each school district shall require that all students in grade 7 and all high school students enrolled in a course concerning history of the United States or a combination of history of the United States and American government view a Congressional Medal of Honor film made by the Congressional Medal of Honor Foundation. This requirement does not apply if the Congressional Medal of Honor Foundation charges the school district a fee for a film.

Section 99. Effective date. This Act takes effect July 1, 2009.".

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

On motion of Senator Murphy, **Senate Bill No. 1677** having been printed, was taken up, read by title a second time.
Senator Murphy offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1677

AMENDMENT NO. 1. Amend Senate Bill 1677 by replacing everything after the enacting clause with the following:

"Section 2. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-186 as follows:
(20 ILCS 2310/2310-186 new)

Sec. 2310-186. Criminal history record checks; task force. The Department of Public Health in collaboration with the Department of State Police shall create a task force to examine the process used by State and local governmental agencies to conduct criminal history record checks as a condition of employment or approval to render provider services to such an agency.

The task force shall be comprised of representatives from State and local agencies that require an applicant to undergo a fingerprint-based criminal history record check pursuant to State or federal law or agencies that are contemplating such a requirement. The task force shall include but need not be limited to representatives from the Department of State Police, the Illinois Criminal Justice Information Authority, the Department of Children and Family Services, the Department of Central Management Services, the Department of Healthcare and Family Services, the Department of Financial and Professional Regulation, the Department of Public Health, the Department of Human Services, the Office of the Secretary of State, the Illinois State Board of Education (whose representative or representatives shall consult with the Regional Offices of Education and representatives of 2 statewide teachers unions, a statewide organization representing school principals, a statewide school administrators organization, and school bus companies), a large regional park district, and at least 2 statewide non-governmental, non-profit multi-issue advocacy organizations to represent the interests of prospective employers. The task force shall be chaired by 2 co-chairpersons, one appointed by the Director of Public Health and the other appointed by the Director of State Police. The task force members shall be appointed within 30 days after the effective date of this amendatory Act of the 96th General Assembly. The Department of Public Health and the Department of State Police shall jointly provide administrative and staff support to the task force as needed.

The task force shall review and make recommendations to create a more centralized and coordinated process for conducting criminal history record checks in order to reduce duplication of effort and make better use of resources and more efficient use of taxpayer dollars.

The task force shall provide a plan to revise the criminal history record check process to the General Assembly by February 1, 2010. The plan shall address the following issues:

(1) Identification of any areas of concern that have been identified by stakeholders and task force members regarding State- or federally-mandated criminal history record checks.

(2) Evaluation of the feasibility of using an applicant's initial criminal history record information results for subsequent employment or licensing screening purposes while protecting the confidentiality of the applicant.

(3) Evaluation of the feasibility of centralizing the screening of criminal history record information inquiry responses.

(4) Identification and evaluation of existing technologies that could be utilized to eliminate the need for a subsequent fingerprint inquiry each time an applicant changes employment or seeks a license requiring a criminal history record inquiry.

(5) Identification of any areas where State- or federally-mandated criminal history record checks can be implemented in a more efficient and cost-effective manner.

(6) Evaluation of what other states and the federal government are doing to address similar concerns.

(7) Identification of programs serving vulnerable populations that do not currently require criminal history record information to determine whether those programs should be included in a centralized screening of criminal history record information.

(8) Identification of any issues that agencies face in interpreting criminal history records, such as differentiating among types of dispositions, and evaluation of how those records can be presented in a format better tailored to non-law enforcement purposes.

(9) Ensuring that any centralized criminal history records system discloses sealed criminal history records only to those agencies authorized to receive those records under Illinois law.

(10) Evaluation of the feasibility of instating a process whereby agencies provide copies of the criminal background check to applicants for the purpose of providing applicants with the opportunity to assess the accuracy of the records.

(11) Evaluation of the feasibility of adopting a uniform procedure for obtaining disposition information where an arrest or criminal charge is reported without subsequent disposition.

(12) Preparation of a report for the General Assembly proposing solutions that can be adopted to eliminate the duplication of applicant fingerprint submissions and the duplication of criminal records check response screening efforts and to minimize the costs of conducting State and FBI fingerprint-based inquiries in Illinois.

Section 5. The Illinois Public Aid Code is amended by changing Section 9A-11.5 as follows:

(305 ILCS 5/9A-11.5)

Sec. 9A-11.5. Investigate child care providers.

(a) Any child care provider receiving funds from the child care assistance program under this Code who is not required to be licensed under the Child Care Act of 1969 shall, as a condition of eligibility to participate in the child care assistance program under this Code, authorize in writing on a form prescribed by the Department of Children and Family Services, periodic investigations of the Central Register, as defined in the Abused and Neglected Child Reporting Act, to ascertain if the child care provider has been determined to be a perpetrator in an indicated report of child abuse or neglect. The Department of Children and Family Services shall conduct an investigation of the Central Register at the request of the Department. ~~The Department shall request the Department of Children and Family Services to conduct periodic investigations of the Central Register.~~

(b) Any child care provider, other than a relative of the child, receiving funds from the child care assistance program under this Code who is not required to be licensed under the Child Care Act of 1969 shall, as a condition of eligibility to participate in the child care assistance program under this Code, authorize in writing a fingerprint-based criminal history record check to determine if the child care provider has ever been convicted of a crime with respect to which the conviction has not been overturned and the criminal records have not been sealed or expunged. Upon this authorization, the Department shall request and receive information and assistance from any federal or State governmental agency as part of the authorized criminal history record check. The Department of State Police shall provide information concerning any conviction that has not been overturned and with respect to which the criminal records have not been sealed or expunged, whether the conviction occurred before or on or after the effective date of this amendatory Act of the 96th General Assembly, of a child care provider upon the request of the Department when the request is made in the form and manner required by the Department of State Police. Any information concerning convictions that have not been overturned and with respect to which the criminal records have not been sealed or expunged obtained by the Department is confidential and may not be transmitted (i) outside the Department except as required in this Section or (ii) to anyone within the Department except as needed for the purposes of determining participation in the child care assistance program. A copy of the criminal history record check obtained from the Department of State Police shall be provided to the unlicensed child care provider.

(c) The Department shall by rule determine when payment to an unlicensed child care provider may be withheld if there is an indicated finding against the provider based on the results of the Central Register search, or a disqualifying criminal conviction that has not been overturned and with respect to which the criminal records have not been sealed or expunged based on the results of the fingerprint-based criminal history record check obtained by the Department ~~in the Central Register~~. Only information and standards which bear a reasonable and rational relation to the performance of a child care provider shall be used by the Department.

(Source: P.A. 92-825, eff. 8-21-02.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Clayborne, **Senate Bill No. 1718** having been printed, was taken up, read by title a second time.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1718

AMENDMENT NO. 1. Amend Senate Bill 1718 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 10-22.6 as follows:

(105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

Sec. 10-22.6. Suspension or expulsion of pupils; school searches.

(a) To expel pupils guilty of gross disobedience or misconduct, and no action shall lie against them for such expulsion. Expulsion shall take place only after the parents have been requested to appear at a meeting of the board, or with a hearing officer appointed by it, to discuss their child's behavior. Such

request shall be made by registered or certified mail and shall state the time, place and purpose of the meeting. The board, or a hearing officer appointed by it, at such meeting shall state the reasons for dismissal and the date on which the expulsion is to become effective. If a hearing officer is appointed by the board he shall report to the board a written summary of the evidence heard at the meeting and the board may take such action thereon as it finds appropriate.

(b) To suspend or by regulation to authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend pupils guilty of gross disobedience or misconduct, or to suspend pupils guilty of gross disobedience or misconduct on the school bus from riding the school bus, and no action shall lie against them for such suspension. The board may by regulation authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend pupils guilty of such acts for a period not to exceed 10 school days. If a pupil is suspended due to gross disobedience or misconduct on a school bus, the board may suspend the pupil in excess of 10 school days for safety reasons. Any suspension shall be reported immediately to the parents or guardian of such pupil along with a full statement of the reasons for such suspension and a notice of their right to a review, a copy of which shall be given to the school board. Upon request of the parents or guardian the school board or a hearing officer appointed by it shall review such action of the superintendent or principal, assistant principal, or dean of students. At such review the parents or guardian of the pupil may appear and discuss the suspension with the board or its hearing officer. If a hearing officer is appointed by the board he shall report to the board a written summary of the evidence heard at the meeting. After its hearing or upon receipt of the written report of its hearing officer, the board may take such action as it finds appropriate.

(c) The Department of Human Services shall be invited to send a representative to consult with the board at such meeting whenever there is evidence that mental illness may be the cause for expulsion or suspension.

(d) The board may expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case by case basis. A student who is determined to have brought a firearm, a knife, brass knuckles, or a billy club ~~weapon~~ to school, any school-sponsored activity or event, or any activity or event which bears a reasonable relationship to school shall be expelled for a period of not less than one year, except that the expulsion requirement ~~period~~ may be modified by the superintendent, and the superintendent's determination may be modified by the board on a case by case basis. For the purpose of this Section, the term "firearm" ~~"weapon"~~ means (1) possession, use, control, or transfer of any gun, rifle, shotgun, firearm ~~weapon~~ as defined by Section 921 of Title 18, United States Code, or firearm as defined in Section 1.1 of the Firearm Owners Identification Act ~~,~~ or use of a weapon as defined in Section 24-1 of the Criminal Code or ~~,~~ (2) any other object if used or attempted to be used to cause bodily harm, including but not limited to~~, knives, brass knuckles, or billy clubs, or (3)~~ "look alikes" of any firearm ~~weapon~~ as defined in this Section. Expulsion or suspension shall be construed in a manner consistent with the Federal Individuals with Disabilities Education Act. A student who is subject to suspension or expulsion as provided in this Section may be eligible for a transfer to an alternative school program in accordance with Article 13A of the School Code. The provisions of this subsection (d) apply in all school districts, including special charter districts and districts organized under Article 34.

(e) To maintain order and security in the schools, school authorities may inspect and search places and areas such as lockers, desks, parking lots, and other school property and equipment owned or controlled by the school, as well as personal effects left in those places and areas by students, without notice to or the consent of the student, and without a search warrant. As a matter of public policy, the General Assembly finds that students have no reasonable expectation of privacy in these places and areas or in their personal effects left in these places and areas. School authorities may request the assistance of law enforcement officials for the purpose of conducting inspections and searches of lockers, desks, parking lots, and other school property and equipment owned or controlled by the school for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs. If a search conducted in accordance with this Section produces evidence that the student has violated or is violating either the law, local ordinance, or the school's policies or rules, such evidence may be seized by school authorities, and disciplinary action may be taken. School authorities may also turn over such evidence to law enforcement authorities. The provisions of this subsection (e) apply in all school districts, including special charter districts and districts organized under Article 34.

(f) Suspension or expulsion may include suspension or expulsion from school and all school activities and a prohibition from being present on school grounds.

(g) A school district may adopt a policy providing that if a student is suspended or expelled for any reason from any public or private school in this or any other state, the student must complete the entire

term of the suspension or expulsion before being admitted into the school district. This policy may allow placement of the student in an alternative school program established under Article 13A of this Code, if available, for the remainder of the suspension or expulsion. This subsection (g) applies to all school districts, including special charter districts and districts organized under Article 34 of this Code.
(Source: P.A. 92-64, eff. 7-12-01.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Schoenberg, **Senate Bill No. 1739** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1739

AMENDMENT NO. 1. Amend Senate Bill 1739 on page 21, line 21, by replacing "(b-7)" with "(B-7)".

Senate Committee Amendment No. 2 was held in the Committee on Assignments.

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

On motion of Senator Steans, **Senate Bill No. 1770** having been printed, was taken up, read by title a second time.

Senate Floor Amendment No. 1 was held in the Committee on Labor.

Senator Steans offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1770

AMENDMENT NO. 2. Amend Senate Bill 1770 by replacing everything after the enacting clause with the following:

"Section 5. The Victims' Economic Security and Safety Act is amended by changing Sections 5, 10, 15, 20, 25, 30, 35, and 40 and by adding Section 37 as follows:

(820 ILCS 180/5)

Sec. 5. Findings. The General Assembly finds and declares the following:

(1) Domestic and sexual violence affects many persons without regard to age, race, educational level, socioeconomic status, religion, or occupation.

(2) Domestic and sexual violence has a devastating effect on individuals, families, communities and the workplace.

(3) Domestic violence crimes account for approximately 15% of total crime costs in the United States each year.

(4) Violence against women has been reported to be the leading cause of physical injury to women. Such violence has a devastating impact on women's physical and emotional health and financial security.

(5) According to recent government surveys, from 1993 through 1998 the average annual number of violent victimizations committed by intimate partners was 1,082,110, 87% of which were committed against women.

(6) Female murder victims were substantially more likely than male murder victims to have been killed by an intimate partner. About one-third of female murder victims, and about 4% of male murder victims, were killed by an intimate partner.

(7) According to recent government estimates, approximately 987,400 rapes occur annually in the United States, 89% of the rapes are perpetrated against female victims.

(8) Approximately 10,200,000 people have been stalked at some time in their lives. Four out of every 5 stalking victims are women. Stalkers harass and terrorize their victims by spying on the victims, standing outside their places of work or homes, making unwanted phone calls, sending or

leaving unwanted letters or items, or vandalizing property.

(9) Employees in the United States who have been victims of domestic violence, dating violence, sexual assault, or stalking too often suffer adverse consequences in the workplace as a result of their victimization.

(10) Victims of domestic violence, dating violence, sexual assault, and stalking face the threat of job loss and loss of health insurance as a result of the illegal acts of the perpetrators of violence.

(11) The prevalence of domestic violence, dating violence, sexual assault, stalking, and other violence against women at work is dramatic. Approximately 11% of all rapes occur in the workplace. About 50,500 individuals, 83% of whom are women, were raped or sexually assaulted in the workplace each year from 1992 through 1996. Half of all female victims of violent workplace crimes know their attackers. Nearly one out of 10 violent workplace incidents is committed by partners or spouses.

(12) Homicide is the leading cause of death for women on the job. Husbands, boyfriends, and ex-partners commit 15% of workplace homicides against women.

(13) Studies indicate that as much as 74% of employed battered women surveyed were harassed at work by their abusive partners.

(14) According to a 1998 report of the U.S. General Accounting Office, between one-fourth and one-half of domestic violence victims surveyed in 3 studies reported that the victims lost a job due, at least in part, to domestic violence.

(15) Women who have experienced domestic violence or dating violence are more likely than other women to be unemployed, to suffer from health problems that can affect employability and job performance, to report lower personal income, and to rely on welfare.

(16) Abusers frequently seek to control their partners by actively interfering with their ability to work, including preventing their partners from going to work, harassing their partners at work, limiting the access of their partners to cash or transportation, and sabotaging the child care arrangements of their partners.

(17) More than one-half of women receiving welfare have been victims of domestic violence as adults and between one-fourth and one-third reported being abused in the last year.

(18) Sexual assault, whether occurring in or out of the workplace, can impair an employee's work performance, require time away from work, and undermine the employee's ability to maintain a job. Almost 50% of sexual assault survivors lose their jobs or are forced to quit in the aftermath of the assaults.

(19) More than one-fourth of stalking victims report losing time from work due to the stalking and 7% never return to work.

(20) (A) According to the National Institute of Justice, crime costs an estimated $450,000,000,000 annually in medical expenses, lost earnings, social service costs, pain, suffering, and reduced quality of life for victims, which harms the Nation's productivity and drains the Nation's resources. (B) Violent crime accounts for $426,000,000,000 per year of this amount. (C) Rape exacts the highest costs per victim of any criminal offense, and accounts for $127,000,000,000 per year of the amount described in subparagraph (A).

(21) The Bureau of National Affairs has estimated that domestic violence costs United States employers between $3,000,000,000 and $5,000,000,000 annually in lost time and productivity. Other reports have estimated that domestic violence costs United States employers $13,000,000,000 annually.

(22) United States medical costs for domestic violence have been estimated to be $31,000,000,000 per year.

(23) Ninety-four percent of corporate security and safety directors at companies nationwide rank domestic violence as a high security concern.

(24) Forty-nine percent of senior executives recently surveyed said domestic violence has a harmful effect on their company's productivity, 47% said domestic violence negatively affects attendance, and 44% said domestic violence increases health care costs.

(25) Employees, including individuals participating in welfare to work programs, may need to take time during business hours to:

(A) obtain orders of protection <u>or civil no contact orders</u>;

(B) seek medical or legal assistance, counseling, or other services; or

(C) look for housing in order to escape from domestic <u>or sexual</u> violence.

(Source: P.A. 93-591, eff. 8-25-03.)

(820 ILCS 180/10)

Sec. 10. Definitions. In this Act, except as otherwise expressly provided:

(1) "Commerce" includes trade, traffic, commerce, transportation, or communication; and "industry or activity affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and includes "commerce" and any "industry affecting commerce".

(2) "Course of conduct" means a course of repeatedly maintaining a visual or physical proximity to a person or conveying oral or written threats, including threats conveyed through electronic communications, or threats implied by conduct.

(3) "Department" means the Department of Labor.

(4) "Director" means the Director of Labor.

(5) "Domestic or sexual violence" means domestic violence, sexual assault, or stalking.

(6) "Domestic violence" means abuse, as defined in Section 103 of the Illinois Domestic Violence Act of 1986, by a family or household member, as defined in Section 103 of the Illinois Domestic Violence Act of 1986 ~~includes acts or threats of violence, not including acts of self defense, as defined in subdivision (3) of Section 103 of the Illinois Domestic Violence Act of 1986, sexual assault, or death to the person, or the person's family or household member, if the conduct causes the specific person to have such distress or fear~~.

(7) "Electronic communications" includes communications via telephone, mobile phone, computer, e-mail, video recorder, fax machine, telex, or pager, or any other electronic communication, as defined in Section 12-7.5 of the Criminal Code of 1961.

(8) "Employ" includes to suffer or permit to work.

(9) Employee.

(A) In general. "Employee" means any person employed by an employer.

(B) Basis. "Employee" includes a person employed as described in subparagraph (A) on a full or part-time basis, or as a participant in a work assignment as a condition of receipt of federal or State income-based public assistance.

(10) "Employer" means any of the following: (A) the State or any agency of the State; (B) any unit of local government or school district; or (C) any person that employs at least 15 ~~50~~ employees.

(11) "Employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, ~~and~~ pensions, and profit-sharing, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan". "Employee benefit plan" or "plan" means an employee welfare benefit plan or an employee pension benefit plan or a plan which is both an employee welfare benefit plan and an employee pension benefit plan.

(12) "Family or household member", for employees with a family or household member who is a victim of domestic or sexual violence or is perceived to be a victim of domestic or sexual violence, means a spouse, parent, son, daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household.

(13) "Parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter. "Son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age, or is 18 years of age or older and incapable of self-care because of a mental or physical disability.

(14) "Perpetrator" means an individual who commits or is alleged to have committed any act or threat of domestic or sexual violence.

(15) "Person" means an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons.

(15.1) "Prevailing employee" means an employee who obtains relief by administrative order, court order, or whose suit or claim is settled by private agreement.

(16) "Public agency" means the Government of the State or political subdivision thereof; any agency of the State, or of a political subdivision of the State; or any governmental agency.

(17) "Public assistance" includes cash, food stamps, medical assistance, housing assistance, and other benefits provided on the basis of income by a public agency or public employer.

(18) "Reduced work schedule" means a work schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

(19) "Repeatedly" means on 2 or more occasions.

(20) "Sexual assault" means any conduct proscribed by the Criminal Code of 1961 in Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16.

(21) "Stalking" means any conduct proscribed by the Criminal Code of 1961 in Sections 12-7.3, ~~and~~ 12-7.4 , and 12-7.5.

(22) "Victim" or "survivor" means an individual who has been subjected to domestic or sexual violence.

(23) "Victim services organization" means a nonprofit, nongovernmental organization that provides assistance to victims of domestic or sexual violence or to advocates for such victims, including a rape crisis center, an organization carrying out a domestic violence program, an organization operating a shelter or providing counseling services, or a legal services organization or other organization providing assistance through the legal process.

(Source: P.A. 93-591, eff. 8-25-03.)

(820 ILCS 180/15)

Sec. 15. Purposes. The purposes of this Act are:

(1) to promote the State's interest in reducing domestic violence, dating violence, sexual assault, and stalking by enabling victims of domestic or sexual violence to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic or sexual violence, and to reduce the devastating economic consequences of domestic or sexual violence to employers and employees;

(2) to address the failure of existing laws to protect the employment rights of employees who are victims of domestic or sexual violence and employees with a family or household member who is a victim of domestic or sexual violence, by protecting the civil and economic rights of those employees, and by furthering the equal opportunity of women for economic self-sufficiency and employment free from discrimination;

(3) to accomplish the purposes described in paragraphs (1) and (2) by (A) entitling employed victims of domestic or sexual violence and employees with a family or household member who is a victim of domestic or sexual violence to take unpaid leave to seek medical help, legal assistance, counseling, safety planning, and other assistance without penalty from their employers for the employee or the family or household member who is a victim; and (B) prohibiting employers from discriminating against any employee who is an actual or perceived victim of domestic or sexual violence or any employee who has a family or household member who is an actual or perceived victim of domestic or sexual violence, in a manner that accommodates the legitimate interests of employers and protects the safety of all persons in the workplace.

(Source: P.A. 93-591, eff. 8-25-03.)

(820 ILCS 180/20)

Sec. 20. Entitlement to leave due to domestic or sexual violence.

(a) Leave requirement.

(1) Basis. An employee who is a victim of domestic or sexual violence or has a family or household member who is a victim of domestic or sexual violence whose interests are not adverse to the employee as it relates to the domestic or sexual violence may take unpaid leave from work to address domestic or sexual violence by:

(A) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;

(B) obtaining services from a victim services organization for the employee or the employee's family or household member;

(C) obtaining psychological or other counseling for the employee or the employee's family or household member;

(D) participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or ensure economic security; or

(E) seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

(2) Period. Subject to subsection (c), an employee shall be entitled to a total of 12 workweeks of leave during any 12-month period. This Act does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) Schedule. Leave described in paragraph (1) may be taken intermittently or on a reduced work schedule.

(b) Notice. The employee shall provide the employer with at least 48 hours' advance notice of the employee's intention to take the leave, unless providing such notice is not practicable. When an unscheduled absence occurs, the employer may not take any action against the employee if the employee, upon request of the employer and within a reasonable period after the absence, provides certification under subsection (c).

(c) Certification.

(1) In general. The employer may require the employee to provide certification to the employer that:

(A) the employee or the employee's family or household member is a victim of domestic or sexual violence; and

(B) the leave is for one of the purposes enumerated in paragraph (a)(1).

The employee shall provide such certification to the employer within a reasonable period after the employer requests certification.

(2) Contents. An employee may satisfy the certification requirement of paragraph (1) by providing to the employer a sworn statement of the employee, and upon obtaining such documents the employee shall provide:

(A) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic or sexual violence and the effects of the violence;

(B) a police or court record; or

(C) other corroborating evidence.

(d) Confidentiality. All information provided to the employer pursuant to subsection (b) or (c), including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this Section, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is:

(1) requested or consented to in writing by the employee; or

(2) otherwise required by applicable federal or State law.

Any employer that fails to maintain the required confidentiality shall be liable to the prevailing employee for damages of $2,000 for each unwarranted disclosure.

(e) Employment and benefits.

(1) Restoration to position.

(A) In general. Any employee who takes leave under this Section for the intended purpose of the leave shall be entitled, on return from such leave:

(i) to be restored by the employer to the position of employment held by the employee when the leave commenced; or

(ii) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(B) Loss of benefits. The taking of leave under this Section shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

(C) Limitations. Nothing in this subsection shall be construed to entitle any restored employee to:

(i) the accrual of any seniority or employment benefits during any period of leave; or

(ii) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(D) Construction. Nothing in this paragraph shall be construed to prohibit an employer from requiring an employee on leave under this Section to report periodically to the employer on the status and intention of the employee to return to work.

(2) Maintenance of health benefits.

(A) Coverage. Except as provided in subparagraph (B), during any period that an employee takes leave under this Section, the employer shall maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

(B) Failure to return from leave. The employer may recover the premium that the

employer paid for maintaining coverage for the employee and the employee's family or household member under such group health plan during any period of leave under this Section if:

(i) the employee fails to return from leave under this Section after the period of leave to which the employee is entitled has expired; and

(ii) the employee fails to return to work for a reason other than:

(I) the continuation, recurrence, or onset of domestic or sexual violence that entitles the employee to leave pursuant to this Section; or

(II) other circumstances beyond the control of the employee.

(C) Certification.

(i) Issuance. An employer may require an employee who claims that the employee is unable to return to work because of a reason described in subclause (I) or (II) of subparagraph (B)(ii) to provide, within a reasonable period after making the claim, certification to the employer that the employee is unable to return to work because of that reason.

(ii) Contents. An employee may satisfy the certification requirement of clause (i) by providing to the employer:

(I) a sworn statement of the employee;

(II) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee has sought assistance in addressing domestic or sexual violence and the effects of that violence;

(III) a police or court record; or

(IV) other corroborating evidence.

(D) Confidentiality. All information provided to the employer pursuant to subparagraph (C), including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee is not returning to work because of a reason described in subclause (I) or (II) of subparagraph (B)(ii) shall be retained in the strictest confidence by the employer, except to the extent that disclosure is:

(i) requested or consented to in writing by the employee; or

(ii) otherwise required by applicable federal or State law.

Any employer that fails to maintain the required confidentiality shall be liable to the prevailing employee for damages of $2,000 for each unwarranted disclosure.

(f) Prohibited acts.

(1) Interference with rights.

(A) Exercise of rights. It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided under this Section.

(B) Employer discrimination. It shall be unlawful for any employer to discharge or harass any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment of the individual (including retaliation in any form or manner) because the individual:

(i) exercised any right provided under this Section; or

(ii) opposed any practice made unlawful by this Section.

(C) Public agency sanctions. It shall be unlawful for any public agency to deny, reduce, or terminate the benefits of, otherwise sanction, or harass any individual, or otherwise discriminate against any individual with respect to the amount, terms, or conditions of public assistance of the individual (including retaliation in any form or manner) because the individual:

(i) exercised any right provided under this Section; or

(ii) opposed any practice made unlawful by this Section.

(2) Interference with proceedings or inquiries. It shall be unlawful for any person to discharge or in any other manner discriminate (as described in subparagraph (B) or (C) of paragraph (1)) against any individual because such individual:

(A) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this Section;

(B) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this Section; or

(C) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this Section.

(Source: P.A. 93-591, eff. 8-25-03.)

(820 ILCS 180/25)

Sec. 25. Existing leave usable for addressing domestic or sexual violence. An employee who is

entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment, pursuant to federal, State, or local law, a collective bargaining agreement, or an employment benefits program or plan, may elect to substitute any period of such leave for an equivalent period of leave provided under Section 20. The employer may not require the employee to substitute available paid or unpaid leave for leave provided under Section 20.

(Source: P.A. 93-591, eff. 8-25-03.)

(820 ILCS 180/30)

Sec. 30. Victims' employment sustainability; prohibited discriminatory acts.

(a) An employer shall not fail to hire, refuse to hire, discharge, constructively discharge, or harass any individual, otherwise discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual, or retaliate against an individual in any form or manner, and a public agency shall not deny, reduce, or terminate the benefits of, otherwise sanction, or harass any individual, otherwise discriminate against any individual with respect to the amount, terms, or conditions of public assistance of the individual, or retaliate against an individual in any form or manner, because:

(1) the individual involved:

(A) is or is perceived to be a victim of domestic or sexual violence;

(B) attended, participated in, prepared for, or requested leave to attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the individual or a family or household member of the individual was a victim, or requested or took leave for any other reason provided under Section 20; or

(C) requested an adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, or modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, or implementation of a safety procedure in response to actual or threatened domestic or sexual violence, regardless of whether the request was granted; or

(2) the workplace is disrupted or threatened by the action of a person whom the individual states has committed or threatened to commit domestic or sexual violence against the individual or the individual's family or household member.

(b) In this Section:

(1) "Discriminate", used with respect to the terms, conditions, or privileges of employment or with respect to the terms or conditions of public assistance, includes not making a reasonable accommodation to the known limitations resulting from circumstances relating to being a victim of domestic or sexual violence or a family or household member being a victim of domestic or sexual violence of an otherwise qualified individual:

(A) who is:

(i) an applicant or employee of the employer (including a public agency); or

(ii) an applicant for or recipient of public assistance from a public agency;

and

(B) who is:

(i) a victim of domestic or sexual violence; or

(ii) with a family or household member who is a victim of domestic or sexual violence whose interests are not adverse to the individual in subparagraph (A) as it relates to the domestic or sexual violence;

unless the employer or public agency can demonstrate that the accommodation would impose an undue hardship on the operation of the employer or public agency.

A reasonable accommodation must be made in a timely fashion. Any exigent circumstances or danger facing the employee or his or her family or household member shall be considered in determining whether the accommodation is reasonable.

(2) "Qualified individual" means:

(A) in the case of an applicant or employee described in paragraph (1)(A)(i), an individual who, but for being a victim of domestic or sexual violence or with a family or household member who is a victim of domestic or sexual violence, can perform the essential functions of the employment position that such individual holds or desires; or

(B) in the case of an applicant or recipient described in paragraph (1)(A)(ii), an individual who, but for being a victim of domestic or sexual violence or with a family or household member who is a victim of domestic or sexual violence, can satisfy the essential requirements of the program providing the public assistance that the individual receives or desires.

(3) "Reasonable accommodation" may include an adjustment to a job structure, workplace

facility, or work requirement, including a transfer, reassignment, or modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, or implementation of a safety procedure, or assistance in documenting domestic or sexual violence that occurs at the workplace or in work-related settings, in response to actual or threatened domestic or sexual violence.

(4) Undue hardship.

(A) In general. "Undue hardship" means an action requiring significant difficulty or expense, when considered in light of the factors set forth in subparagraph (B).

(B) Factors to be considered. In determining whether a reasonable accommodation would impose an undue hardship on the operation of an employer or public agency, factors to be considered include:

(i) the nature and cost of the reasonable accommodation needed under this Section;

(ii) the overall financial resources of the facility involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact otherwise of such accommodation on the operation of the facility;

(iii) the overall financial resources of the employer or public agency, the overall size of the business of an employer or public agency with respect to the number of employees of the employer or public agency, and the number, type, and location of the facilities of an employer or public agency; and

(iv) the type of operation of the employer or public agency, including the composition, structure, and functions of the workforce of the employer or public agency, the geographic separateness of the facility from the employer or public agency, and the administrative or fiscal relationship of the facility to the employer or public agency.

(Source: P.A. 93-591, eff. 8-25-03.)

(820 ILCS 180/35)

Sec. 35. Enforcement.

(a) Department of Labor.

(1) The Director or his or her authorized representative shall administer and enforce the provisions of this Act. Any employee or a representative of employees who believes his or her rights under this Act have been violated may, within 3 years after the alleged violation occurs, file a complaint with the Department requesting a review of the alleged violation. A copy of the complaint shall be sent to the person who allegedly committed the violation, who shall be the respondent. Upon receipt of a complaint, the Director shall cause such investigation to be made as he or she deems appropriate. The investigation shall provide an opportunity for a public hearing at the request of any party to the review to enable the parties to present information relating to the alleged allegation. The parties shall be given written notice of the time and place of the hearing at least 7 days before the hearing. Upon receiving the report of the investigation, the Director shall make findings of fact. If the Director finds that a violation did occur, he or she shall issue a decision incorporating his or her findings and requiring the party committing the violation to take such affirmative action to abate the violation as the Director deems appropriate, including:

(A) damages equal to the amount of wages, salary, employment benefits, public assistance, or other compensation denied or lost to such individual by reason of the violation, and the interest on that amount calculated at the prevailing rate;

(A-5) compensatory damages for emotional distress;

(A-10) liquidated damages of $5,000 to any employee aggrieved by the failure of an employer to post the notice required under Section 40;

(B) such equitable relief as may be appropriate, including but not limited to hiring, reinstatement, promotion, and reasonable accommodations; and

(C) reasonable attorney's fees, reasonable expert witness fees, and other costs of the action to be paid by the respondent to a prevailing employee.

If the Director finds that there was no violation, he or she shall issue an order denying the complaint. An order issued by the Director under this Section shall be final and subject to judicial review under the Administrative Review Law.

(2) The Director shall adopt rules necessary to administer and enforce this Act in accordance with the Illinois Administrative Procedure Act. The Director shall have the powers and the parties shall have the rights provided in the Illinois Administrative Procedure Act for contested cases, including, but not limited to, provisions for depositions, subpoena power and procedures, and discovery and protective order procedures.

(3) Intervention. The Attorney General of Illinois may intervene on behalf of the Department if the Department certifies that the case is of general public importance. Upon such intervention the court may award such relief as is authorized to be granted to an employee who has filed a complaint or whose representative has filed a complaint under this Section.

(b) Refusal to pay damages. Any employer who has been ordered by the Director of Labor or the court to pay damages under this Section and who fails to do so within 30 days after the order is entered is liable to pay a penalty of 1% per calendar day to the employee for each day of delay in paying the damages to the employee.

(Source: P.A. 93-591, eff. 8-25-03.)

(820 ILCS 180/37 new)

Sec. 37. Private right of action. Any employee or representative of employees aggrieved by a violation of this Act or any rule adopted under this Act may file suit in circuit court, in the county where the alleged offense occurred, without regard to exhaustion of any alternative administrative remedies provided under this Act. Actions may be brought by one or more individuals for and on behalf of themselves and other individuals similarly situated. An individual whose rights have been violated under this Act may seek any and all remedies provided in this Act, including reasonable attorney's fees for the prevailing employee, whether those remedies are obtained through a court order or a suit or claim is settled by private agreement.

(820 ILCS 180/40)

Sec. 40. Notification. Every employer covered by this Act shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees are customarily posted, a notice, to be prepared or approved by the Director of Labor, summarizing the requirements of this Act and information pertaining to the filing of a charge or law suit. The Director shall furnish copies of summaries and rules to employers upon request without charge. Any employer that fails to post the required notice may not rely on the provisions in subsection (b) of Section 20 to claim that the employee failed to inform the employer that she or he wanted or was eligible for leave under this Act.

(Source: P.A. 93-591, eff. 8-25-03.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1783** having been printed, was taken up, read by title a second time.

Senator Jacobs offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1783

AMENDMENT NO. 1. Amend Senate Bill 1783 by replacing everything after the enacting clause with the following:

"Section 5. The Quad Cities Regional Economic Development Authority Act, approved September 22, 1987 is amended by changing Section 9 as follows:

(70 ILCS 510/9) (from Ch. 85, par. 6209)

Sec. 9. Bonds and notes. (a)(1) The Authority may, with the written approval of the Governor, at any time and from time to time, issue bonds and notes for any corporate purpose, including the establishment of reserves and the payment of interest. In this Act the term "bonds" includes notes of any kind, interim certificates, refunding bonds or any other evidence of obligation.

(2) The bonds of any issue shall be payable solely from the property or receipts of the Authority, including, without limitation:

(I) fees, charges or other revenues payable to the Authority;

(II) payments by financial institutions, insurance companies, or others pursuant to letters or lines of credit, policies of insurance, or purchase agreements;

(III) investment earnings from funds or accounts maintained pursuant to a bond resolution or trust agreement; and

(IV) proceeds of refunding bonds.

(3) Bonds shall be authorized by a resolution of the Authority and may be secured by a trust

agreement by and between the Authority and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the State. Bonds shall:

(I) be issued at, above or below par value, for cash or other valuable consideration, and mature at time or times, whether as serial bonds or as term bonds or both, not exceeding 40 years from their respective date of issue; however, the length of the term of the bond should bear a reasonable relationship to the value life of the item financed;

(II) bear interest at the fixed or variable rate or rates determined by the method provided in the resolution or trust agreement;

(III) be payable at a time or times, in the denominations and form, either coupon or registered or both, and carry the registration and privileges as to conversion and for the replacement of mutilated, lost or destroyed bonds as the resolution or trust agreement may provide;

(IV) be payable in lawful money of the United States at a designated place;

(V) be subject to the terms of purchase, payment, redemption, refunding or refinancing that the resolution or trust agreement provides;

(VI) be executed by the manual or facsimile signatures of the officers of the Authority designated by the Authority, which signatures shall be valid at delivery even for one who has ceased to hold office; and

(VII) be sold in the manner and upon the terms determined by the Authority.

(b) Any resolution or trust agreement may contain provisions which shall be a part of the contract with the holders of the bonds as to:

(1) pledging, assigning or directing the use, investment or disposition of receipts of the Authority or proceeds or benefits of any contract and conveying or otherwise securing any property or property rights;

(2) the setting aside of loan funding deposits, debt service reserves, capitalized interest accounts, cost of issuance accounts and sinking funds, and the regulations, investment and disposition thereof;

(3) limitations on the purpose to which or the investments in which the proceeds of sale of any issue of bonds may be applied and restrictions to investment of revenues or bond proceeds in government obligations for which principal and interest are unconditionally guaranteed by the United States of America;

(4) limitations on the issue of additional bonds, the terms upon which additional bonds may be issued and secured, the terms upon which additional bonds may rank on a parity with, or be subordinate or superior to, other bonds;

(5) the refunding or refinancing of outstanding bonds;

(6) the procedure, if any, by which the terms of any contract with bondholders may be altered or amended and the amount of bonds and holders of which must consent thereto, and the manner in which consent shall be given;

(7) defining the acts or omissions which shall constitute a default in the duties of the Authority to holders of bonds and providing the rights or remedies of such holders in the event of a default which may include provisions restricting individual right of action by bondholders;

(8) providing for guarantees, pledges of property, letters of credit, or other security, or insurance for the benefit of bondholders; and

(9) any other matter relating to the bonds which the Authority determines appropriate.

(c) No member of the Authority nor any person executing the bonds shall be liable personally on the bonds or subject to any personal liability by reason of the issuance of the bonds.

(d) The Authority may enter into agreements with agents, banks, insurers or others for the purpose of enhancing the marketability of or as security for its bonds.

(e)(1) A pledge by the Authority of revenues as security for an issue of bonds shall be valid and binding from the time when the pledge is made.

(2) The revenues pledged shall immediately be subject to the lien of the pledge without any physical delivery or further act, and the lien of any pledge shall be valid and binding against any person having any claim of any kind in tort, contract or otherwise against the Authority, irrespective of whether the person has notice.

(3) No resolution, trust agreement or financing statement, continuation statement, or other instrument adopted or entered into by the Authority need be filed or recorded in any public record other than the records of the authority in order to perfect the lien against third persons, regardless of any contrary provision of law.

(f) The Authority may issue bonds to refund any of its bonds then outstanding, including the payment of any redemption premium and any interest accrued or to accrue to the earliest or any subsequent date of redemption, purchase or maturity of the bonds. Refunding bonds may be issued for the public purposes of realizing savings in the effective costs of debt service, directly or through a debt

restructuring, for alleviating impending or actual default and may be issued in one or more series in an amount in excess of that of the bonds to be refunded.

(g) Bonds or notes of the Authority may be sold by the Authority through the process of competitive bid or negotiated sale.

(h) At no time shall the total outstanding bonds and notes of the Authority exceed $250 ~~$100~~ million.

(i) The bonds and notes of the Authority shall not be debts of the State.

(j) In no event may proceeds of bonds or notes issued by the Authority be used to finance any structure which is not constructed pursuant to an agreement between the Authority and a party, which provides for the delivery by the party of a completed structure constructed pursuant to a fixed price contract, and which provides for the delivery of such structure at such fixed price to be insured or guaranteed by a third party determined by the Authority to be capable of completing construction of such a structure.

(Source: P.A. 85-713.)

Section 10. The Quad Cities Regional Economic Development Authority Act, certified December 30, 1987 is amended by changing Section 9 as follows:

(70 ILCS 515/9) (from Ch. 85, par. 6509)

Sec. 9. Bonds and notes. (a)(1) The Authority may, with the written approval of the Governor, at any time and from time to time, issue bonds and notes for any corporate purpose, including the establishment of reserves and the payment of interest. In this Act the term "bonds" includes notes of any kind, interim certificates, refunding bonds or any other evidence of obligation.

(2) The bonds of any issue shall be payable solely from the property or receipts of the Authority, including, without limitation:

(I) fees, charges or other revenues payable to the Authority;

(II) payments by financial institutions, insurance companies, or others pursuant to letters or lines of credit, policies of insurance, or purchase agreements;

(III) investment earnings from funds or accounts maintained pursuant to a bond resolution or trust agreement; and

(IV) proceeds of refunding bonds.

(3) Bonds shall be authorized by a resolution of the Authority and may be secured by a trust agreement by and between the Authority and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the State. Bonds shall:

(I) be issued at, above or below par value, for cash or other valuable consideration, and mature at time or times, whether as serial bonds or as term bonds or both, not exceeding 40 years from their respective date of issue; however, the length of the term of the bond should bear a reasonable relationship to the value life of the item financed;

(II) bear interest at the fixed or variable rate or rates determined by the method provided in the resolution or trust agreement;

(III) be payable at a time or times, in the denominations and form, either coupon or registered or both, and carry the registration and privileges as to conversion and for the replacement of mutilated, lost or destroyed bonds as the resolution or trust agreement may provide;

(IV) be payable in lawful money of the United States at a designated place;

(V) be subject to the terms of purchase, payment, redemption, refunding or refinancing that the resolution or trust agreement provides;

(VI) be executed by the manual or facsimile signatures of the officers of the Authority designated by the Authority, which signatures shall be valid at delivery even for one who has ceased to hold office; and

(VII) be sold in the manner and upon the terms determined by the Authority.

(b) Any resolution or trust agreement may contain provisions which shall be a part of the contract with the holders of the bonds as to:

(1) pledging, assigning or directing the use, investment or disposition of receipts of the Authority or proceeds or benefits of any contract and conveying or otherwise securing any property or property rights;

(2) the setting aside of loan funding deposits, debt service reserves, capitalized interest accounts, cost of issuance accounts and sinking funds, and the regulations, investment and disposition thereof;

(3) limitations on the purpose to which or the investments in which the proceeds of sale of any issue of bonds may be applied and restrictions to investment of revenues or bond proceeds in government obligations for which principal and interest are unconditionally guaranteed by the United States of America;

(4) limitations on the issue of additional bonds, the terms upon which additional bonds may be issued

and secured, the terms upon which additional bonds may rank on a parity with, or be subordinate or superior to, other bonds;

(5) the refunding or refinancing of outstanding bonds;

(6) the procedure, if any, by which the terms of any contract with bondholders may be altered or amended and the amount of bonds and holders of which must consent thereto, and the manner in which consent shall be given;

(7) defining the acts or omissions which shall constitute a default in the duties of the Authority to holders of bonds and providing the rights or remedies of such holders in the event of a default which may include provisions restricting individual right of action by bondholders;

(8) providing for guarantees, pledges of property, letters of credit, or other security, or insurance for the benefit of bondholders; and

(9) any other matter relating to the bonds which the Authority determines appropriate.

(c) No member of the Authority nor any person executing the bonds shall be liable personally on the bonds or subject to any personal liability by reason of the issuance of the bonds.

(d) The Authority may enter into agreements with agents, banks, insurers or others for the purpose of enhancing the marketability of or as security for its bonds.

(e)(1) A pledge by the Authority of revenues as security for an issue of bonds shall be valid and binding from the time when the pledge is made.

(2) The revenues pledged shall immediately be subject to the lien of the pledge without any physical delivery or further act, and the lien of any pledge shall be valid and binding against any person having any claim of any kind in tort, contract or otherwise against the Authority, irrespective of whether the person has notice.

(3) No resolution, trust agreement or financing statement, continuation statement, or other instrument adopted or entered into by the Authority need be filed or recorded in any public record other than the records of the authority in order to perfect the lien against third persons, regardless of any contrary provision of law.

(f) The Authority may issue bonds to refund any of its bonds then outstanding, including the payment of any redemption premium and any interest accrued or to accrue to the earliest or any subsequent date of redemption, purchase or maturity of the bonds. Refunding bonds may be issued for the public purposes of realizing savings in the effective costs of debt service, directly or through a debt restructuring, for alleviating impending or actual default and may be issued in one or more series in an amount in excess of that of the bonds to be refunded.

(g) Bonds or notes of the Authority may be sold by the Authority through the process of competitive bid or negotiated sale.

(h) At no time shall the total outstanding bonds and notes of the Authority exceed $250 ~~$100~~ million.

(i) The bonds and notes of the Authority shall not be debts of the State.

(j) In no event may proceeds of bonds or notes issued by the Authority be used to finance any structure which is not constructed pursuant to an agreement between the Authority and a party, which provides for the delivery by the party of a completed structure constructed pursuant to a fixed price contract, and which provides for the delivery of such structure at such fixed price to be insured or guaranteed by a third party determined by the Authority to be capable of completing construction of such a structure.

(Source: P.A. 85-988.)

(70 ILCS 510/9.1 rep.)

Section 15. The Quad Cities Regional Economic Development Authority Act, approved September 22, 1987 is amended by repealing Section 9.1.

(70 ILCS 515/9.1 rep.)

Section 20. The Quad Cities Regional Economic Development Authority Act, certified December 30, 1987 is amended by repealing Section 9.1.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Jacobs, **Senate Bill No. 1784** having been printed, was taken up, read by title a second time.

Senator Jacobs offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1784

AMENDMENT NO. 1. Amend Senate Bill 1784 on page 5, line 5, after "Jo Daviess", by inserting ", Whiteside, Rock Island,"; and

on page 13, by replacing line 18 with the following: "in Jo Daviess County, Carroll County, Whiteside County, Rock Island County, or combination thereof, and acquired by"; and

on page 20, by replacing line 2 with the following: "federal government, the State of Illinois, Jo Daviess County, Whiteside County, Rock Island County,"; and

on page 27, line 19, by changing "8" to "5"; and

on page 28, by replacing lines 8 through 25 with the following:
"appoint one member of the Board and the County Board Chairs of Jo Daviess, Whiteside, Rock Island, and Carroll Counties shall appoint 4 members of the Board. Of the 4 members appointed by the County Board Chairs, no more than 2 shall be associated with the same political party. All initial appointments shall be made within 60 days after this Act takes effect. The one member appointed by the Governor shall be appointed for an initial term expiring June 1, 2012. Of the terms of the members initially appointed by the County Board Chairs, 2 shall expire June 1, 2011 and 2 shall expire June 1, 2012. At the expiration of the term of any member, his or her successor shall be appointed by the"; and

on page 29, by replacing lines 1 and 2 with the following: "Governor or the County Board Chairs in like manner and with like regard to place of"; and

on page 35, by replacing line 15 with the following: "of Jo Daviess, Whiteside, Rock Island, and Carroll counties."; and

on page 43, by deleting lines 15 through 24.

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Lightford, **Senate Bill No. 1796** having been printed, was taken up, read by title a second time.

Senate Floor Amendment No. 1 was held in the Committee on Assignments.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1796

AMENDMENT NO. 2. Amend Senate Bill 1796 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 2-3.66b as follows:
(105 ILCS 5/2-3.66b new)
Sec. 2-3.66b. IHOPE Program.
(a) There is established the Illinois Hope and Opportunity Pathways through Education (IHOPE) Program. The State Board of Education shall implement and administer the IHOPE Program. The goal of the IHOPE Program is to develop a comprehensive system in this State to re-enroll significant numbers of high school dropouts in programs that will enable them to earn their high school diploma.
(b) The IHOPE Program shall award grants, subject to appropriation for this purpose, to educational service regions and a school district organized under Article 34 of this Code from appropriated funds to assist in establishing instructional programs and other services designed to re-enroll high school dropouts. From any funds appropriated for the IHOPE Program, the State Board of Education may use up to 5% for administrative costs, including the performance of a program evaluation and the hiring of staff to implement and administer the program.
The IHOPE Program shall provide incentive grant funds for regional offices of education and a school district organized under Article 34 of this Code to develop partnerships with school districts, public community colleges, and community groups to build comprehensive plans to re-enroll high school

dropouts in their regions or districts.

Programs funded through the IHOPE Program shall allow high school dropouts, up to and including age 21 notwithstanding Section 26-2 of this Code, to re-enroll in an educational program in conformance with rules adopted by the State Board of Education. Programs may include without limitation comprehensive year-round programming, evening school, summer school, community college courses, adult education, vocational training, work experience, programs to enhance self-concept, and parenting courses. Any student in the IHOPE program who wishes to earn a high school diploma must meet the prerequisites to receiving a high school diploma specified in Section 27-22 of this Code and any other graduation requirements of the student's district of residence. Any student who successfully completes the requirements for his or her graduation shall receive a diploma identifying the student as graduating from his or her district of residence.

(c) In order to be eligible for funding under the IHOPE Program, an interested regional office of education or a school district organized under Article 34 of this Code shall develop an IHOPE Plan to be approved by the State Board of Education. The State Board of Education shall develop rules for the IHOPE Program that shall set forth the requirements for the development of the IHOPE Plan. Each Plan shall involve school districts, public community colleges, and key community programs that work with high school dropouts located in an educational service region or the City of Chicago before the Plan is sent to the State Board for approval. No funds may be distributed to a regional office of education or a school district organized under Article 34 of this Code until the State Board has approved the Plan.

(d) A regional office of education or a school district organized under Article 34 of this Code may operate its own program funded by the IHOPE Program or enter into a contract with other not-for-profit entities, including school districts, public community colleges, and not-for-profit community-based organizations, to operate a program.

A regional office of education or a school district organized under Article 34 of this Code that receives an IHOPE grant from the State Board of Education may provide funds under a sub-grant, as specified in the IHOPE Plan, to other not-for-profit entities to provide services according to the IHOPE Plan that was developed. These other entities may include school districts, public community colleges, or not-for-profit community-based organizations or a cooperative partnership among these entities.

(e) In order to distribute funding based upon the need to ensure delivery of programs that will have the greatest impact, IHOPE Program funding must be distributed based upon the proportion of dropouts in the educational service region or school district, in the case of a school district organized under Article 34 of this Code, to the total number of dropouts in this State. This formula shall employ the dropout data provided by school districts to the State Board of Education.

A regional office of education or a school district organized under Article 34 of this Code may claim State aid under Section 18-8.05 of this Code for students enrolled in a program funded by the IHOPE Program, provided that the State Board of Education has approved the IHOPE Plan and that these students are receiving services that are meeting the requirements of Section 27-22 of this Code for receipt of a high school diploma and are otherwise eligible to be claimed for general State aid under Section 18-8.05 of this Code, including provisions related to the minimum number of days of pupil attendance pursuant to Section 10-19 of this Code and the minimum number of daily hours of school work and any exceptions thereto as defined by the State Board of Education in rules.

(f) IHOPE categories of programming may include the following:

(1) Full-time programs that are comprehensive, year-round programs.

(2) Part-time programs combining work and study scheduled at various times that are flexible to the needs of students.

(3) Online programs and courses in which students take courses and complete on-site, supervised tests that measure the student's mastery of a specific course needed for graduation. Students may take courses online and earn credit or students may prepare to take supervised tests for specific courses for credit leading to receipt of a high school diploma.

(4) Dual enrollment in which students attend high school classes in combination with community college classes or students attend community college classes while simultaneously earning high school credit and eventually a high school diploma.

(g) In order to have successful comprehensive programs re-enrolling and graduating low-skilled high school dropouts, programs funded through the IHOPE Program shall include all of the following components:

(1) Small programs (70 to 100 students) at a separate school site with a distinct identity. Programs may be larger with specific need and justification, keeping in mind that it is crucial to keep programs small to be effective.

(2) Specific performance-based goals and outcomes and measures of enrollment, attendance, skills,

credits, graduation, and the transition to college, training, and employment.

(3) Strong, experienced leadership and teaching staff who are provided with ongoing professional development.

(4) Voluntary enrollment.

(5) High standards for student learning, integrating work experience, and education, including during the school year and after school, and summer school programs that link internships, work, and learning.

(6) Comprehensive programs providing extensive support services.

(7) Small teams of students supported by full-time paid mentors who work to retain and help those students graduate.

(8) A comprehensive technology learning center with Internet access and broad-based curriculum focusing on academic and career subject areas.

(9) Learning opportunities that incorporate action into study.

(h) Programs funded through the IHOPE Program must report data to the State Board of Education as requested. This information shall include, but is not limited to, student enrollment figures, attendance information, course completion data, graduation information, and post-graduation information, as available.

(i) Rules must be developed by the State Board of Education to set forth the fund distribution process to regional offices of education and a school district organized under Article 34 of this Code, the planning and the conditions upon which an IHOPE Plan would be approved by State Board, and other rules to develop the IHOPE Program.

Section 99. Effective date. This Act takes effect July 1, 2009.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

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

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

AMENDMENT NO. 1 TO SENATE BILL 1852

AMENDMENT NO. 1. Amend Senate Bill 1852 on page 1, line 15, by replacing "and" with "or"; and

on page 6, by inserting below line 7 the following:

"(k-5) An automated traffic law enforcement system shall utilize the most accurate in-ground and above-ground detection technology to accurately capture violations.".

Senate Floor Amendment No. 2 was postponed in the Committee on Commerce.

Senate Floor Amendment No. 3 was referred to the Committee on Assignments earlier today.

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

On motion of Senator Schoenberg, **Senate Bill No. 1857,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1906** having been printed, was taken up, read by title a second time.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1906

AMENDMENT NO. 1. Amend Senate Bill 1906 on page 7, line 12, by changing "operating" to "of operating".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Clayborne, **Senate Bill No. 1909** having been printed, was taken up, read by title a second time.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1909

AMENDMENT NO. 1. Amend Senate Bill 1909 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the STAR Bonds Financing Act.

Section 5. Purpose. It is hereby found and declared that the purpose of this Act is to promote, stimulate, and develop the general and economic welfare of the State of Illinois and its communities and to assist in the development and redevelopment of major tourism, entertainment, retail, and related destination projects within eligible areas of the State, thereby creating new jobs, stimulating significant capital investment, and promoting the general welfare of the citizens of this State, by authorizing municipalities and counties to issue sales tax and revenue (STAR) bonds for the financing of STAR bond projects as defined in Section 10, and to otherwise exercise the powers and authorities granted to municipalities. It is further found and declared to be the policy of the State, in the interest of promoting the health, safety, morals, and general welfare of all the people of the State, to provide incentives to create new job opportunities and to promote major tourism, entertainment, retail, and related destination projects within the State. It is further found and declared:

(a) that as a result of the costs of land assemblage, financing, infrastructure, and other project costs, the private sector, without the assistance contemplated in this Act, is unable to develop major tourism, entertainment, retail, and related destination projects in the State;

(b) that the projects for which this Act is intended must be of a certain size, scope and acreage and have direct access to major highways, and must be developed in a cohesive and comprehensive manner;

(c) that the eligible tracts of land, significant portions of which are vacant and located in the 100 year flood plain, present unique development obstacles and are more likely to remain underutilized and undeveloped, or developed in a piecemeal manner resulting in inefficient and poorly planned developments that do not maximize job creation, job retention, tourism, and tax revenue generation within the State;

(d) that there are multiple eligible areas in the State that could benefit from this Act;

(e) that municipalities of the State that already have an enterprise zone in place have a sufficient tool to encourage development and to preserve and enhance their local tax bases and job opportunities, and otherwise achieve the purposes set forth in this Act;

(f) that investment in major tourism, entertainment, retail, and related destination projects within the State would stimulate economic activity in the State, including the creation and maintenance of jobs, the creation of new and lasting infrastructure and other improvements, and the attraction of interstate tourists and entertainment events which generate significant economic activity;

(g) that the continual encouragement, development, growth, and expansion of major tourism, entertainment, retail, and related destination projects within the State requires a cooperative and continuous partnership between government and the public sector;

(h) that the State has a responsibility to help create a favorable climate for new and improved job opportunities for its citizens and to increase the tax base of the State and its political subdivisions by encouraging development by the private sector of major tourism, entertainment, retail, and related destination projects within the State;

(i) that the stagnation of local tax bases and the loss of job opportunities within the State has persisted despite efforts of State and local authorities and private organizations to create major tourism, entertainment, retail, and related destination projects within the State;

(j) that the stagnation of local tax bases and the persistent loss of job opportunities in the State may continue and worsen if the State and its political subdivisions are not able to provide additional incentives to developers of major tourism, entertainment, retail, and related destination projects;

(k) that the provision of additional incentives by the State and its political

subdivisions will relieve conditions of unemployment, maintain existing levels of employment, create new job opportunities, retain jobs within the State, increase tourism and commerce within the State, and increase the tax base of the State and its political subdivisions;

(l) that the powers conferred by this Act promote and protect the health, safety, morals, and welfare of the State, and are for a public purpose and public use for which public money and resources may be expended; and

(m) that the necessity in the public interest for the provisions of this Act is hereby declared as a matter of legislative determination.

Section 10. Definitions. As used in this Act, the following words and phrases shall have the following meanings unless a different meaning clearly appears from the context:

"Base Year" means the calendar year immediately prior to the calendar year in which the STAR bond district is established.

"Commence work" means the manifest commencement of actual operations on the development site, such as, erecting a building, general on-site and off-site grading and utility installations, commencing design and construction documentation, ordering lead-time materials, excavating the ground to lay a foundation or a basement, or work of like description which a reasonable person would recognize as being done with the intention and purpose to continue work until the project is completed.

"County" means the county in which a proposed STAR bond district is located.

"De minimus" means an amount less than 15% of the land area within a STAR bond district.

"Department of Revenue" means the Department of Revenue of the State of Illinois.

"Developer" means any individual, corporation, trust, estate, partnership, limited liability partnership, limited liability company, or other entity. The term does not include a not-for-profit entity, political subdivision, or other agency or instrumentality of the State.

"Director" means the Director of Commerce and Economic Opportunity.

"Economic impact study" means a study to project the financial benefit of the proposed STAR bond project to the local, regional, and State economies.

"Eligible area" means any improved or vacant area that is contiguous and is not, in the aggregate, less than 600 acres which must include only parcels of real property directly and substantially benefited by the proposed STAR bond district plan, which is located adjacent to the intersection of at least 2 highways, one of which is an interstate highway, which area must be comprised of land which is at least 90% vacant, and at least 30% of which is located in the 100 year flood plain. The area may be bisected by streets, highways, roads, alleys, railways, bike paths, streams, rivers, and other water ways and still be deemed contiguous. In addition, in order to constitute an eligible area one of the following requirements must be satisfied:

(a) the governing body of the political subdivision shall have determined that the area meets the requirements of a "blighted area" as defined under the Tax Increment Allocation Redevelopment Act;

(b) the governing body of the political subdivision shall have determined that the area is of a blighted area as determined under the Business District Development and Redevelopment Act;

(c) the governing body of the political subdivision shall have made findings with respect to the property, the proposed STAR bond project, and the proposed master developer that would be required to enter into an economic incentive agreement pursuant to the provisions of Section 8-11-20 of the Illinois Municipal Code; or

(d) the governing body of the political subdivision shall make the following findings:

(i) That the vacant portions of the area have remained vacant for at least one year, or that any building located on a vacant portion of the property was demolished within the last year and that the building would have qualified under item (ii) of this subsection;

(ii) If portions of the area are currently developed, that the use, condition, and character of the buildings on the property are not consistent with the purposes set forth in Section 5;

(iii) That the STAR bond district is expected to create or retain job opportunities within the political subdivision;

(iv) That the STAR bond district will serve to further the development of adjacent areas;

(v) That without the availability of STAR bonds, the projects described in the STAR bond district plan would not be possible;

(vi) That the master developer meets high standards of creditworthiness and financial strength as demonstrated by one or more of the following: (i) corporate debenture ratings

of BBB or higher by Standard & Poor's Corporation or Baa or higher by Moody's Investors Service, Inc.; (ii) a letter from a financial institution with assets of $10,000,000 or more attesting to the financial strength of the master developer; or (iii) specific evidence of equity financing for not less than 10% of the estimated total STAR bond project costs;

(vii) That the STAR bond district will strengthen the commercial sector of the political subdivision;

(viii) That the STAR bond district will enhance the tax base of the political subdivision; and

(ix) That the formation of a STAR bond district is in the best interest of the political subdivision.

"Feasibility study" means a feasibility study as defined in subsection (b) of Section 20.

"Local sales taxes" means taxes paid to a municipality, county, or other local governmental entity from the Local Government Tax Fund arising from sales by retailers and servicemen within a STAR bond district, and any local taxes received by a local governmental entity arising from sales by retailers and servicemen within a STAR bond district, including transient guest taxes, sales taxes on goods, services, and utilities, business district sales taxes, the Metro-East Mass Transit District Tax, and the Metro-East Park and Recreation District Tax.

"Market study" means a study to determine the ability of the proposed STAR bond project to gain market share locally and regionally and to remain profitable past the term of repayment of STAR bonds.

"Master developer" means a developer cooperating with a political subdivision to plan, develop, and implement a STAR bond project plan for a STAR bond district. The master developer may work with and transfer certain development rights to other developers for the purpose of implementing STAR bond project plans and achieving the purposes of this Act. A master developer for a STAR bond district shall be appointed by a political subdivision in the resolution establishing the STAR bond district and the master developer must, at the time of appointment, own or have control of, through purchase agreements, option contracts, or other means, not less than 50% of the acreage within the STAR bond district.

"Master development agreement" means an agreement between the master developer and the political subdivision to govern a STAR bond district and any STAR bond projects.

"Municipality" means the city, village, or incorporated town in which a proposed STAR bond district is located.

"Pledged STAR revenues" means the sales tax and revenues and other sources of funds pledged to pay debt service on STAR bonds or to pay project costs pursuant to Section 30.

"Political subdivision" means a municipality or county which undertakes to establish a STAR bond district pursuant to the provisions of this Act.

"Project development agreement" means any one or more agreements, including any amendments thereto, between a master developer and any co-developer or sub-developer in connection with a STAR bond project, which project development agreement may include the political subdivision as a party.

"Project costs" means those costs, whether incurred prior to, on, or following the date of establishment of a STAR bond district, which are necessary to implement a STAR bond district plan or a STAR bond project plan, or both, including costs incurred for:

(a) acquisition of real property within the STAR bond project area;

(b) payment of relocation assistance pursuant to a relocation assistance plan;

(c) site preparation costs, including but not limited to: clearance of any area within a STAR bond district by demolition or removal of any existing buildings, structures, fixtures, utilities, and improvements; clearing and grading; importing additional soil and fill materials or removal of soil and fill materials from the site; and installation, repair, construction, reconstruction, extension or relocation of public streets, public utilities, and other public site improvements located both within and outside the boundaries of a STAR bond district that are essential to the preparation of the STAR bond district;

(d) sanitary and storm sewers and lift stations located within or outside the boundaries of a STAR bond district that are essential to the preparation of the STAR bond district;

(e) drainage conduits, channels, levees, canals, and storm water detention and retention facilities located within or outside the boundaries of a STAR bond district that are essential to the preparation of the STAR bond district;

(f) street grading, paving, graveling, macadamizing, curbing, guttering, and surfacing within or outside the boundaries of a STAR bond district that are essential to the preparation of the STAR bond district;

(g) street light fixtures, parking facility lighting, connections, and facilities

located within or outside the boundaries of a STAR bond district that are essential to the preparation of the STAR bond district;

(h) underground gas, water, heating, and electrical services and connections located within the public right-of-way located within or outside the boundaries of a STAR bond district that are essential to the preparation of the STAR bond district;

(i) sidewalks and pedestrian underpasses or overpasses, including bike trails and walking trails, bridges for pedestrian or vehicular traffic located within or outside the boundaries of a STAR bond district that are essential to the preparation of the STAR bond district;

(j) drives and driveway approaches located within the public right-of-way located within or outside the boundaries of a STAR bond district that are essential to the preparation of the STAR bond district;

(k) water mains and extensions located within or outside the boundaries of a STAR bond district that are essential to the preparation of the STAR bond district;

(l) plazas, malls, arcades, and other common areas;

(m) parking lots and other parking facilities, including multi-level parking structures;

(n) landscaping and plantings, man-made lakes and ponds, fountains, waterfalls, water features, shelters, benches, sculptures, lighting, public art, decorations, and similar amenities;

(o) mounted building signs, site monument and pylon signs, traffic and directional signs and signals located within or outside the boundaries of a STAR bond district that are essential to the preparation of the STAR bond district;

(p) public restrooms and rest areas, convention centers, community centers, sports arenas and complexes, museums and aquariums;

(q) bridge, overpass, interchange, intersection, bus and train stop stations and shelters, lake or river ports, rest areas, railroad and other mass transit improvements, and infrastructure improvements located within or outside the boundaries of a STAR bond district that are essential to the preparation of the STAR bond district;

(r) retaining walls and fences located within or outside the boundaries of a STAR bond district that are essential to the preparation of the STAR bond district;

(s) personal property that is a unique amenity to the STAR bond project, including memorabilia, artifacts, museum exhibits, and other similar attractions;

(t) buildings or other vertical improvements that are owned by a not-for-profit entity, a political subdivision, or other public entity, including without limitation, police and fire stations, stadiums and arenas, and public educational facilities;

(u) reasonable costs of a market study, feasibility study, economic impact study, and legal, architectural surveying, title examination and insurance policy, accounting, engineering and other consulting fees, program management, development management, bond and underwriting fees incurred in connection with a STAR bond project; and any other related expenses to redevelop and finance the STAR bond project;

(v) fees and commissions which are considered reasonable and customary in commercial real estate development and paid to developers, real estate brokers, salespersons, and other agents, financial advisors or any other consultants who represent the developers or any other businesses located in a STAR bond district, provided however that project costs shall not include secondary commissions or fees paid for leases or sales to users after original acquisition of the site and the original STAR bond project between master developer and a developer;

(w) if included in the STAR bond district plan and approved by the Director, salaries or a portion of salaries for local government employees to the extent the same are directly attributable to the work of the employees on the establishment, management, and promotion of a STAR bond district and STAR bond projects; and

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

(y) except as specified in subsections (a) through (x), project costs shall not include:

(i) costs incurred in connection with the construction of buildings or other vertical improvements that are owned or leased by a developer;

(ii) moving expenses for employees of the businesses locating within the STAR bond district;

(iii) property taxes for property located within the STAR bond district; and

(iv) lobbying costs.

"Projected market area" means any area within the State in which a STAR bond district or STAR bond project is projected to have a significant fiscal or market impact.

"Relocation Assistance Plan" means the relocation assistance plan adopted by the political subdivision as provided in Section 50.

"Resolution" means a resolution, order, ordinance, or other appropriate form of legislative action of a political subdivision or other applicable public entity approved by a vote of a majority of a quorum at a meeting of the governing body of the political subdivision or applicable public entity.

"STAR bond" means a sales tax and revenue bond, note, or other obligation payable from pledged STAR revenues.

"STAR bond district" means the specific area declared to be an eligible area as determined by the political subdivision, and approved by the Director, in which the political subdivision may develop one or more STAR bond projects.

"STAR bond district plan" means the preliminary or conceptual plan that generally identifies the proposed STAR bond project areas and identifies in a general manner the buildings, facilities, and improvements to be constructed or improved in each STAR bond project area.

"STAR bond project" means a project within a STAR bond district which is approved pursuant to Section 20.

"STAR bond project area" means the geographic area within a STAR bond district in which there may be one or more STAR bond projects.

"STAR bond project plan" means the written plan adopted by a political subdivision for the development of a STAR bond project in a STAR bond district, the plan may include but is not limited to (i) project costs incurred prior to the date of the STAR bond project plan and estimated future STAR bond project costs, (ii) proposed sources of funds to pay those costs, (iii) the nature and estimated term of any obligations to be issued by the political subdivision to pay those costs, (iv) the most recent equalized assessed valuation of the STAR bond project area, (v) an estimate of the equalized assessed valuation of the STAR bond district or applicable project area after completion of a STAR bond project, (vi) a general description of the types of any known or proposed developers, users, or tenants of the STAR bond project or projects included in the plan, (vii) a general description of the type, structure, and character of the property or facilities to be developed or improved, (viii) a description of the general land uses to apply to the STAR bond project, and (ix) a general description or an estimate of the type, class, and number of employees to be employed in the operation of the STAR bond project.

"State sales tax" means taxes paid by retailers and servicemen on transactions at places of business located within a STAR bond district pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the STAR bond district under Section 9-222 of the Public Utilities Act, the Hotel Operators' Occupation Tax, and any other sales or use taxes imposed by the State within a STAR bond district.

"State sales tax increment" means that portion of the revenue derived from State sales taxes collected from taxpayers doing business within that portion of a STAR bond district occupied by a STAR bond project that is in excess of the amount of base year revenue determined by the Department of Revenue.

"Substantial change" means a change wherein the proposed STAR bond project plan differs substantially in size, scope, or use from the approved STAR bond district plan or STAR bond project plan.

"Taxpayer" means an individual, partnership, corporation, limited liability company, trust, estate, or other entity that is subject to the Illinois Income Tax Act.

"Vacant" means that portion of the land in a proposed STAR bond district which is not occupied by a building, facility, or other vertical improvement.

Section 15. Establishment of STAR bond district. The governing body of a municipality may establish a STAR bond district within an eligible area within the municipality or partially outside the boundaries of the municipality in an unincorporated area of the county. A STAR bond district which is partially outside the boundaries of the municipality must also be approved by the governing body of the county by the passage of a resolution. The governing body of a county may establish a STAR bond district in an eligible area in any unincorporated area of the county.

(a) When a political subdivision proposes to establish a STAR bond district, the political subdivision shall adopt a resolution stating that the political subdivision is considering the establishment of a STAR bond district. The resolution shall:

(1) Give notice that a public hearing will be held to consider the establishment of a

STAR bond district and fix the date, hour, and place of the public hearing provided that notice of the hearing shall be provided as set forth in item (2) of subsection (e) of Section 20;

(2) describe the proposed general boundaries of the STAR bond district;

(3) describe the STAR bond district plan;

(4) require that a description and map of the proposed STAR bond district are available for inspection at a time and place designated;

(5) identify the master developer for the STAR bond district; and

(6) require that the governing body will consider findings necessary for the establishment of a STAR bond district.

(b) Upon (i) the conclusion of the public hearing and (ii) the filing of the proposed master developer's written approval with the clerk of the political subdivision, the governing body of the political subdivision shall consider a resolution to establish the STAR bond district.

(1) A resolution to establish a STAR bond district shall:

(A) Make findings that the proposed STAR bond district is to be developed with one or more STAR bond projects;

(B) make findings that the STAR bond district is an eligible area;

(C) contain a STAR bond district plan that identifies in a general manner the buildings and facilities that are proposed to be constructed or improved in subsequent STAR bond projects;

(D) contain the legal description of the STAR bond district;

(E) appoint the master developer for the STAR bond district; and

(F) establish the STAR bond district, contingent upon approval of the Director as set forth in subsection (d).

(2) If the resolution is not adopted by the political subdivision within 60 days from the conclusion of the public hearing, then the STAR bond district shall not be established.

(c) Upon the establishment of a STAR bond district, the STAR bond district and any STAR bond projects shall be governed by a master development agreement between the political subdivision and the master developer. A STAR bond district which is partially outside the boundaries of a municipality shall only require one master development agreement, the agreement shall be between the municipality and the master developer. In no event shall there be more than one master development agreement governing the terms and conditions of a STAR bond district.

(d) Upon adoption of the resolution to establish a STAR bond district, the political subdivision shall submit the proposed STAR bond district to the Director for approval which shall include a finding by the Director that (i) the proposed STAR bond district is an eligible area, (ii) no portion of the proposed STAR bond district is located in a municipality that has an enterprise zone created pursuant to the Illinois Promotion Act, (iii) the STAR bond district plan includes a projected capital investment of at least $300,000,000, and (iv) the STAR bond district plan is reasonably projected to produce at least $300,000,000 of annual gross sales revenues and 1,000 new jobs. The Director may only approve one STAR bond district within any projected market area.

Section 20. Approval of STAR bond projects. The governing body of a political subdivision may establish one or more STAR bond projects in any STAR bond district. A STAR bond project which is partially outside the boundaries of a municipality must also be approved by the governing body of the county by resolution.

(a) After the establishment of a STAR bond district, the master developer may propose one or more STAR bond projects to a political subdivision and the master developer shall, in cooperation with the political subdivision, prepare a STAR bond project plan in consultation with the planning commission of the political subdivision, if any. The STAR bond project plan may be implemented in separate development stages.

(b) Any political subdivision considering a STAR bond project within a STAR bond district, shall cause to be prepared an independent feasibility study by an accredited feasibility consultant. The feasibility study shall include the following:

(1) the estimated amount of pledged STAR revenues expected to be collected in each year through the maturity date of the proposed STAR bonds;

(2) a statement of how the jobs and taxes obtained from the STAR bond project will contribute significantly to the economic development of the State and region;

(3) visitation expectations;

(4) the unique quality of the project;

(5) economic impact study;

(6) market study;

(7) integration and collaboration with other resources or businesses;

(8) the quality of service and experience provided, as measured against national consumer standards for the specific target market;

(9) project accountability, measured according to best industry practices;

(10) the expected return on State and local investment that the STAR bond project is anticipated to produce; and

(11) an anticipated principal and interest payment schedule on the STAR bonds.

The failure to include all information enumerated in this subsection in the feasibility study for a STAR bond project shall not affect the validity of STAR bonds issued pursuant to this Act.

(c) If the political subdivision determines the STAR bond project is feasible, the STAR bond project plan shall include:

(1) A summary of the feasibility study;

(2) a reference to the STAR bond district plan that identifies the STAR bond project area that is set forth in the STAR bond project plan that is being considered;

(3) a legal description and map of the STAR bond project area to be developed or redeveloped;

(4) the relocation assistance plan;

(5) a description of the buildings and facilities proposed to be constructed or improved in the STAR bond project area; and

(6) any other information the governing body of the political subdivision deems reasonable and necessary to advise the public of the intent of the STAR bond project plan.

(d) Upon a finding by the planning and zoning commission of the political subdivision that the STAR bond project plan is consistent with the intent of the comprehensive plan for the development of the political subdivision, the governing body of the political subdivision shall adopt a resolution stating that the political subdivision is considering the adoption of the STAR bond project plan. The resolution shall:

(1) Give notice that a public hearing will be held to consider the adoption of the STAR bond project plan and fix the date, hour, and place of the public hearing;

(2) describe the general boundaries of the STAR bond district within which the STAR bond project will be located and the date of establishment of the STAR bond district;

(3) describe the general boundaries of the area proposed to be included within the STAR bond project area;

(4) provide that the STAR bond project plan and map of the area to be redeveloped or developed are available for inspection during regular office hours in the offices of the political subdivision; and

(5) contain a summary of the terms and conditions of any proposed project development agreement with the political subdivision.

(e) A public hearing shall be conducted to consider the adoption of any STAR bond project plan.

(1) The date fixed for the public hearing to consider the adoption of the STAR bond project plan shall be not less than 20 nor more than 90 days following the date of the adoption of the resolution fixing the date of the hearing.

(2) A copy of the municipality's resolution providing for the public hearing shall be sent by certified mail, return receipt requested, to the governing body of the county. A copy of the political subdivision's resolution providing for the public hearing shall be sent by certified mail, return receipt requested, to each person or persons in whose name the general taxes for the last preceding year were paid on each parcel of land lying within the proposed STAR bond project area within 10 days following the date of the adoption of the resolution. The resolution shall be published once in a newspaper of general circulation in the political subdivision not less than one week nor more than 3 weeks preceding the date fixed for the public hearing. A map or aerial photo clearly delineating the area of land proposed to be included within the STAR bond project area shall be published with the resolution.

(3) At the public hearing, a representative of the political subdivision or master developer shall present the STAR bond project plan. Following the presentation of the STAR bond project plan, all interested persons shall be given an opportunity to be heard. The governing body may continue the date and time of the public hearing.

(f) Upon conclusion of the public hearing, the governing body of the political subdivision may adopt the STAR bond project plan by a resolution approving the STAR bond project plan.

(g) After the adoption by the corporate authorities of the political subdivision of a STAR bond project

plan, the political subdivision may enter into a project development agreement, if the master developer has requested the political subdivision to be a party to the project development agreement pursuant to subsection (b) of Section 25.

(h) Within 60 days after the adoption by the political subdivision of a STAR bond project plan, the clerk of the political subdivision shall transmit a copy of the legal description of the land within the STAR bond district, a copy of the resolution adopting the STAR bond project plan, and a map or plat indicating the boundaries of the STAR bond district to the clerk, treasurer, and governing body of the county.

(i) Any STAR bond project must be approved by the political subdivision prior to that date which is 23 years from the date of the approval of the STAR bond district, provided however that any amendments to such STAR bond project may occur following such date.

(j) Any developer of a STAR bond project shall commence work on the STAR bond project within 3 years from the date of adoption of the STAR bond project plan. If the developer fails to commence work on the STAR bond project within the 3-year period, funding for the project shall cease and the developer of the project or complex shall have one year to appeal to the political subdivision for reapproval of the project and funding. If the project is re-approved, the 3-year period for commencement shall begin again on the date of the reapproval.

(k) After the adoption by the corporate authorities of the political subdivision of a STAR bond project plan, the political subdivision may authorize the issuance of the STAR bonds in one or more series to finance the STAR bond project in accordance with the provisions of this Act.

(l) The maximum maturity of STAR bonds issued to finance a STAR bond project shall not exceed 23 years from the first date of distribution of State sales tax revenues from the STAR bond project to the political subdivision, unless the political subdivision extends such maturity by resolution up to a maximum of 35 years from the date of the first distribution. Any extension shall require the approval of the Director.

Any substantial changes to a STAR bond project plan as adopted shall be subject to a public hearing following publication of notice thereof in a newspaper of general circulation in the political subdivision and approval by resolution of the governing body of the political subdivision.

Section 25. Co-Developers and sub-developers. Upon approval of a STAR bond project by the political subdivision, the master developer may, in its discretion, develop the STAR bond project on its own or it may develop the STAR bond project with another developer.

(a) A master developer may sell, lease, or otherwise convey its property interest in the STAR bond project area to a co-developer or sub-developer and a master developer may also assign or transfer its development rights in the STAR bond project to a co-developer or sub-developer.

(b) A master developer may enter into one or more agreements with a co-developer or sub-developer in connection with a STAR bond project, and the master developer may request that the political subdivision become a party to the project development agreement, or the master developer may request that the political subdivision amend its master development agreement to provide for certain terms and conditions that may be related to the co-developer or sub-developer and the STAR bond project. For any project development agreement which the political subdivision would be a party or for any amendments to the master development agreement, the terms and conditions must be acceptable to both the master developer and the political subdivision.

Section 30. STAR bonds; source of payment. Any political subdivision shall have the power to issue STAR bonds in one or more series to finance the undertaking of any STAR bond project in accordance with the provisions of this Act and the Omnibus Bond Acts. STAR bonds may be issued as revenue bonds, alternate bonds, or general obligation bonds as defined in and subject to the procedures provided in the Local Government Debt Reform Act.

(a) STAR bonds may be made payable, both as to principal and interest, from the following revenues, which to the extent pledged by each respective political subdivision or other public entity for such purpose shall constitute pledged STAR revenues:

(1) revenues of the political subdivision derived from or held in connection with the undertaking and carrying out of any STAR bond project or projects under this Act;

(2) available private funds and contributions, grants, tax credits, or other financial assistance from the State or federal government;

(3) all of the local sales taxes of a municipality and county;

(4) any tax increment financing revenues collected within the STAR bond district under the Tax Increment Allocation Act, and any special service area taxes collected within the STAR bond

district under the Special Service Area Act, may be used for the purposes of funding project costs or paying debt service on STAR bonds in addition to the purposes contained in the tax increment financing plan or special service area plan;

(5) all of the State sales tax increment; the Director's approval of a STAR bond district shall be deemed an irrevocable pledge of the State sales tax increment;

(6) any other revenues appropriated by the political subdivision; and

(7) any combination of these methods.

(b) The political subdivision may pledge the pledged STAR revenues to the repayment of STAR bonds prior to, simultaneously with, or subsequent to the issuance of the STAR bonds.

(c) Local sales taxes and State sales taxes shall, for the purposes of this Act, be deemed to accrue and shall be collected at the point of sale for all sales transactions within a STAR bond district, regardless of whether goods or services sold are subsequently delivered to customers at a location outside of the STAR bond district.

(d) Bonds issued as revenue bonds shall not be general obligations of the political subdivision, nor in any event shall they give rise to a charge against its general credit or taxing powers, or be payable out of any funds or properties other than those set forth in subsection (a) and the bonds shall so state on their face.

(e) For each STAR bond project financed with STAR bonds payable from the pledged STAR revenues, the political subdivision shall prepare and submit to the Director by June 1 of each year, a report describing the status of the STAR bond project, any expenditures of the proceeds of STAR bonds that have occurred for the preceding calendar year, and any expenditures of the proceeds of the bonds expected to occur in the future, including the amount of pledged STAR revenue, the amount of revenue that has been spent, the projected amount of the revenue, and the anticipated use of the revenue.

(f) The Department of Revenue shall distribute State sales tax revenues received from STAR bond projects to the political subdivision on a monthly basis.

Section 35. Alternate bonds and general obligation bonds. A political subdivision shall have the power to issue alternate revenue and other general obligation bonds to finance the undertaking, establishment, or redevelopment of any STAR bond project as provided and pursuant to the procedures set forth in the Local Government Debt Reform Act. A political subdivision shall have the power to issue general obligation bonds to finance the undertaking, establishment, or redevelopment of any STAR bond project on approval by the voters of the political subdivision of a proposition authorizing the issuance of such bonds.

The full faith and credit of the State, any department, authority, public corporation or quasi-public corporation of the State, any State college or university, or any other public agency created by the State shall not be pledged for any payment under any obligation authorized by this Act.

Section 40. Amendments to STAR bond district. Any addition of real property to a STAR bond district or any substantial change to a STAR bond district plan shall be subject to the same procedure for public notice, hearing, and approval as is required for the establishment of the STAR bond district pursuant to this Act.

(a) The addition or removal of land to or from a STAR bond district shall require the consent of the master developer of the STAR bond district

(b) Any land which is outside of, but is contiguous to an established STAR bond district and is subsequently owned, leased, or controlled by the master developer shall be added to a STAR bond district at the request of the master developer to the political subdivision, provided that the land becomes a part of a STAR bond project area.

(c) If a political subdivision has undertaken a STAR bond project within a STAR bond district, and the political subdivision desires to subsequently remove more than a de minimus amount of real property from the STAR bond district, then prior to any removal of property the political subdivision must provide a revised feasibility study showing that the pledged STAR revenues from the resulting STAR bond district within which the STAR bond project is located are estimated to be sufficient to pay the project costs. If the revenue from the resulting STAR bond district is insufficient to pay the project costs, then the property may not be removed from the STAR bond district. Any removal of real property from a STAR bond district shall be approved by a resolution of the governing body of the political subdivision.

Section 45. Other incentives. Nothing contained in this Act shall be deemed to preclude the use of

grants, tax abatements and exemptions, tax increment financing, income and tax credits, incentive agreements, special service area taxes, or other types of bonds or other public incentives in connection with STAR bond projects.

Section 50. Relocation assistance. Before any property shall be acquired for a STAR bond project pursuant to eminent domain, a relocation assistance plan shall be approved by the governing body of the political subdivision proposing to undertake the condemnation. The relocation plan shall be substantially similar to provisions of the Uniform Relocation Assistance and Real Property Acquisition Act and regulations promulgated thereunder.

Section 55. Reporting taxes. Notwithstanding any other provisions of law to the contrary, copies of all retailers' sales, use, and transient guest tax returns filed with the Department of Revenue in connection with a STAR bond project area or STAR bond project, for which sales, use, and transient guest tax revenues are pledged or otherwise intended to be used in whole or in part for the payment of STAR bonds issued to finance project costs in the STAR bond project area, shall be provided by the Department of Revenue to the bond trustee, escrow agent, or paying agent for the bonds upon the written request of the political subdivision within 15 days of receipt by the Director of the Department of Revenue.

(a) The bond trustee, escrow agent, or paying agent shall keep the retailers' sales, use, and transient guest tax returns and the information contained therein confidential, but may use the information for purposes of allocating and depositing the sales, use, and transient guest tax revenues in connection with the bonds used to finance project costs in the STAR bond district. Except as otherwise provided herein, the sales, use, and transient guest tax returns received by the bond trustee, escrow agent, or paying agent shall be subject to the provisions of Chapter 35 of the Illinois Compiled Statutes, including Section 3 of the Retailer's Occupation Tax Act, Section 6 of the Hotel Operator's Occupation Tax Act, and Section 9 of the Use Tax Act.

(b) The Department of Revenue shall determine when the amount of sales tax and other revenues that have been collected and distributed to the bond debt service or reserve fund is sufficient to satisfy all principal and interest costs to the maturity date or dates of any STAR bonds issued by a political subdivision to finance a STAR bond project. Thereafter, all sales tax and other revenues shall be collected and distributed in accordance with applicable law.

Section 60. Severability. If any provision of this Act or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provisions or application and to this end the provisions of this Act are declared to be severable.

Section 65. Open meetings. The public hearing records, feasibility study, and other documents that do not otherwise meet a confidentiality exemption shall be subject to the Open Meetings Act.

Section 70. Powers of political subdivisions. The provisions of this Act are intended to be supplemental and in addition to all other power or authority granted to political subdivisions, shall be construed liberally and shall not be construed as a limitation of any power or authority otherwise granted. In addition to the powers a political subdivision may have under other provisions of law, a political subdivision shall have the following powers in connection with a STAR bond district:

(a) To make and enter into all contracts necessary or incidental to the implementation and furtherance of a STAR bond district plan.

(b) Within a STAR bond district, to acquire by purchase, donation, or lease, and to own, convey, lease, mortgage, or dispose of land and other real or personal property or rights or interests in property and to grant or acquire licenses, easements, and options with respect to property, all in the manner and at a price the political subdivision determines is reasonably necessary to achieve the objectives of the STAR bond project.

(c) To clear any area within a STAR bond district by demolition or removal of any existing buildings, structures, fixtures, utilities, or improvements and to clear and grade land.

(d) To install, repair, construct, reconstruct, extend or relocate public streets, public utilities, and other public site improvements located both within and outside the boundaries of a STAR bond district that are essential to the preparation of a STAR bond district for use in accordance with a STAR bond district plan.

(e) To renovate, rehabilitate, reconstruct, relocate, repair, or remodel any existing

buildings, improvements, and fixtures within a STAR bond district.

(f) To install or construct any public buildings, structures, works, streets, improvements, utilities, or fixtures within a STAR bond district.

(g) To issue STAR bonds as provided in this Act.

(h) To fix, charge, and collect fees, rents, and charges for the use of any building, facility, or property or any portion of a building, facility, or property owned or leased by the political subdivision in furtherance of a STAR bond project under this Act within a STAR bond district.

(i) To accept grants, guarantees, donations of property or labor, or any other thing of value for use in connection with a STAR bond project.

(j) To pay or cause to be paid STAR bond project costs, including, specifically, to reimburse any developer or nongovernmental person for STAR bond project costs incurred by that person. A political subdivision is not required to obtain any right, title, or interest in any real or personal property in order to pay STAR bond project costs associated with the property. The political subdivision shall adopt accounting procedures necessary to determine that the STAR bond project costs are properly paid.

(k) To exercise any and all other powers necessary to effectuate the purposes of this Act.

Section 75. The Illinois Municipal Code is amended by changing Section 8-4-1 as follows:

(65 ILCS 5/8-4-1) (from Ch. 24, par. 8-4-1)

Sec. 8-4-1. No bonds shall be issued by the corporate authorities of any municipality until the question of authorizing such bonds has been submitted to the electors of that municipality provided that notice of the bond referendum, if held before July 1, 1999, has been given in accordance with the provisions of Section 12-5 of the Election Code in effect at the time of the bond referendum, at least 10 and not more than 45 days before the date of the election, notwithstanding the time for publication otherwise imposed by Section 12-5, and approved by a majority of the electors voting upon that question. Notices required in connection with the submission of public questions on or after July 1, 1999 shall be as set forth in Section 12-5 of the Election Code. The clerk shall certify the proposition of the corporate authorities to the proper election authority who shall submit the question at an election in accordance with the general election law, subject to the notice provisions set forth in this Section.

Notice of any such election shall contain the amount of the bond issue, purpose for which issued, and maximum rate of interest.

However, without the submission of the question of issuing bonds to the electors, the corporate authorities of any municipality may authorize the issuance of any of the following bonds:

(1) Bonds to refund any existing bonded indebtedness;

(2) Bonds to fund or refund any existing judgment indebtedness;

(3) In any municipality of less than 500,000 population, bonds to anticipate the collection of installments of special assessments and special taxes against property owned by the municipality and to anticipate the collection of the amount apportioned to the municipality as public benefits under Article 9;

(4) Bonds issued by any municipality under Sections 8-4-15 through 8-4-23, 11-23-1 through 11-23-12, 11-25-1 through 11-26-6, 11-71-1 through 11-71-10, 11 74.3 1 through 11-74.3-7, 11-74.4-1 through 11-74.4-11, 11-74.5-1 through 11-74.5-15, 11-94-1 through 11-94-7, 11-102-1 through 11-102-10, 11-103-11 through 11-103-15, 11-118-1 through 11-118-6, 11-119-1 through 11-119-5, 11-129-1 through 11-129-7, 11-133-1 through 11-133-4, 11-139-1 through 11-139-12, 11-141-1 through 11-141-18 of this Code or 10-801 through 10-808 of the Illinois Highway Code, as amended;

(5) Bonds issued by the board of education of any school district under the provisions of Sections 34-30 through 34-36 of The School Code, as amended;

(6) Bonds issued by any municipality under the provisions of Division 6 of this Article 8; and by any municipality under the provisions of Division 7 of this Article 8; or under the provisions of Sections 11-121-4 and 11-121-5;

(7) Bonds to pay for the purchase of voting machines by any municipality that has adopted Article 24 of The Election Code, approved May 11, 1943, as amended;

(8) Bonds issued by any municipality under Sections 15 and 46 of the "Environmental Protection Act", approved June 29, 1970;

(9) Bonds issued by the corporate authorities of any municipality under the provisions of Section 8-4-25 of this Article 8;

(10) Bonds issued under Section 8-4-26 of this Article 8 by any municipality having a board of election commissioners;

(11) Bonds issued under the provisions of "An Act to provide the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of home rule units and nonhome rule municipalities and counties", approved September 21, 1973;

(12) Bonds issued under Section 8-5-16 of this Code;

(13) Bonds to finance the cost of the acquisition, construction or improvement of water or wastewater treatment facilities mandated by an enforceable compliance schedule developed in connection with the federal Clean Water Act or a compliance order issued by the United States Environmental Protection Agency or the Illinois Pollution Control Board; provided that such bonds are authorized by an ordinance adopted by a three-fifths majority of the corporate authorities of the municipality issuing the bonds which ordinance shall specify that the construction or improvement of such facilities is necessary to alleviate an emergency condition in such municipality;

(14) Bonds issued by any municipality pursuant to Section 11-113.1-1;

(15) Bonds issued under Sections 11-74.6-1 through 11-74.6-45, the Industrial Jobs Recovery Law of this Code.

(16) Bonds issued under the STAR Bond Financing Act, except as may be required by Section 35 of that Act.

(Source: P.A. 90-706, eff. 8-7-98; 90-812, eff. 1-26-99; 91-57, eff. 6-30-99.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Garrett, **Senate Bill No. 1920** having been printed, was taken up, read by title a second time.

Senate Floor Amendment No. 1 was postponed in the Committee on Commerce.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1920

AMENDMENT NO. 2. Amend Senate Bill 1920 by replacing everything after the enacting clause with the following:

"Section 5. The Mobile Home Landlord and Tenant Rights Act is amended by changing Sections 3 and 11 and by adding Sections 8.6, 10.5, 10.6, and 10.7 as follows:

(765 ILCS 745/3) (from Ch. 80, par. 203)

Sec. 3. Definitions. Unless otherwise expressly defined, all terms in this Act shall be construed to have their ordinarily accepted meanings or such meaning as the context therein requires.

(a) "Person" means any legal entity, including but not limited to, an individual, firm, partnership, association, trust, joint stock company, corporation or successor of any of the foregoing.

(b) "Mobile Home" means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent locations at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place of one or more persons, provided that any such structure served by individual utilities and resting on a permanent foundation, with wheels, tongue and hitch permanently removed, shall not be construed as a "mobile home".

(c) "Mobile Home Park" or "Park" means an area of land or lands upon which five or more independent mobile homes are harbored for rent.

(d) "Park Owner" means the owner of a mobile home park and any person authorized to exercise any aspect of the management of the premises, including any person who directly or indirectly receives rents and has no obligation to deliver the whole of such receipts to another person.

(e) "Tenant" means any person who occupies a mobile home rental unit for dwelling purposes or a lot on which he parks a mobile home for an agreed upon consideration.

(f) "Rent" means any money or other consideration given for the right of use, possession and occupancy of property, be it a lot or mobile home.

(g) "Master antenna television service" means any and all services provided by or through the facilities of any closed circuit coaxial cable communication system, or any microwave or similar transmission services other than a community antenna television system as defined in Section 11-42-11

of the Illinois Municipal Code.

(h) "Mobile home owner" means the owner of a mobile home.

(Source: P.A. 85-990.)

(765 ILCS 745/8.6 new)

Sec. 8.6. Cessation of park operation.

(a) A park owner who elects to cease the operation of either all or a portion of the mobile home park shall pay to the owner of each mobile home, or to the owner of each mobile home located in the portion of the park that will cease operation, that is occupied by the owner or by a family member of the owner, at the mobile home owner's election, either: (1) the mobile home owner's actual relocation costs or (2) the appraised value of the mobile home.

(b) Relocation costs shall include the costs of disconnecting and moving the home to a different park or other location selected by the mobile home owner within a 100 mile radius of the park, reconnecting the home with all hook-ups so that it is substantially in the same condition as before the move, with any required and comparable appurtenances, and the reasonable costs of suitable lodging until the move and installation are completed.

(c) The appraised value of the mobile home shall be the fair market value of the home and any existing appurtenances but excluding the value of the underlying land, determined by an independent appraiser agreed to by the park owner and the mobile home owner. In making the determination, the appraiser shall assess fair market value based on the price that a willing and able buyer intending to reside in the home would pay for the home and any existing appurtenances, but excluding the value of the underlying land, and shall assume that the home is and will continue to be located on a lot which is leased in a duly licensed mobile home park, with all hook-ups and existing appurtenances in place for use and occupancy by the resident.

(d) Notwithstanding subsections (a) and (c), the amount paid to the owner of a mobile home for the appraised value of the mobile home shall not be less that $9,000. The $9,000 figure shall be adjusted every 3 years, beginning on January 1, 2013, by the percentage change since the figure was last set or adjusted in the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor.

(e) A mobile home owner shall not be entitled to compensation under item (1) of subsection (a) when:

(1) the park owner moves the mobile home to another space in the mobile home park or to another mobile home park at the park owner's expense;

(2) the mobile home owner is vacating the premises and has informed the park owner or manager before notice of the change in use has been given; or

(3) the mobile home owner or the person residing in the mobile home has a pending eviction action for nonpayment of lot rent amount pursuant to Section 15, which was filed against him or her prior to the mailing date of the notice of change in use of the mobile home park given pursuant to Section 8.5, provided that, if a judgment for possession of the premises is not entered in favor of the park owner, this exception shall not apply.

(f) Payment of the appraised value or of the estimated relocation costs, as the case may be, shall be made to the mobile home owner no later than the departure of the residents of the home from the park, with adjustments made for the total actual relocation costs upon completion of relocation.

(g) The total amount paid under this Section by the park owner must not exceed 40 percent of the sale price, or if no sale price is available, the assessed value of the mobile home park. If the amount available for relocation expenses is reduced because of this restriction, the payments to each mobile home owner shall be reduced proportionately.

(h) If the planned cessation of the operation of the mobile home park requires a variance or zoning change, the park owner must mail a notice at least 10 days before the hearing to a resident of each mobile home in the mobile home park, stating the time, place, and purpose of the public hearing.

(765 ILCS 745/10.5 new)

Sec. 10.5. Legislative findings regarding mobile home park closures and tenant ownership of mobile home parks. The General Assembly finds that:

(a) Mobile home parks provide a significant source of homeownership opportunities for Illinois residents. However, the increasing closure and conversion of mobile home parks to other uses, combined with increasing mobile home lot rents, low vacancy rates in existing mobile home parks, and the extremely high cost of moving homes when mobile home parks close, increasingly make mobile home park living insecure for mobile home homeowner tenants.

(b) Many tenants who reside in mobile home parks are low-income households and seniors and are, therefore, those tenants most in need of reasonable security in the siting of their mobile homes because of the adverse impacts on the health, safety, and welfare of tenants forced to move due to closure,

change of use, or discontinuance of mobile home parks.

(c) The preservation of mobile home parks:

(1) is a more economical alternative than providing new replacement units for homeowner tenants who are displaced from closing mobile home parks;

(2) is a strategy by which all local jurisdictions may meet the affordable housing needs of their residents; and

(3) should be a goal of all local governments.

(d) The loss of mobile home parks should not result in a net loss of affordable housing, thus compromising a local jurisdiction's ability to meet the affordable housing needs of its residents.

(e) The closure of mobile home parks has serious environmental, safety, and financial impacts including:

(1) mobile homes that cannot be moved to other locations add to Illinois' landfills;

(2) homes that are abandoned may attract crime; and

(3) vacant homes not to be re-occupied need to be tested for asbestos and lead and these toxic materials need to be removed prior to demolition.

(f) Mobile home park residents who own the real estate as well as their homes are able to exercise self-governance and experience fewer societal conflicts, resulting in a lesser usage of police resources.

(765 ILCS 745/10.6 new)

Sec. 10.6. Notice required before sale.

(a) No mobile home park owner shall make a final unconditional acceptance of any offer for the sale, lease, or transfer of a mobile home park, or any portion of a park (other than a lease of a lot to a tenant) without first giving 60 days' notice to each tenant and to the Illinois Department of Public Health, containing the following information:

(1) that the owner intends to sell, lease, or transfer the mobile home park;

(2) the price, terms, and conditions of an acceptable offer the park owner has received to sell the park or the price, terms, and conditions for which the park owner intends to sell the park, and a statement that the park owner will, upon request of a representative of the tenants, provide a copy of the signed written offer the park owner has received; and

(3) a statement that the owner will consider an offer received from the tenants or a tenants' association within 60 days from the date of the notice, and in such case will negotiate with the tenants in good faith.

(b) During the notice period required under subsection (a), the mobile home park owner shall consider any offer received from the tenants or a tenants' association, if any, and the owner shall negotiate in good faith with the tenants concerning a potential purchase or lease. If, during the notice period, the tenants decide to make an offer to purchase or lease the mobile home park, such offer shall be evidenced by a purchase and sale agreement, or a comparable agreement; however, the tenants shall have a reasonable time beyond the 60-day period, if necessary, to obtain financing for the purchase or lease.

(c) The notice required by subsection (a) shall be served by certified mail, return receipt requested, to each tenant at such tenant's abode and to the Illinois Department of Public Health at its main office. A receipt from the United States Postal Service that is signed by any adult member of the household to which it was mailed, or a notation on the letter that the letter was refused by any adult member of the tenant household, or that the addressee no longer resides there, or that the letter was returned to the post office unclaimed, shall constitute a conclusive presumption that service was made in any court action in this State. A receipt from the United States Postal Service that is signed by an employee of the Illinois Department of Public Health shall constitute a conclusive presumption that service was made on the authority in any court action in this State.

(d) The park owner shall, upon the request of a representative of the tenants, provide a copy of the signed written offer the park owner has received and any other documentation that is customarily provided to potential commercial buyers.

(765 ILCS 745/10.7 new)

Sec. 10.7. Exceptions. Notwithstanding the provisions of Section 10.6, the owner of a mobile home park shall not be required to give notice to the tenants if:

(1) the park is being sold at a foreclosure sale;

(2) the sale, lease, or transfer is to a family member of the owner or to a trust, the beneficiaries of which are family members of the owner;

(3) the sale, lease, or transfer is by a partnership to one or more of its partners;

(4) the conveyance of an interest in the park is incidental to the financing of such park;

(5) the sale, lease, or transfer is between joint tenants or tenants in common; or

(6) the sale is pursuant to eminent domain.

(765 ILCS 745/11) (from Ch. 80, par. 211)

Sec. 11. Provisions of mobile home park leases. Any lease hereafter executed or currently existing between an owner and tenant in a mobile home park in this State shall also contain, or shall be made to contain, the following covenants binding the owner at all times during the term of the lease to:

(a) identify to each tenant prior to his occupancy the lot area for which he will be responsible;

(b) keep all exterior property areas not in the possession of a tenant, but part of the mobile home park property, free from the species of weeds and plant growth which are generally noxious or detrimental to the health of the tenants;

(c) maintain all electrical, plumbing, gas or other utilities provided by him in good working condition with the exception of emergencies after which repairs must be completed within a reasonable period of time;

(d) maintain all subsurface water and sewage lines and connections in good working order;

(e) respect the privacy of the tenants and if only the lot is rented, agree not to enter the mobile home without the permission of the mobile home owner, and if the mobile home is the property of the park owner, to enter only after due notice to the tenant, provided, the park owner or his representative may enter without notice in emergencies;

(f) maintain all roads within the mobile home park in good condition;

(g) include a statement of all services and facilities which are to be provided by the park owner for the tenant, e.g. lawn maintenance, snow removal, garbage or solid waste disposal, recreation building, community hall, swimming pool, golf course, laundromat, etc.;

(h) disclose the full names and addresses of all individuals in whom all or part of the legal or equitable title to the mobile home park is vested, or the name and address of the owners' designated agent;

(i) provide a custodian's office and furnish each tenant with the name, address and telephone number of the custodian and designated office; ~~.~~

(j) provide the tenant at least 60 days' notice before making a final unconditional acceptance of any offer for the sale, lease, or transfer of the mobile home park or portion of the park (other than a lease of a lot to a tenant and other than the circumstances described in Section 10.7) which: (i) states that the owner intends to sell, lease, or transfer the mobile home park; (ii) states the price, terms, and conditions of an acceptable offer the park owner has received to sell, lease, or transfer the park or the price, terms, and conditions for which the park owner intends to sell, lease, or transfer the park, including a copy of the signed written offer which sets forth a description of the property to be purchased, leased, or transferred and the price, terms, and conditions of the acceptable offer; and (iii) states that the owner will consider any offer received from the tenants or a tenants' association within 60 days from the date of the notice, and in such case will negotiate with the tenants in good faith;

(k) consider any offer to purchase the park received from the tenants or a tenants' association and negotiate in good faith with the tenants concerning a potential purchase.

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

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 1922** having been printed, was taken up, read by title a second time.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1922

AMENDMENT NO. 1. Amend Senate Bill 1922 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the 2-1-1 Service Act.

Section 5. Findings. The General Assembly finds that the implementation of a single, easy to use telephone number, 2-1-1, for public access to information and referral for health and human services and information about access to services after a natural or non-natural disaster will benefit the citizens of this State by providing easier access to available health and human services, by reducing inefficiencies in connecting people with the desired service providers, and by reducing duplication of efforts.

Section 10. Definitions. As used in this Act:

"2-1-1" means the abbreviated dialing code assigned by the Federal Communications Commission on July 21, 2000, for consumer access to community information and referral services.

"Department" means the Department of Human Services.

"Lead entity" means an Illinois 501(c)(3) non-profit agency or organization designated by the Department to manage use of the 2-1-1 dialing code for the purpose of providing the public access to information about health and human services.

"Approved 2-1-1 service provider" means a public or nonprofit agency or other organization designated by the lead entity to provide 2-1-1 services.

"2-1-1 service area" means an area of Illinois identified by the lead entity as an area within which a recognized 2-1-1 service provider is authorized to provide 2-1-1 services.

"2-1-1 services" means information and referral services provided through the use of 2-1-1 and intended to promote and provide access to human services, and to aid in disaster response and recovery.

"Recognized 2-1-1 service provider" means an organization recognized by the lead entity as an appropriate administrator and authorized user of the 2-1-1 dialing code in a 2-1-1 service area.

"Human services" means services provided by government, nonprofit, or faith-based organizations to ensure the health and well-being of Illinois residents. "Human services" includes services designed to provide relief or assistance after a natural or non-natural disaster.

"Pay telephone" means any coin, coinless, or credit card reader telephone, provided that the end user pays or arranges to pay for exchange and interexchange, intraMSA, and interMSA calls from such instrument on an individual call basis.

"Private branch exchange" or "PBX" means a private telephone system and associated equipment located on the user's property that provides communications between stations and external networks.

"Telecommunications carrier" has the same meaning ascribed to that term in Section 13-202 of the Public Utilities Act, including those carriers acting as resellers of telecommunications services. For the purpose of 2-1-1 service, a telecommunications carrier may provide competitive or noncompetitive local exchange telecommunications services or any combination of the 2 as defined in Section 13-204 of the Public Utilities Act.

Section 15. 2-1-1 System. "2-1-1" is created as the official State dialing code for public access to information and referral for health and human services and information about access to services after a natural or non-natural disaster.

Section 20. Designation of lead entity for 2-1-1.

(a) Subject to subsection (e) of this Section, the Department is authorized to identify, designate, and enter into a contract with a lead entity to provide governance and oversight, including the ability to design, implement, support, and coordinate a State-wide 2-1-1 system.

(b) Qualifications for designation of the lead entity shall include:

(1) a public or private governance structure with representation from State health and human service departments, specifically the Department, the Department of Healthcare and Family Services, the Department on Aging, the Department of Public Health, the Illinois Emergency Management Agency, the Illinois Commerce Commission, and non-governmental entity stakeholders; non-governmental entity stakeholders shall constitute a minimum of two-thirds of the representatives;

(2) demonstrated expertise or experience, or both, in planning for a State-wide information and referral system; and

(3) demonstrated support from community partners.

(c) The lead entity shall encourage the orderly and efficient use of 2-1-1 to:

(1) provide access to human services; and

(2) collect needed information about human services and the delivery of human services in Illinois.

(d) The lead entity shall provide periodic reports on activities, accomplishments, and other issues to the Department.

(e) In awarding the contract under subsection (a) of this Section, the Department shall ensure that the

2-1-1 lead entity has the organizational capacity to carry out the terms of the contract and that the contract is cost-neutral to the Department.

Section 25. New information services. Before a State agency that provides health and human services establishes a new public information hotline to provide information and referrals, the State agency shall consult with the Department in conjunction with the lead entity about using the 2-1-1 system to provide public access to the information.

Section 30. 2-1-1 services. Only a service provider approved by the lead entity may provide 2-1-1 telephone services. The lead entity shall approve 2-1-1 service providers, after considering all of the following:

(1) the ability of the proposed 2-1-1 service provider to meet the national 2-1-1 standards recommended by the Alliance of Information and Referral Systems;

(2) the financial stability and health of the proposed 2-1-1 service provider;

(3) the community support for the proposed 2-1-1 service provider;

(4) the relationships with other information and referral services; and

(5) any other criteria as the lead entity deems appropriate.

Section 35. Promotion of 2-1-1. A person or organization may not disseminate information to the public about the availability of 2-1-1 or 2-1-1 services in an area of the State except in accordance with rules established by the lead entity.

Section 45. Liability of 2-1-1 providers. A recognized 2-1-1 service provider and its employees, directors, officers, and agents are not liable to any person in a civil action for injuries or loss to persons or property as a result of an act, omission, or delay of the recognized 2-1-1 service provider, or its employees, directors, officers, or agents, in connection with:

(1) developing, adopting, implementing, maintaining, or operating a 2-1-1 system;

(2) making 2-1-1 available for use by the public; or

(3) providing 2-1-1 services;

except for injuries or loss resulting from the willful or wanton misconduct of the 2-1-1 service provider or its employees, directors, officers, or agents.

Section 50. 2-1-1 Account Fund. The 2-1-1 Account Fund is established in the State treasury and is separate and distinct from the General Revenue Fund. All moneys received by the Department for the 2-1-1 system under this Section shall be deposited into the Fund and may be spent only pursuant to appropriation to the Department for grants to the lead entity to use pursuant to Section 55 of this Act. The 2-1-1 Account Fund consists of the following:

(1) Money appropriated to the Fund by the General Assembly.

(2) Funds received from the federal government for the support of 2-1-1 services in this State.

(3) Earnings attributable to money in the Fund.

(4) Money received from any other source for deposit into the Fund, including gifts and grants.

Section 55. Use of moneys for projects and activities in support of 2-1-1-eligible activities.

(a) The lead entity shall study, design, implement, support, coordinate, and evaluate a State-wide 2-1-1 system.

(b) Activities eligible for assistance from the 2-1-1 Account Fund include, but are not limited to:

(1) Creating a structure for a State-wide 2-1-1 resources database that will meet the Alliance for Information and Referral Systems standards for information and referral systems databases and that will be integrated with local resources databases maintained by approved 2-1-1 service providers.

(2) Developing a State-wide resources database for the 2-1-1 system.

(3) Maintaining public information available from State agencies, departments, and programs that provide health and human services for access by 2-1-1 service providers.

(4) Providing grants to approved 2-1-1 service providers to design, develop, and implement 2-1-1 for its 2-1-1 service area.

(5) Providing grants to approved 2-1-1 service providers to enable 2-1-1 service

providers to provide and evaluate 2-1-1 service delivery on an ongoing basis.

(6) Providing grants to approved 2-1-1 service providers to enable the provision of 2-1-1 services on a 24-hours per-day, 7-days per-week basis.

Section 60. Annual reports. The lead entity shall provide an annual report to the General Assembly and the Commission beginning in calendar year 2010.

Section 65. Compliance. All telecommunications carriers, regardless of the technology they use to provide voice communication, including, but not limited to, Internet protocol and cellular radio service technologies, pay telephone providers, and private branch exchange owners or operators shall program or provision their equipment and software to allow a calling party to dial and access 2-1-1 where it is being implemented in the State.

Section 900. The State Finance Act is amended by adding Section 5.719 as follows:

(30 ILCS 105/5.719 new)

Sec. 5.719. The 2-1-1 Account Fund.

Section 905. The Human Services 211 Collaboration Board Act is amended by adding Section 90 as follows:

(20 ILCS 3956/90 new)

Sec. 90. Repealer. This Act is repealed upon designation by the Secretary of Human Services that a lead entity is under contract with the Department of Human Services to carry out the provisions of the 2-1-1 Service Act. The Secretary shall designate that a lead entity is under contract with the Department of Human Services to carry out the provisions of the 2-1-1 Service Act by filing a statement with the Index Department of the Secretary of State.

Section 997. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Silverstein, **Senate Bill No. 1927** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1927

AMENDMENT NO. 1. Amend Senate Bill 1927 by replacing everything after the enacting clause with the following:

"Section 5. The Hospital Licensing Act is amended by changing Section 9 and by adding Section 9.6 as follows:

(210 ILCS 85/9) (from Ch. 111 1/2, par. 150)

Sec. 9. Inspections and investigations. The Department shall make or cause to be made such inspections and investigations as it deems necessary, except that the Department shall investigate every allegation of abuse of a patient received by the Department. Information received by the Department through filed reports, inspection, or as otherwise authorized under this Act shall not be disclosed publicly in such manner as to identify individuals or hospitals, except (i) in a proceeding involving the denial, suspension, or revocation of a permit to establish a hospital or a proceeding involving the denial, suspension, or revocation of a license to open, conduct, operate, and maintain a hospital, (ii) to the Department of Children and Family Services in the course of a child abuse or neglect investigation conducted by that Department or by the Department of Public Health, (iii) in accordance with Section 6.14a of this Act, or (iv) in other circumstances as may be approved by the Hospital Licensing Board.
(Source: P.A. 90-608, eff. 6-30-98; 91-242, eff. 1-1-00.)

(210 ILCS 85/9.6 new)

Sec. 9.6. Patient protection from abuse.

(a) No administrator, agent, or employee of a hospital or a member of its medical staff may abuse a patient in the hospital.

(b) Any hospital administrator, agent, employee, or medical staff member who has reasonable cause to believe that any patient with whom he or she has direct contact has been subjected to abuse in the hospital shall promptly report or cause a report to be made to a designated hospital administrator responsible for providing such reports to the Department as required by this Section.

(c) Retaliation against a person who lawfully and in good faith makes a report under this Section is prohibited.

(d) Upon receiving a report under subsection (b) of this Section, the hospital shall submit the report to the Department within 24 hours of obtaining such report. In the event that the hospital receives multiple reports involving a single alleged instance of abuse, the hospital shall submit one report to the Department.

(e) Upon receiving a report under this Section, the hospital shall promptly conduct an internal review to ensure the alleged victim's safety. Measures to protect the alleged victim shall be taken as deemed necessary by the hospital's administrator and may include, but are not limited to, removing suspected violators from further patient contact during the hospital's internal review. If the alleged victim lacks decision-making capacity under the Health Care Surrogate Act and no health care surrogate is available, the hospital may contact the Illinois Guardianship and Advocacy Commission to determine the need for a temporary guardian of that person.

(f) All internal hospital reviews shall be conducted by a designated hospital employee or agent who is qualified to detect abuse and is not involved in the alleged victim's treatment. All internal review findings must be documented and filed according to hospital procedures and shall be made available to the Department upon request.

(g) Any other person may make a report of patient abuse to the Department if that person has reasonable cause to believe that a patient has been abused in the hospital.

(h) The report required under this Section shall include: the name of the patient; the name and address of the hospital treating the patient; the age of the patient; the nature of the patient's condition, including any evidence of previous injuries or disabilities; and any other information that the reporter believes might be helpful in establishing the cause of the reported abuse and the identity of the person believed to have caused the abuse.

(i) Any individual, person, institution, or agency participating in good faith in the making of a report under this Section, or in the investigation of such a report or in making a disclosure of information concerning reports of abuse under this Section, shall have immunity from any liability, whether civil, professional, or criminal, that otherwise might result by reason of such actions. For the purpose of any proceedings, whether civil, professional, or criminal, the good faith of any persons required to report cases of suspected abuse under this Section or who disclose information concerning reports of abuse in compliance with this Section, shall be presumed.

(j) No administrator, agent, or employee of a hospital shall adopt or employ practices or procedures designed to discourage good faith reporting of patient abuse under this Section.

(k) Every hospital shall ensure that all new and existing employees are trained in the detection and reporting of abuse of patients and retrained at least every 2 years thereafter.

(l) The Department shall investigate each report of patient abuse made under this Section according to the procedures of the Department, except that a report of abuse which indicates that a patient's life or safety is in imminent danger shall be investigated within 24 hours of such report. Under no circumstances may a hospital's internal review of an allegation of abuse replace an investigation of the allegation by the Department.

(m) The Department shall keep a continuing record of all reports made pursuant to this Section, including indications of the final determination of any investigation and the final disposition of all reports. The Department shall inform the investigated hospital and any other person making a report under subsection (g) of its final determination or disposition in writing.

(n) The Department shall not disclose to the public any information regarding any reports and investigations under this Section unless and until the report of abuse is substantiated following a full and proper investigation.

(o) All patient identifiable information in any report or investigation under this Section shall be confidential and shall not be disclosed except as authorized by this Act or other applicable law.

(p) Nothing in this Section relieves a hospital administrator, employee, agent, or medical staff member from contacting appropriate law enforcement authorities as required by law.

(q) Nothing in this Section shall be construed to mean that a patient is a victim of abuse because of

health care services provided or not provided by health care professionals.

(r) Nothing in this Section shall require a hospital, including its employees, agents, and medical staff members, to provide any services to a patient in contravention of his or her stated or implied objection thereto upon grounds that such services conflict with his or her religious beliefs or practices, nor shall such a patient be considered abused under this Section for the exercise of such beliefs or practices.

(s) As used in this Section, the following terms have the following meanings:

"Abuse" means any physical or mental injury or sexual abuse intentionally inflicted by a hospital employee, agent, or medical staff member on a patient of the hospital and does not include any hospital, medical, health care, or other personal care services done in good faith in the interest of the patient according to established medical and clinical standards of care.

"Mental injury" means intentionally caused emotional distress in a patient from words or gestures that would be considered by a reasonable person to be humiliating, harassing, or threatening and which causes observable and substantial impairment.

"Sexual abuse" means any intentional act of sexual contact or sexual penetration of a patient in the hospital.

"Substantiated", with respect to a report of abuse, means that a preponderance of the evidence indicates that abuse occurred.".

Senate Committee Amendment Nos. 2, 3 and 4 were held in the Committee on Assignments.

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

On motion of Senator Link, **Senate Bill No. 1937** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1937

AMENDMENT NO. 1. Amend Senate Bill 1937 by replacing everything after the enacting clause with the following:

"Section 5. The Riverboat Gambling Act is amended by changing Sections 12 and 13 as follows:

(230 ILCS 10/12) (from Ch. 120, par. 2412)

Sec. 12. Admission tax; fees.

(a) A tax is hereby imposed upon admissions to riverboats operated by licensed owners authorized pursuant to this Act. Until July 1, 2002, the rate is $2 per person admitted. From July 1, 2002 until July 1, 2003, the rate is $3 per person admitted. From July 1, 2003 until the effective date of this amendatory Act of the 94th General Assembly, for a licensee that admitted 1,000,000 persons or fewer in the previous calendar year, the rate is $3 per person admitted; for a licensee that admitted more than 1,000,000 but no more than 2,300,000 persons in the previous calendar year, the rate is $4 per person admitted; and for a licensee that admitted more than 2,300,000 persons in the previous calendar year, the rate is $5 per person admitted. Beginning on the effective date of this amendatory Act of the 94th General Assembly, for a licensee that admitted 1,000,000 persons or fewer in calendar year 2004, the rate is $2 per person admitted, and for all other licensees the rate is $3 per person admitted. This admission tax is imposed upon the licensed owner conducting gambling. If the licensed owner of a riverboat in operation on January 1, 2009 has a capital project of at least $75,000,000 that is approved by the Board in calendar years 2006 through 2009, then no admissions tax is imposed on admissions to that riverboat.

(1) The admission tax shall be paid for each admission, except that a person who exits a riverboat gambling facility and reenters that riverboat gambling facility within the same gaming day shall be subject only to the initial admission tax.

(2) (Blank).

(3) The riverboat licensee may issue tax-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the riverboat.

(4) The number and issuance of tax-free passes is subject to the rules of the Board, and a list of all persons to whom the tax-free passes are issued shall be filed with the Board.

(a-5) A fee is hereby imposed upon admissions operated by licensed managers on behalf of the State pursuant to Section 7.3 at the rates provided in this subsection (a-5). For a licensee that admitted 1,000,000 persons or fewer in the previous calendar year, the rate is $3 per person admitted; for a

licensee that admitted more than 1,000,000 but no more than 2,300,000 persons in the previous calendar year, the rate is $4 per person admitted; and for a licensee that admitted more than 2,300,000 persons in the previous calendar year, the rate is $5 per person admitted.

(1) The admission fee shall be paid for each admission.

(2) (Blank).

(3) The licensed manager may issue fee-free passes to actual and necessary officials and employees of the manager or other persons actually working on the riverboat.

(4) The number and issuance of fee-free passes is subject to the rules of the Board, and a list of all persons to whom the fee-free passes are issued shall be filed with the Board.

(b) From the tax imposed under subsection (a) and the fee imposed under subsection (a-5), a municipality shall receive from the State $1 for each person embarking on a riverboat docked within the municipality, and a county shall receive $1 for each person embarking on a riverboat docked within the county but outside the boundaries of any municipality. The municipality's or county's share shall be collected by the Board on behalf of the State and remitted quarterly by the State, subject to appropriation, to the treasurer of the unit of local government for deposit in the general fund.

(c) The licensed owner shall pay the entire admission tax to the Board and the licensed manager shall pay the entire admission fee to the Board. Such payments shall be made daily. Accompanying each payment shall be a return on forms provided by the Board which shall include other information regarding admissions as the Board may require. Failure to submit either the payment or the return within the specified time may result in suspension or revocation of the owners or managers license.

(d) The Board shall administer and collect the admission tax imposed by this Section, to the extent practicable, in a manner consistent with the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act.

(Source: P.A. 94-673, eff. 8-23-05; 95-663, eff. 10-11-07.)

(230 ILCS 10/13) (from Ch. 120, par. 2413)

Sec. 13. Wagering tax; rate; distribution.

(a) Until January 1, 1998, a tax is imposed on the adjusted gross receipts received from gambling games authorized under this Act at the rate of 20%.

(a-1) From January 1, 1998 until July 1, 2002, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

15% of annual adjusted gross receipts up to and including $25,000,000;

20% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $50,000,000;

25% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;

30% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;

35% of annual adjusted gross receipts in excess of $100,000,000.

(a-2) From July 1, 2002 until July 1, 2003, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, other than licensed managers conducting riverboat gambling operations on behalf of the State, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

15% of annual adjusted gross receipts up to and including $25,000,000;

22.5% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $50,000,000;

27.5% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;

32.5% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;

37.5% of annual adjusted gross receipts in excess of $100,000,000 but not exceeding $150,000,000;

45% of annual adjusted gross receipts in excess of $150,000,000 but not exceeding $200,000,000;

50% of annual adjusted gross receipts in excess of $200,000,000.

(a-3) Beginning July 1, 2003, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, other than licensed managers conducting riverboat gambling operations on behalf of the State, based on the adjusted gross receipts received by a licensed owner from

gambling games authorized under this Act at the following rates:

15% of annual adjusted gross receipts up to and including $25,000,000;

27.5% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $37,500,000;

32.5% of annual adjusted gross receipts in excess of $37,500,000 but not exceeding $50,000,000;

37.5% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;

45% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;

50% of annual adjusted gross receipts in excess of $100,000,000 but not exceeding $250,000,000;

70% of annual adjusted gross receipts in excess of $250,000,000.

An amount equal to the amount of wagering taxes collected under this subsection (a-3) that are in addition to the amount of wagering taxes that would have been collected if the wagering tax rates under subsection (a-2) were in effect shall be paid into the Common School Fund.

The privilege tax imposed under this subsection (a-3) shall no longer be imposed beginning on the earlier of (i) July 1, 2005; (ii) the first date after June 20, 2003 that riverboat gambling operations are conducted pursuant to a dormant license; or (iii) the first day that riverboat gambling operations are conducted under the authority of an owners license that is in addition to the 10 owners licenses initially authorized under this Act. For the purposes of this subsection (a-3), the term "dormant license" means an owners license that is authorized by this Act under which no riverboat gambling operations are being conducted on June 20, 2003.

(a-4) Beginning on the first day on which the tax imposed under subsection (a-3) is no longer imposed, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, other than licensed managers conducting riverboat gambling operations on behalf of the State, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

15% of annual adjusted gross receipts up to and including $25,000,000;

22.5% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $50,000,000;

27.5% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;

32.5% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;

37.5% of annual adjusted gross receipts in excess of $100,000,000 but not exceeding $150,000,000;

45% of annual adjusted gross receipts in excess of $150,000,000 but not exceeding $200,000,000;

50% of annual adjusted gross receipts in excess of $200,000,000.

(a-5) If no admissions tax is imposed on admissions to a riverboat under Section 12, then in addition to any other tax imposed under this Section, a privilege tax of 1% of adjusted gross receipts is imposed on that riverboat, the proceeds of which shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the riverboat upon which those riverboat gambling operations are conducted.

(a-8) Riverboat gambling operations conducted by a licensed manager on behalf of the State are not subject to the tax imposed under this Section.

(a-10) The taxes imposed by this Section shall be paid by the licensed owner to the Board not later than 3:00 o'clock p.m. of the day after the day when the wagers were made.

(a-15) If the privilege tax imposed under subsection (a-3) is no longer imposed pursuant to item (i) of the last paragraph of subsection (a-3), then by June 15 of each year, each owners licensee, other than an owners licensee that admitted 1,000,000 persons or fewer in calendar year 2004, must, in addition to the payment of all amounts otherwise due under this Section, pay to the Board a reconciliation payment in the amount, if any, by which the licensed owner's base amount exceeds the amount of net privilege tax paid by the licensed owner to the Board in the then current State fiscal year. A licensed owner's net privilege tax obligation due for the balance of the State fiscal year shall be reduced up to the total of the amount paid by the licensed owner in its June 15 reconciliation payment. The obligation imposed by this subsection (a-15) is binding on any person, firm, corporation, or other entity that acquires an ownership interest in any such owners license. The obligation imposed under this subsection (a-15) terminates on

the earliest of: (i) July 1, 2007, (ii) the first day after the effective date of this amendatory Act of the 94th General Assembly that riverboat gambling operations are conducted pursuant to a dormant license, (iii) the first day that riverboat gambling operations are conducted under the authority of an owners license that is in addition to the 10 owners licenses initially authorized under this Act, or (iv) the first day that a licensee under the Illinois Horse Racing Act of 1975 conducts gaming operations with slot machines or other electronic gaming devices. The Board must reduce the obligation imposed under this subsection (a-15) by an amount the Board deems reasonable for any of the following reasons: (A) an act or acts of God, (B) an act of bioterrorism or terrorism or a bioterrorism or terrorism threat that was investigated by a law enforcement agency, or (C) a condition beyond the control of the owners licensee that does not result from any act or omission by the owners licensee or any of its agents and that poses a hazardous threat to the health and safety of patrons. If an owners licensee pays an amount in excess of its liability under this Section, the Board shall apply the overpayment to future payments required under this Section.

For purposes of this subsection (a-15):

"Act of God" means an incident caused by the operation of an extraordinary force that cannot be foreseen, that cannot be avoided by the exercise of due care, and for which no person can be held liable.

"Base amount" means the following:

For a riverboat in Alton, $31,000,000.

For a riverboat in East Peoria, $43,000,000.

For the Empress riverboat in Joliet, $86,000,000.

For a riverboat in Metropolis, $45,000,000.

For the Harrah's riverboat in Joliet, $114,000,000.

For a riverboat in Aurora, $86,000,000.

For a riverboat in East St. Louis, $48,500,000.

For a riverboat in Elgin, $198,000,000.

"Dormant license" has the meaning ascribed to it in subsection (a-3).

"Net privilege tax" means all privilege taxes paid by a licensed owner to the Board under this Section, less all payments made from the State Gaming Fund pursuant to subsection (b) of this Section.

The changes made to this subsection (a-15) by Public Act 94-839 are intended to restate and clarify the intent of Public Act 94-673 with respect to the amount of the payments required to be made under this subsection by an owners licensee to the Board.

(b) Until January 1, 1998, 25% of the tax revenue deposited in the State Gaming Fund under this Section shall be paid, subject to appropriation by the General Assembly, to the unit of local government which is designated as the home dock of the riverboat. Beginning January 1, 1998, from the tax revenue deposited in the State Gaming Fund under this Section, an amount equal to 5% of adjusted gross receipts generated by a riverboat shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the riverboat. From the tax revenue deposited in the State Gaming Fund pursuant to riverboat gambling operations conducted by a licensed manager on behalf of the State, an amount equal to 5% of adjusted gross receipts generated pursuant to those riverboat gambling operations shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the riverboat upon which those riverboat gambling operations are conducted.

(c) Appropriations, as approved by the General Assembly, may be made from the State Gaming Fund to the Department of Revenue and the Department of State Police for the administration and enforcement of this Act, or to the Department of Human Services for the administration of programs to treat problem gambling.

(c-5) Before May 26, 2006 (the effective date of Public Act 94-804) and beginning on the effective date of this amendatory Act of the 95th General Assembly, unless any organization licensee under the Illinois Horse Racing Act of 1975 begins to operate a slot machine or video game of chance under the Illinois Horse Racing Act of 1975 or this Act, after the payments required under subsections (b) and (c) have been made, an amount equal to 15% of the adjusted gross receipts of (1) an owners licensee that relocates pursuant to Section 11.2, (2) an owners licensee conducting riverboat gambling operations pursuant to an owners license that is initially issued after June 25, 1999, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3, whichever comes first, shall be paid from the State Gaming Fund into the Horse Racing Equity Fund.

(c-10) Each year the General Assembly shall appropriate from the General Revenue Fund to the Education Assistance Fund an amount equal to the amount paid into the Horse Racing Equity Fund pursuant to subsection (c-5) in the prior calendar year.

(c-15) After the payments required under subsections (b), (c), and (c-5) have been made, an amount

equal to 2% of the adjusted gross receipts of (1) an owners licensee that relocates pursuant to Section 11.2, (2) an owners licensee conducting riverboat gambling operations pursuant to an owners license that is initially issued after June 25, 1999, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3, whichever comes first, shall be paid, subject to appropriation from the General Assembly, from the State Gaming Fund to each home rule county with a population of over 3,000,000 inhabitants for the purpose of enhancing the county's criminal justice system.

(c-20) Each year the General Assembly shall appropriate from the General Revenue Fund to the Education Assistance Fund an amount equal to the amount paid to each home rule county with a population of over 3,000,000 inhabitants pursuant to subsection (c-15) in the prior calendar year.

(c-25) After the payments required under subsections (b), (c), (c-5) and (c-15) have been made, an amount equal to 2% of the adjusted gross receipts of (1) an owners licensee that relocates pursuant to Section 11.2, (2) an owners licensee conducting riverboat gambling operations pursuant to an owners license that is initially issued after June 25, 1999, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3, whichever comes first, shall be paid from the State Gaming Fund to Chicago State University.

(d) From time to time, the Board shall transfer the remainder of the funds generated by this Act into the Education Assistance Fund, created by Public Act 86-0018, of the State of Illinois.

(e) Nothing in this Act shall prohibit the unit of local government designated as the home dock of the riverboat from entering into agreements with other units of local government in this State or in other states to share its portion of the tax revenue.

(f) To the extent practicable, the Board shall administer and collect the wagering taxes imposed by this Section in a manner consistent with the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act.

(Source: P.A. 94-673, eff. 8-23-05; 94-804, eff. 5-26-06; 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-1008, eff. 12-15-08.)

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

Senate Floor Amendment No. 2 was held in the Committee on Gaming earlier today.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 1937

AMENDMENT NO. 3. Amend Senate Bill 1937, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, by replacing lines 9 through 13 with the following:

"imposed upon the licensed owner conducting gambling. If the licensed owner of a riverboat in operation on January 1, 2009 has capital projects of at least $45,000,000 that are approved by the Board in calendar years 2006 through 2009 or for which at least $45,000,000 in expenditures have been made in calendar years 2006 through 2009, then no admissions tax is imposed on admissions to that riverboat.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senate Floor Amendment No. 4 was held in the Committee on Assignments.

There being no further amendments, the foregoing Amendments Numbered 1 and 3 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 1938** having been printed, was taken up, read by title a second time.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1938

AMENDMENT NO. 1. Amend Senate Bill 1938 by replacing everything after the enacting clause with the following:

"Section 5. The Circuit Courts Act is amended by changing Sections 2f-1, 2f-2, and 2f-4 as follows:

(705 ILCS 35/2f-1)

Sec. 2f-1. 19th and 22nd judicial circuits.

(a) On December 4, 2006, the 19th judicial circuit is divided into the 19th and 22nd judicial circuits as provided in Section 1 of the Circuit Courts Act. This division does not invalidate any action taken by the 19th judicial circuit or any of its judges, officers, employees, or agents before December 4, 2006. This division does not affect any person's rights, obligations, or duties, including applicable civil and criminal penalties, arising out of any action taken by the 19th judicial circuit or any of its judges, officers, employees, or agents before December 4, 2006.

(b) Of the 7 circuit judgeships elected at large in the 19th circuit before the general election in 2006, the Supreme Court shall assign 5 to the 19th circuit and 2 to the 22nd circuit, based on residency of the circuit judges then holding those judgeships. The 5 assigned to the 19th circuit shall continue to be elected at large, except those at large judgeships that become resident judgeships as provided in subsection (a-5) of Section 2f-2. The 2 assigned to the 22nd circuit shall continue to be elected at large.

(b-5) Except as provided in subsection (b-10), the number of at large judgeships of the 19th judicial circuit shall be the number of at large judgeships specified for ~~assigned to~~ the 19th judicial circuit pursuant to subsection (b) plus only the judgeship designated as vacancy A by the State Board of Elections filled at the 2006 general election. If, before, on, or after the effective date of this amendatory Act of the 94th General Assembly, the State Board of Elections has certified or certifies one or more candidates for a judgeship of the 19th judicial circuit designated as vacancy B or C by the State Board of Elections, then all such certifications are revoked and are null and void by operation of law and the names of any such candidates shall not appear upon the 2006 general primary ballot or the 2006 general election ballot for any of those judgeships. Except as provided in subsection (b-10), the number of at large judgeships of the 22nd judicial circuit shall be the number of at large judgeships assigned to the 22nd judicial circuit pursuant to subsection (b) plus only the judgeship designated as vacancy A by the State Board of Elections filled at the 2006 general election. If, before, on, or after the effective date of this amendatory Act of the 94th General Assembly, the State Board of Elections has certified or certifies one or more candidates for the judgeship of the 22nd judicial circuit designated as vacancy B by the State Board of Elections, then any such certifications are revoked and are null and void by operation of law and the names of any such candidates shall not appear upon the 2006 general primary ballot or the 2006 general election ballot for that judgeship.

(b-10) If this amendatory Act of the 94th General Assembly is held unconstitutional and as a result the judgeships designated by the State Board of Elections as vacancies A, B, and C of the 19th judicial circuit are filled at the 2006 general election, then the number of at large judgeships of the 19th judicial circuit shall be only the number of at large judgeships specified for ~~assigned to~~ the 19th judicial circuit pursuant to subsection (b). If this amendatory Act of the 94th General Assembly is held unconstitutional and as a result the judgeships designated by the State Board of Elections as vacancies A and B of the 22nd judicial circuit are filled at the 2006 general election, then the number of at large judgeships of the 22nd judicial circuit shall be only the number of at large judgeships assigned to the 22nd judicial circuit pursuant to subsection (b).

(b-15) If subsection (b-10) applies, then each vacancy occurring in an at large judgeship of the 19th judicial circuit on or after the holding of unconstitutionality shall not be filled by any means and each of those vacant judgeships is abolished, until the number of at large judgeships of the 19th judicial circuit returns to the number of at large judgeships specified for the 19th judicial circuit by subsection (b-10). If subsection (b-10) applies, then each vacancy occurring in an at large judgeship of the 22nd judicial circuit on or after the holding of unconstitutionality shall not be filled by any means and each of those vacant judgeships is abolished, until the number of at large judgeships of the 22nd judicial circuit returns to the number of at large judgeships specified for the 22nd judicial circuit by subsection (b-10).

(c) The 6 resident judgeships elected from Lake County before the general election in 2006 shall become resident judgeships in the 19th circuit on December 4, 2006, and the 3 resident judgeships elected from McHenry County before the general election in 2006 shall become resident judgeships in the 22nd circuit on December 4, 2006.

(d) On December 4, 2006, the Supreme Court shall allocate the associate judgeships of the 19th circuit before that date between the 19th and 22nd circuits based on the residency of the associate judges; however, the number of associate judges allocated to the 19th circuit shall be no less than the number of associate judges residing in Lake County on March 22, 2004.

(e) On December 4, 2006, the Supreme Court shall allocate personnel, books, records, documents, property (real and personal), funds, assets, liabilities, and pending matters concerning the 19th circuit before that date between the 19th and 22nd circuits based on the population and staffing needs of those circuits and the efficient and proper administration of the judicial system. The rights of employees under applicable collective bargaining agreements are not affected by this amendatory Act of the 93rd General Assembly.

[March 31, 2009]

(f) The judgeships set forth in this Section include the judgeships authorized under Sections 2g, 2h, and 2j. The judgeships authorized in those Sections are not in addition to those set forth in this Section.
(Source: P.A. 93-541, eff. 8-18-03; 93-1040, eff. 9-28-04; 94-727, eff. 2-14-06.)

(705 ILCS 35/2f-2)

Sec. 2f-2. 19th judicial circuit; subcircuits; additional judges.

(a) The 19th circuit shall be divided into 6 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly by law shall create the subcircuits, using population data as determined by the 2000 federal census, and shall determine a numerical order for the 6 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. The 6 resident judgeships to be assigned that are not added by or converted from at large judgeships as provided in this amendatory Act of the 96th General Assembly shall be assigned to the 1st, 2nd, 3rd, 4th, 5th, and 6th subcircuits, in that order. The 6 resident judgeships to be assigned that are added by or converted from at large judgeships as provided in this amendatory Act of the 96th General Assembly shall be assigned to the 1st, 2nd, 3rd, 4th, 5th, and 6th subcircuits, in that order. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(a-5) Of the at large judgeships of the 19th judicial circuit, the first 3 that are or become vacant on or after the effective date of this amendatory Act of the 96th General Assembly shall not be filled by appointment by the Supreme court but shall become resident judgeships of the 19th judicial circuit to be allotted by the Supreme Court under subsection (c) and filled by election. As used in this subsection, a vacancy does not include the expiration of a term of an at large judge who seeks retention in that office at the next term.

(a-10) The 19th judicial circuit shall have 3 additional resident judgeships to be allotted by the Supreme Court under subsection (c). One of the additional resident judgeships shall be filled by election beginning at the 2010 general election. Two of the additional resident judgeships shall be filled by election beginning at the 2012 general election. None of the additional resident judgeships shall be filled by appointment by the Supreme Court before being filled initially by election.

(b) The 19th circuit shall have a total of 12 ~~6~~ resident judgeships (6 resident judgeships existing on the effective date of this amendatory Act of the 96th General Assembly, 3 formerly at large judgeships as provided in subsection (a-5), and 3 resident judgeships added by subsection (a-10)). The number of resident judgeships allotted to subcircuits of the 19th judicial circuit pursuant to this Section shall constitute all the resident judgeships of the 19th judicial circuit.

(c) The Supreme Court shall allot (i) all vacancies in resident judgeships of the 19th circuit existing on or occurring on or after the effective date of this amendatory Act of the 93rd General Assembly and not filled at the 2004 general election, ~~and~~ (ii) the resident judgeships of the 19th circuit filled at the 2004 general election as those judgeships thereafter become vacant, (iii) the 3 formerly at large judgeships described in subsection (a-5) as they become available, and (iv) the 3 resident judgeships added by subsection (a-10), for election from the various subcircuits until there are 2 resident judges ~~is one resident judge~~ to be elected from each subcircuit. No resident judge of the 19th circuit serving on the effective date of this amendatory Act of the 93rd General Assembly shall be required to change his or her residency in order to continue serving in office or to seek retention in office as resident judgeships are allotted by the Supreme Court in accordance with this Section.

(d) A resident judge elected from a subcircuit shall continue to reside in that subcircuit as long as he or she holds that office. A resident judge elected from a subcircuit after January 1, 2008, must retain residency as a registered voter in the subcircuit to run for retention from the circuit at large thereafter.

(e) Vacancies in resident judgeships of the 19th circuit shall be filled in the manner provided in Article VI of the Illinois Constitution, except as otherwise provided in this Section.
(Source: P.A. 94-727, eff. 2-14-06; 95-610, eff. 9-11-07.)

(705 ILCS 35/2f-4)

Sec. 2f-4. 12th circuit; subcircuits; additional judges.

(a) The 12th circuit shall be divided into 5 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly by law shall create the subcircuits, using population data as determined by the 2000 federal census, and shall determine a numerical order for the 5 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. The first resident judgeship to be assigned after the effective date of this amendatory Act of the 96th General Assembly shall be assigned to the 5th subcircuit. The next 5 resident judgeships to be assigned after the effective date of this amendatory Act of the 96th General Assembly shall be assigned to the 3rd, 4th, 5th, 1st, and 2nd subcircuits, in that order. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(a-10) The first vacancy in the 12th judicial circuit's 10 existing circuit judgeships (8 at large and 2 resident), but not in the additional judgeships described in subsections (b) and (b-5), that exists on or after the effective date of this amendatory Act of the 94th General Assembly shall not be filled, by appointment or election, and that judgeship is eliminated. Of the 12th judicial circuit's 10 existing circuit judgeships (8 at large and 2 resident), but not the additional judgeships described in subsections (b) and (b-5), the second to be vacant or become vacant on or after the effective date of this amendatory Act of the 94th General Assembly shall be allotted as a 12th circuit resident judgeship under subsection (c).

(a-15) Of the at large judgeships of the 12th judicial circuit not affected by subsection (a-10), the first 2 that are or become vacant on or after the effective date of this amendatory Act of the 96th General Assembly shall become resident judgeships of the 12th judicial circuit to be allotted by the Supreme Court under subsection (c) and filled by election, except that the Supreme Court may fill those judgeships by appointment for any remainder of a vacated term until the resident judgeships are filled initially by election.

(a-20) As used in subsections (a-10) and (a-15) ~~this subsection~~, a vacancy does not include the expiration of a term of an at large or resident judge who seeks retention in that office at the next term.

(b) The 12th circuit shall have 6 ~~3~~ additional resident judgeships, as well as its existing resident judgeship or judgeships, and existing at large judgeships, for a total of 15 ~~12~~ judgeships available to be allotted under subsection (c) to the 10 ~~5~~ subcircuit resident judgeships. The additional resident judgeship created by Public Act 93-541 shall be filled by election beginning at the general election in 2006. The 2 additional resident judgeships created by this amendatory Act of 2004 shall be filled by election beginning at the general election in 2008. The additional resident judgeships created by this amendatory Act of the 96th General Assembly shall be filled by election beginning at the general election in 2010. After the subcircuits are created by law, the Supreme Court may fill by appointment the additional resident judgeships created by Public Act 93-541, ~~and~~ this amendatory Act of 2004 , and this amendatory Act of the 96th General Assembly until the 2006, ~~or~~ 2008 , or 2010 general election, as the case may be.

(b-5) In addition to the number of circuit judges and resident judges otherwise authorized by law, and notwithstanding any other provision of law, beginning on April 1, 2006 there shall be one additional resident judge who is a resident of and elected from the fourth judicial subcircuit of the 12th judicial circuit. That additional resident judgeship may be filled by appointment by the Supreme Court until filled by election at the general election in 2008, regardless of whether the judgeships for subcircuits 1, 2, and 3 have been filled.

(c) The Supreme Court shall allot (i) the additional resident judgeships of the 12th circuit created by Public Act 93-541, ~~and~~ this amendatory Act of 2004, and this amendatory Act of the 96th General Assembly, ~~and~~ (ii) the second vacancy in the at large and resident judgeships of the 12th circuit as provided in subsection (a-10), and (iii) the 2 formerly at large judgeships described in subsection (a-15) as they become available, for election from the various subcircuits until, with the additional judge of the fourth subcircuit described in subsection (b-5), there are 2 ~~is one~~ resident judges ~~judge~~ to be elected from each subcircuit. No at large or resident judge of the 12th circuit serving on August 18, 2003 shall be required to change his or her residency in order to continue serving in office or to seek retention in office as at large or resident judgeships are allotted by the Supreme Court in accordance with this Section.

(d) A resident judge elected from a subcircuit shall continue to reside in that subcircuit as long as he or she holds that office. A resident judge elected from a subcircuit after January 1, 2008, must retain residency as a registered voter in the subcircuit to run for retention from the circuit at large thereafter.

(e) Vacancies in resident judgeships of the 12th circuit shall be filled in the manner provided in Article VI of the Illinois Constitution, except as otherwise provided in this Section.

(Source: P.A. 94-727, eff. 2-14-06; 95-610, eff. 9-11-07.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Lightford, **Senate Bill No. 1984,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 2045,** having been printed, was taken up, read by title a second time.

Senate Floor Amendment No. 1 was postponed in the Committee on State Government and Veterans Affairs earlier today.

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

On motion of Senator Crotty, **Senate Bill No. 2051** having been printed, was taken up, read by title a second time.

Senate Floor Amendment No. 1 was postponed in the Committee on Education.

Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2051

AMENDMENT NO. _2_. Amend Senate Bill 2051 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 18-8.05 as follows:

(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 school year and each school year thereafter, the Foundation Level of support is $5,959 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 partial elementary unit district for elementary purposes, as defined in Article 11E of this Code, multiplied by 2.06% and divided by the district's Average Daily Attendance figure, plus the product of the equalized assessed valuation for property within the partial elementary unit district for high school purposes, as defined in Article 11E of this Code, multiplied by 0.94% and divided by the district's Average Daily Attendance figure.

(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. Except as otherwise provided in this paragraph for a school district that has approved or does approve an increase in its limiting rate, for ~~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). For the 2009-2010 school year and each school year thereafter, if a school district has approved or does approve an increase in its limiting rate, pursuant to Section 18-190 of the Property Tax Code, affecting the Base Tax Year, the Extension Limitation Equalized Assessed Valuation of the 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 times an amount equal to one plus the percentage increase, if any, in the Consumer Price Index for all Urban Consumers for all items published by the United States Department of Labor for the 12-month calendar year preceding the Base Tax Year, plus the Equalized Assessed Valuation of new property, annexed property, and recovered tax increment value and minus the Equalized Assessed Valuation of disconnected property. New property and recovered tax increment value shall have the

meanings set forth in the Property Tax Extension Limitation Law.

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 school year only, the grant shall be no less than the grant for the 2002-2003 school year. For the 2009-2010 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 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; 95-744, eff. 7-18-08; 95-903, eff. 8-25-08; revised 9-5-08.)

Section 99. Effective date. This Act takes effect July 1, 2009.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Hutchinson, **Senate Bill No. 2069** having been printed, was taken up, read by title a second time.

Senator Hutchinson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2069

AMENDMENT NO. 1. Amend Senate Bill 2069 by replacing everything after the enacting clause with the following:

"Section 5. The Mobile Home Local Services Tax Act is amended by changing Section 7 as follows:

(35 ILCS 515/7) (from Ch. 120, par. 1207)

Sec. 7. The local services tax for owners of mobile homes who (a) are actually residing in such mobile homes, (b) hold title to such mobile home as provided in the "Illinois Vehicle Code~~", approved September 29, 1969, as amended~~, and (c) are 65 years of age or older or are disabled persons within the meaning of Section 3.14 of the "Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act" on the annual billing date shall be reduced to 80 percent of the tax provided for in Section 3 of this Act. Proof that a claimant has been issued an Illinois Disabled Person Identification Card stating that the claimant is under a Class 2 disability, as provided in Section 4A of the ~~The~~ Illinois Identification Card Act, shall constitute proof that the person thereon named is a disabled person within the meaning of this Act. An application for reduction of the tax shall be filed with the county clerk by the individuals who are entitled to the reduction. If the application is filed after May 1, the reduction in tax shall begin with the next annual bill. Application for the reduction in tax shall be done by submitting proof that the applicant has been issued an Illinois Disabled Person Identification Card designating the applicant's disability as a Class 2 disability, or by affidavit in substantially the following form:

APPLICATION FOR REDUCTION OF MOBILE HOME LOCAL SERVICES TAX

I hereby make application for a reduction to 80% of the total tax imposed under "An Act to provide for a local services tax on mobile homes".

(1) Senior Citizens

(a) I actually reside in the mobile home ....

(b) I hold title to the mobile home as provided in the Illinois Vehicle Code ....

(c) I reached the age of 65 on or before either January 1 (or July 1) of the year in which this statement is filed. My date of birth is: ...

(2) Disabled Persons

(a) I actually reside in the mobile home...

(b) I hold title to the mobile home as provided in the Illinois Vehicle Code ....

(c) I was totally disabled on ... and have remained disabled until the date of this application. My Social

Security, Veterans, Railroad or Civil Service Total Disability Claim Number is ... The undersigned declares under the penalty of perjury that the above statements are true and correct.
Dated (insert date).

.....
Signature of owner
.....
(Address)
.....
(City) (State) (Zip)

Approved by:
.....
(Assessor)

This application shall be accompanied by a copy of the applicant's most recent application filed with the Illinois Department on Aging ~~of Revenue~~ under the "Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act,~~" approved July 17, 1972, as amended~~.
(Source: P.A. 91-357, eff. 7-29-99.)

Section 10. The Citizens Utility Board Act is amended by changing Section 9 as follows:
(220 ILCS 10/9) (from Ch. 111 2/3, par. 909)
Sec. 9. Mailing procedure.
(1) As used in this Section:
(a) "Enclosure" means a card, leaflet, envelope or combination thereof furnished by the corporation under this Section.
(b) "Mailing" means any communication by a State agency, other than a mailing made ~~by the Department of Revenue~~ under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, that is sent through the United States Postal Service to more than 50,000 persons within a 12-month period.
(c) "State agency" means any officer, department, board, commission, institution or entity of the executive or legislative branches of State government.
(2) To accomplish its powers and duties under Section 5 this Act, the corporation, subject to the following limitations, may prepare and furnish to any State agency an enclosure to be included with a mailing by that agency.
(a) A State agency furnished with an enclosure shall include the enclosure within the mailing designated by the corporation.
(b) An enclosure furnished by the corporation under this Section shall be provided to the State agency a reasonable period of time in advance of the mailing.
(c) An enclosure furnished by the corporation under this Section shall be limited to informing the reader of the purpose, nature and activities of the corporation as set forth in this Act and informing the reader that it may become a member in the corporation, maintain membership in the corporation and contribute money to the corporation directly.
(d) Prior to furnishing an enclosure to the State agency, the corporation shall seek and obtain approval of the content of the enclosure from the Illinois Commerce Commission. The Commission shall approve the enclosure if it determines that the enclosure (i) is not false or misleading and (ii) satisfies the requirements of this Act. The Commission shall be deemed to have approved the enclosure unless it disapproves the enclosure within 14 days from the date of receipt.
(3) The corporation shall reimburse each State agency for all reasonable incremental costs incurred by the State agency in complying with this Section above the agency's normal mailing and handling costs, provided that:
(a) The State agency shall first furnish the corporation with an itemized accounting of such additional cost; and
(b) The corporation shall not be required to reimburse the State agency for postage costs if the weight of the corporation's enclosure does not exceed .35 ounce avoirdupois. If the corporation's enclosure exceeds that weight, then it shall only be required to reimburse the State agency for postage cost over and above what the agency's postage cost would have been had the enclosure weighed only .35 ounce avoirdupois.
(Source: P.A. 87-205.)

Section 15. The Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act is amended by changing Sections 1, 2, 3.01, 3.04, 3.05, 3.06, 3.07, 3.08, 3.09, 3.10, 3.12, 4, 5, 7, 8, 8a, 9, 12, and 13 and by adding Sections 1.5, 3.01a, 3.03a, 3.05a, and 4.05 as follows:

(320 ILCS 25/1) (from Ch. 67 1/2, par. 401)

Sec. 1. Short title; common name. This Article shall be known and may be cited as the "Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act". Common references to the "Circuit Breaker Act" mean this Article. As used in this Article, "this Act" means this Article.

(Source: P.A. 83-1531.)

(320 ILCS 25/1.5 new)

Sec. 1.5. Implementation of Executive Order No. 3 of 2004. Executive Order No. 3 of 2004, in part, provided for the transfer of the programs under this Act from the Department of Revenue to the Department on Aging and the Department of Healthcare and Family Services. It is the purpose of this amendatory Act of the 96th General Assembly to conform this Act and certain related provisions of other statutes to that Executive Order. This amendatory Act of the 96th General Assembly also makes other substantive changes to this Act.

(320 ILCS 25/2) (from Ch. 67 1/2, par. 402)

Sec. 2. Purpose. The purpose of this Act is to provide incentives to the senior citizens and disabled persons of this State to acquire and retain private housing of their choice and at the same time to relieve those citizens from the burdens of extraordinary property taxes and rising drug costs against their increasingly restricted earning power, and thereby to reduce the requirements for public housing in this State.

(Source: P.A. 77-2059.)

(320 ILCS 25/3.01) (from Ch. 67 1/2, par. 403.01)

Sec. 3.01. Claimant. "Claimant" means an individual who has filed a claim for a property tax relief grant under this Act. In appropriate contexts, "claimant" may also include a person who has applied for pharmaceutical assistance under this Act or for other benefits that are based on eligibility for benefits under this Act.

(Source: P.A. 77-2059.)

(320 ILCS 25/3.01a new)

Sec. 3.01a. Claim year. "Claim year" means the calendar year prior to the period of time during which a claimant may file an application for benefits under this Act.

(320 ILCS 25/3.03a new)

Sec. 3.03a. Federal Poverty Level. "Federal Poverty Level" means the federal poverty income guidelines as determined annually by the United States Department of Health and Human Services and updated periodically in the Federal Register by that Department under the authority of 42 U.S.C. 9902(2).

(320 ILCS 25/3.04) (from Ch. 67 1/2, par. 403.04)

Sec. 3.04. Gross rent. "Gross rent ~~Rent~~" means the total amount paid solely for the right to occupy a residence.

If the residence is a nursing or sheltered care home, "gross rent" means the amount paid in a taxable year that is attributable to the cost of housing, but not of meals or care, for the claimant in that home, determined in accordance with regulations of the Department on Aging.

(Source: P.A. 78-1249; 78-1297.)

(320 ILCS 25/3.05) (from Ch. 67 1/2, par. 403.05)

Sec. 3.05. Household. "Household" means a claimant or a claimant and his or her spouse, if any, living together in the same residence. An additional resident may be counted in determining household size.

(Source: P.A. 77-2059.)

(320 ILCS 25/3.05a new)

Sec. 3.05a. Additional resident. "Additional resident" means a person who (i) is living in the same residence with a claimant for the claim year and at the time of filing the claim, (ii) is not the spouse of the claimant, (iii) does not file a separate claim under this Act for the same period, and (iv) receives more than half of his or her total financial support for that claim year from the household. An additional resident who meets qualifications may receive pharmaceutical assistance based on a claimant's application.

(320 ILCS 25/3.06) (from Ch. 67 1/2, par. 403.06)

Sec. 3.06. Household income. "Household income" means the combined income of the members of a household. The term does not include the income of any qualified additional resident who lives with the claimant.

(Source: P.A. 77-2059.)

(320 ILCS 25/3.07) (from Ch. 67 1/2, par. 403.07)

Sec. 3.07. Income. "Income" means adjusted gross income, properly reportable for federal income tax purposes under the provisions of the Internal Revenue Code, modified by adding thereto the sum of the following amounts to the extent deducted or excluded from gross income in the computation of adjusted gross income:

(A) An amount equal to all amounts paid or accrued as interest or dividends during the taxable year;

(B) An amount equal to the amount of tax imposed by the Illinois Income Tax Act paid for the taxable year;

(C) An amount equal to all amounts received during the taxable year as an annuity under an annuity, endowment or life insurance contract or under any other contract or agreement;

(D) An amount equal to the amount of benefits paid under the Federal Social Security Act during the taxable year;

(E) An amount equal to the amount of benefits paid under the Railroad Retirement Act during the taxable year;

(F) An amount equal to the total amount of cash public assistance payments received from any governmental agency during the taxable year other than benefits received pursuant to this Act;

(G) An amount equal to any net operating loss carryover deduction or capital loss carryover deduction during the taxable year; and

(H) An ~~For claim years beginning on or after January 1, 2002, an~~ amount equal to any benefits received under the Workers' Compensation Act or the Workers' Occupational Diseases Act during the taxable year.

"Income" does not include ~~any grant assistance received under the Nursing Home Grant Assistance Act or~~ any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act or any payments under Section 2201 or Section 2202 of the American Recovery and Reinvestment Act of 2009.

~~This amendatory Act of 1987 shall be effective for purposes of this Section for tax years ending on or after December 31, 1987.~~

(Source: P.A. 91-676, eff. 12-23-99; 92-131, eff. 7-23-01; 92-519, eff. 1-1-02.)

(320 ILCS 25/3.08) (from Ch. 67 1/2, par. 403.08)

Sec. 3.08. Internal Revenue Code. "Internal Revenue Code" means the United States Internal Revenue Code of 1986 ~~1954~~ or any successor law or laws relating to federal income taxes in effect for the year.

(Source: P.A. 77-2059.)

(320 ILCS 25/3.09) (from Ch. 67 1/2, par. 403.09)

Sec. 3.09. Property taxes accrued. "Property taxes accrued" means the ad valorem property taxes extended against a residence, but does not include special assessments, interest or charges for service. In the case of real estate improved with a multidwelling or multipurpose building, "property taxes accrued" extended against a residence within such a building is an amount equal to the same percentage of the total property taxes extended against that real estate as improved as the value of the residence is to the total value of the building. If the multidwelling building is owned and operated as a cooperative, the value of an individual residence is the value of the interest in the cooperative held by the owner of record of the legal or equitable interest, other than a leasehold interest, in the cooperative which confers the right to occupy that residence. In determining the amount of grant under Section 4 ~~for 1976 and thereafter~~, the applicable "property taxes accrued", as determined under this Section, are those payable or paid in the last preceding taxable year.

In addition, if the residence is a mobile home as defined in and subject to the tax imposed by the Mobile Home Local Services Tax Act, "property taxes accrued" includes the amount of privilege tax paid during the calendar year for which benefits are claimed under that Act on that mobile home. If ~~Beginning in taxable year 1999, if~~ (i) the residence is a mobile home, (ii) the resident is the record owner of the property upon which the mobile home is located, and (iii) the resident is liable for the taxes imposed under the Property Tax Code for both the mobile home and the property, then "property taxes accrued" includes the amount of property taxes paid on both the mobile home and the property upon which the mobile home is located.

(Source: P.A. 91-357, eff. 7-29-99; 91-391, eff. 7-30-99.)

(320 ILCS 25/3.10) (from Ch. 67 1/2, par. 403.10)

Sec. 3.10. Regulations. "Regulations" includes both rules promulgated and forms prescribed by the applicable Department. In this Act, references to the rules of the Department on Aging or the

Department of Healthcare and Family Services shall be deemed to include, in appropriate cases, the corresponding rules adopted by the Department of Revenue, to the extent that those rules continue in force under Executive Order No. 3 of 2004.

(Source: P.A. 77-2059.)

(320 ILCS 25/3.12) (from Ch. 67 1/2, par. 403.12)

Sec. 3.12. Residence. "Residence" means the principal dwelling place occupied in this State by a household and so much of the surrounding land as is reasonably necessary for use of the dwelling as a home, and includes rental property, mobile homes, single family dwellings, and units in multifamily, multidwelling or multipurpose buildings. If the assessor has established a specific legal description for a portion of property constituting the residence, then that portion of property shall be deemed "residence" for the purposes of this Act. "Residence" also includes that portion of a nursing or sheltered care home occupied as a dwelling by a claimant, determined as prescribed in regulations of the Department on Aging.

(Source: P.A. 78-1249.)

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

Sec. 4. Amount of Grant.

(a) In general. Any individual 65 years or older or any individual who will become 65 years old during the calendar year in which a claim is filed, and any surviving spouse of such a claimant, who at the time of death received or was entitled to receive a grant pursuant to this Section, which surviving spouse will become 65 years of age within the 24 months immediately following the death of such claimant and which surviving spouse but for his or her age is otherwise qualified to receive a grant pursuant to this Section, and any disabled person whose annual household income is less than the income eligibility limitation, as defined in subsection (a-5) and whose household is liable for payment of property taxes accrued or has paid rent constituting property taxes accrued and is domiciled in this State at the time he or she files his or her claim is entitled to claim a grant under this Act. With respect to claims filed by individuals who will become 65 years old during the calendar year in which a claim is filed, the amount of any grant to which that household is entitled shall be an amount equal to 1/12 of the amount to which the claimant would otherwise be entitled as provided in this Section, multiplied by the number of months in which the claimant was 65 in the calendar year in which the claim is filed.

(a-5) Income eligibility limitation. For purposes of this Section, "income eligibility limitation" means an amount for grant years 2008 and thereafter:

~~(i) for grant years before the 1998 grant year, less than $14,000;~~

~~(ii) for the 1998 and 1999 grant year, less than $16,000;~~

~~(iii) for grant years 2000 through 2007:~~

~~(A) less than $21,218 for a household containing one person;~~

~~(B) less than $28,480 for a household containing 2 persons; or~~

~~(C) less than $35,740 for a household containing 3 or more persons; or~~

~~(iv) for grant years 2008 and thereafter:~~

(1) ~~(A)~~ less than $22,218 for a household containing one person;

(2) ~~(B)~~ less than $29,480 for a household containing 2 persons; or

(3) ~~(C)~~ less than $36,740 for a household containing 3 or more persons.

For 2009 claim year applications submitted during calendar year 2010, a household must have annual household income of less than $27,610 for a household containing one person; less than $36,635 for a household containing 2 persons; or less than $45,657 for a household containing 3 or more persons.

On January 1, 2011, and thereafter, the foregoing household income eligibility limits shall be changed to reflect the annual cost of living adjustment in Social Security and Supplemental Security Income benefits that is applicable to the year for which those benefits are being reported as income on an application.

If a person files as a surviving spouse, then only his or her income shall be counted in determining his or her household income.

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

(c) Public aid recipients. If household income in one or more months during a year includes cash assistance in excess of $55 per month from the Department of Healthcare and Family Services or the

Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) which was determined under regulations of that Department on a measure of need that included an allowance for actual rent or property taxes paid by the recipient of that assistance, the amount of grant to which that household is entitled, except as otherwise provided in subsection (a), shall be the product of (1) the maximum amount computed as specified in subsection (b) of this Section and (2) the ratio of the number of months in which household income did not include such cash assistance over $55 to the number twelve. If household income did not include such cash assistance over $55 for any months during the year, the amount of the grant to which the household is entitled shall be the maximum amount computed as specified in subsection (b) of this Section. For purposes of this paragraph (c), "cash assistance" does not include any amount received under the federal Supplemental Security Income (SSI) program.

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

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

(f) (Blank). ~~There is hereby established a program of pharmaceutical assistance to the aged and disabled which shall be administered by the Department in accordance with this Act, to consist of payments to authorized pharmacies, on behalf of beneficiaries of the program, for the reasonable costs of covered prescription drugs. Each beneficiary who pays $5 for an identification card shall pay no additional prescription costs. Each beneficiary who pays $25 for an identification card shall pay $3 per prescription. In addition, after a beneficiary receives $2,000 in benefits during a State fiscal year, that beneficiary shall also be charged 20% of the cost of each prescription for which payments are made by the program during the remainder of the fiscal year. To become a beneficiary under this program a person must: (1) be (i) 65 years of age or older, or (ii) the surviving spouse of such a claimant, who at the time of death received or was entitled to receive benefits pursuant to this subsection, which surviving spouse will become 65 years of age within the 24 months immediately following the death of such claimant and which surviving spouse but for his or her age is otherwise qualified to receive benefits pursuant to this subsection, or (iii) disabled, and (2) be domiciled in this State at the time he or she files his or her claim, and (3) have a maximum household income of less than the income eligibility limitation, as defined in subsection (a-5). In addition, each eligible person must (1) obtain an identification card from the Department, (2) at the time the card is obtained, sign a statement assigning to the State of Illinois benefits which may be otherwise claimed under any private insurance plans, and (3) present the identification card to the dispensing pharmacist.~~

~~The Department may adopt rules specifying participation requirements for the pharmaceutical assistance program, including copayment amounts, identification card fees, expenditure limits, and the benefit threshold after which a 20% charge is imposed on the cost of each prescription, to be in effect on and after July 1, 2004. Notwithstanding any other provision of this paragraph, however, the Department may not increase the identification card fee above the amount in effect on May 1, 2003 without the express consent of the General Assembly. To the extent practicable, those requirements shall be commensurate with the requirements provided in rules adopted by the Department of Healthcare and Family Services to implement the pharmacy assistance program under Section 5-5.12a of the Illinois Public Aid Code.~~

~~Whenever a generic equivalent for a covered prescription drug is available, the Department shall reimburse only for the reasonable costs of the generic equivalent, less the co-pay established in this Section, unless (i) the covered prescription drug contains one or more ingredients defined as a narrow therapeutic index drug at 21 CFR 320.33, (ii) the prescriber indicates on the face of the prescription "brand medically necessary", and (iii) the prescriber specifies that a substitution is not permitted. When issuing an oral prescription for covered prescription medication described in item (i) of this paragraph, the prescriber shall stipulate "brand medically necessary" and that a substitution is not permitted. If the covered prescription drug and its authorizing prescription do not meet the criteria listed above, the beneficiary may purchase the non-generic equivalent of the covered prescription drug by paying the difference between the generic cost and the non-generic cost plus the beneficiary co-pay.~~

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

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

~~The fee to be charged by the Department for the identification card shall be equal to $5 per coverage year for persons below the official poverty line as defined by the United States Department of Health and Human Services and $25 per coverage year for all other persons.~~

~~In the event that 2 or more persons are eligible for any benefit under this Act, and are members of the same household, (1) each such person shall be entitled to participate in the pharmaceutical assistance program, provided that he or she meets all other requirements imposed by this subsection and (2) each participating household member contributes the fee required for that person by the preceding paragraph for the purpose of obtaining an identification card.~~

~~The provisions of this subsection (f), other than this paragraph, are inoperative after December 31, 2005. Beneficiaries who received benefits under the program established by this subsection (f) are not entitled, at the termination of the program, to any refund of the identification card fee paid under this subsection.~~

(g) Effective January 1, 2006, there is hereby established a program of pharmaceutical assistance to the aged and disabled, entitled the Illinois Seniors and Disabled Drug Coverage Program, which shall be administered by the Department of Healthcare and Family Services and the Department on Aging in accordance with this subsection, to consist of coverage of specified prescription drugs on behalf of beneficiaries of the program as set forth in this subsection. ~~The program under this subsection replaces and supersedes the program established under subsection (f), which shall end at midnight on December 31, 2005.~~

To become a beneficiary under the program established under this subsection, a person must:

(1) be (i) 65 years of age or older or (ii) disabled; and

(2) be domiciled in this State; and

(3) enroll with a qualified Medicare Part D Prescription Drug Plan if eligible and apply for all available subsidies under Medicare Part D; and

(4) for the 2006 and 2007 claim years, have a maximum household income of (i) less than $21,218 for a household containing one person, (ii) less than $28,480 for a household containing 2 persons, or (iii) less than $35,740 for a household containing 3 or more persons; and ~~. If any income eligibility limit set forth in items (i) through (iii) is less than 200% of the Federal Poverty Level for any year, the income eligibility limit for that year for households of that size shall be income equal to or less than 200% of the Federal Poverty Level.~~

(5) for the 2008 claim year, have a maximum household income of (i) less than $22,218 for a household containing one person, (ii) $29,480 for a household containing 2 persons, or (iii) $36,740 for a household containing 3 or more persons; and

(6) for 2009 claim year applications submitted during calendar year 2010, have annual household income of less than (i) $27,610 for a household containing one person; (ii) less than $36,635 for a household containing 2 persons; or (iii) less than $45,657 for a household containing 3 or more persons.

On January 1, 2011, and thereafter, the foregoing household income eligibility limits shall be changed to reflect the annual cost of living adjustment in Social Security and Supplemental Security Income benefits that is applicable to the year for which those benefits are being reported as income on an application.

All individuals enrolled as of December 31, 2005, in the pharmaceutical assistance program operated pursuant to subsection (f) of this Section and all individuals enrolled as of December 31, 2005, in the SeniorCare Medicaid waiver program operated pursuant to Section 5-5.12a of the Illinois Public Aid Code shall be automatically enrolled in the program established by this subsection for the first year of operation without the need for further application, except that they must apply for Medicare Part D and the Low Income Subsidy under Medicare Part D. A person enrolled in the pharmaceutical assistance program operated pursuant to subsection (f) of this Section as of December 31, 2005, shall not lose eligibility in future years due only to the fact that they have not reached the age of 65.

To the extent permitted by federal law, the Department may act as an authorized representative of a beneficiary in order to enroll the beneficiary in a Medicare Part D Prescription Drug Plan if the beneficiary has failed to choose a plan and, where possible, to enroll beneficiaries in the low-income subsidy program under Medicare Part D or assist them in enrolling in that program.

Beneficiaries under the program established under this subsection shall be divided into the following 5 eligibility groups:

(A) Eligibility Group 1 shall consist of beneficiaries who are not eligible for Medicare Part D coverage and who are:

(i) disabled and under age 65; or

(ii) age 65 or older, with incomes over 200% of the Federal Poverty Level; or

(iii) age 65 or older, with incomes at or below 200% of the Federal Poverty Level

and not eligible for federally funded means-tested benefits due to immigration status.

(B) Eligibility Group 2 shall consist of beneficiaries ~~otherwise described in Eligibility Group 1 but~~ who are eligible for Medicare Part D coverage.

(C) Eligibility Group 3 shall consist of beneficiaries age 65 or older, with incomes at or below 200% of the Federal Poverty Level, who are not barred from receiving federally funded means-tested benefits due to immigration status and are not eligible for Medicare Part D coverage.

~~(D) Eligibility Group 4 shall consist of beneficiaries age 65 or older, with incomes at or below 200% of the Federal Poverty Level, who are not barred from receiving federally funded means-tested benefits due to immigration status and are not eligible for Medicare Part D coverage.~~

If the State applies and receives federal approval for a waiver under Title XIX of the Social Security Act, persons in Eligibility Group 3 ~~4~~ shall continue to receive benefits through the approved waiver, and Eligibility Group 3 4 may be expanded to include disabled persons under age 65 with incomes under 200% of the Federal Poverty Level who are not eligible for Medicare and who are not barred from receiving federally funded means-tested benefits due to immigration status.

(D) ~~(E) On and after January 1, 2007,~~ Eligibility Group 4 ~~5~~ shall consist of beneficiaries who are otherwise described in Eligibility Group 2 ~~Groups 2 and 3~~ who have a diagnosis of HIV or AIDS.

The program established under this subsection shall cover the cost of covered prescription drugs in excess of the beneficiary cost-sharing amounts set forth in this paragraph that are not covered by Medicare. In 2006, beneficiaries shall pay a co-payment of $2 for each prescription of a generic drug and $5 for each prescription of a brand-name drug. In future years, beneficiaries shall pay co-payments equal to the co-payments required under Medicare Part D for "other low-income subsidy eligible individuals" pursuant to 42 CFR 423.782(b). For individuals in Eligibility Groups 1, 2, and 3, ~~and 4,~~ once the program established under this subsection and Medicare combined have paid $1,750 in a year for covered prescription drugs, the beneficiary shall pay 20% of the cost of each prescription in addition to the co-payments set forth in this paragraph. For individuals in Eligibility Group 4 ~~5~~, once the program established under this subsection and Medicare combined have paid $1,750 in a year for covered prescription drugs, the beneficiary shall pay 20% of the cost of each prescription in addition to the co-payments set forth in this paragraph unless the drug is included in the formulary of the Illinois AIDS Drug Assistance Program operated by the Illinois Department of Public Health and covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled. If the drug is included in the formulary of the Illinois AIDS Drug Assistance Program and covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled, individuals in Eligibility Group 4 ~~5~~ shall continue to pay the co-payments set forth in this paragraph after the program established under this subsection and Medicare combined have paid $1,750 in a year for covered prescription drugs.

For beneficiaries eligible for Medicare Part D coverage, the program established under this subsection shall pay 100% of the premiums charged by a qualified Medicare Part D Prescription Drug Plan for Medicare Part D basic prescription drug coverage, not including any late enrollment penalties. Qualified Medicare Part D Prescription Drug Plans may be limited by the Department of Healthcare and Family Services to those plans that sign a coordination agreement with the Department.

Notwithstanding Section 3.15, for purposes of the program established under this subsection, the term "covered prescription drug" has the following meanings:

For Eligibility Group 1, "covered prescription drug" means: (1) any cardiovascular agent or drug; (2) any insulin or other prescription drug used in the treatment of diabetes, including syringe and needles used to administer the insulin; (3) any prescription drug used in the treatment of arthritis; (4) any prescription drug used in the treatment of cancer; (5) any prescription drug used in the treatment of Alzheimer's disease; (6) any prescription drug used in the treatment of Parkinson's disease; (7) any prescription drug used in the treatment of glaucoma; (8) any prescription drug used in the treatment of lung disease and smoking-related illnesses; (9) any prescription drug used in the treatment of osteoporosis; and (10) any prescription drug used in the treatment of multiple sclerosis. The Department may add additional therapeutic classes by rule. The Department may adopt a preferred drug list within any of the classes of drugs described in items (1) through (10) of this paragraph. The specific drugs or therapeutic classes of covered prescription drugs shall be indicated

by rule.

For Eligibility Group 2, "covered prescription drug" means those drugs ~~covered for Eligibility Group 1 that are also~~ covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled.

~~For Eligibility Group 3, "covered prescription drug" means those drugs covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled.~~

For Eligibility Group 3 ~~4~~, "covered prescription drug" means those drugs covered by the Medical Assistance Program under Article V of the Illinois Public Aid Code.

For Eligibility Group 4 ~~5, for individuals otherwise described in Eligibility Group 2, "covered prescription drug" means: (1) those drugs covered for Eligibility Group 2 that are also covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled; and (2) those drugs included in the formulary of the Illinois AIDS Drug Assistance Program operated by the Illinois Department of Public Health that are also covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled. For Eligibility Group 5, for individuals otherwise described in Eligibility Group 3~~, "covered prescription drug" means those drugs covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled.

An individual in Eligibility Group 1, 2, 3, or 4 ~~, or 5~~ may opt to receive a $25 monthly payment in lieu of the direct coverage described in this subsection.

Any person otherwise eligible for pharmaceutical assistance under this subsection whose covered drugs are covered by any public program is ineligible for assistance under this subsection to the extent that the cost of those drugs is covered by the other program.

The Department of Healthcare and Family Services shall establish by rule the methods by which it will provide for the coverage called for in this subsection. Those methods may include direct reimbursement to pharmacies or the payment of a capitated amount to Medicare Part D Prescription Drug Plans.

For a pharmacy to be reimbursed under the program established under this subsection, it must comply with rules adopted by the Department of Healthcare and Family Services regarding coordination of benefits with Medicare Part D Prescription Drug Plans. A pharmacy may not charge a Medicare-enrolled beneficiary of the program established under this subsection more for a covered prescription drug than the appropriate Medicare cost-sharing less any payment from or on behalf of the Department of Healthcare and Family Services.

The Department of Healthcare and Family Services or the Department on Aging, as appropriate, may adopt rules regarding applications, counting of income, proof of Medicare status, mandatory generic policies, and pharmacy reimbursement rates and any other rules necessary for the cost-efficient operation of the program established under this subsection.

(h) A qualified individual is not entitled to duplicate benefits in a coverage period as a result of the changes made by this amendatory Act of the 96th General Assembly.

(Source: P.A. 94-86, eff. 1-1-06; 94-909, eff. 6-23-06; 95-208, eff. 8-16-07; 95-644, eff. 10-12-07; 95-876, eff. 8-21-08.)

(320 ILCS 25/4.05 new)

Sec. 4.05. Application.

(a) The Department on Aging shall establish the content, required eligibility and identification information, use of social security numbers, and manner of applying for benefits in a simplified format under this Act, including claims filed for new or renewed prescription drug benefits.

(b) An application may be filed on paper or over the Internet to enable persons to apply separately or for both a property tax relief grant and pharmaceutical assistance on the same application. An application may also enable persons to apply for other State or federal programs that provide medical or pharmaceutical assistance or other benefits, as determined by the Department on Aging in conjunction with the Department of Healthcare and Family Services.

(c) Applications must be filed during the time period prescribed by the Department.

(320 ILCS 25/5) (from Ch. 67 1/2, par. 405)

Sec. 5. Procedure.

(a) In general. Claims must be filed after January 1, on forms prescribed by the Department. No claim may be filed more than one year after December 31 of the year for which the claim is filed ~~except that claims for 1976 may be filed until December 31, 1978~~. The pharmaceutical assistance identification card provided for in subsection (f) of Section 4 shall be valid for a period determined by the Department of Healthcare and Family Services ~~not to exceed one year~~. ~~On and after January 1, 2002, however, to enable the Department to convert coverage for a pharmaceutical assistance program participant to a State fiscal year basis, a card shall be valid for a longer or shorter period than 12 months, depending on the~~

~~date a timely claim is filed and as determined by the Department. All applicants for benefits under this program approved for benefits on or after July 1 but on or before December 31 of any State fiscal year are eligible for benefits through June 30 of that State fiscal year. All applicants for benefits under this program approved for benefits on or after January 1 but on or before June 30 of any State fiscal year are eligible for benefits through June 30 of the following State fiscal year.~~

(b) Claim is Personal. The right to file a claim under this Act shall be personal to the claimant and shall not survive his death, but such right may be exercised on behalf of a claimant by his legal guardian or attorney-in-fact. If a claimant dies after having filed a timely claim, the amount thereof shall be disbursed to his surviving spouse or, if no spouse survives, to his surviving dependent minor children in equal parts, provided the spouse or child, as the case may be, resided with the claimant at the time he filed his claim. If at the time of disbursement neither the claimant nor his spouse is surviving, and no dependent minor children of the claimant are surviving the amount of the claim shall escheat to the State.

(c) One claim per household. Only one member of a household may file a claim under this Act in any calendar year; where both members of a household are otherwise entitled to claim a grant under this Act, they must agree as to which of them will file a claim for that year.

(d) (Blank). ~~Content of application form. The form prescribed by the Department for purposes of paragraph (a) shall include a table, appropriately keyed to the parts of the form on which the claimant is required to furnish information, which will enable the claimant to determine readily the approximate amount of grant to which he is entitled by relating levels of household income to property taxes accrued or rent constituting property taxes accrued.~~

(e) Pharmaceutical Assistance Procedures. ~~The Department shall establish the form and manner for application, and establish by January 1, 1986 a procedure to enable persons to apply for the additional grant or for the pharmaceutical assistance identification card on the same application form.~~ The Department of Healthcare and Family Services shall determine eligibility for pharmaceutical assistance using the applicant's current income. The Department shall determine a person's current income in the manner provided by the Department by rule.

(Source: P.A. 91-533, eff. 8-13-99; 91-699, eff. 1-1-01; 92-131, eff. 7-23-01; 92-519, eff. 1-1-02.)

(320 ILCS 25/7) (from Ch. 67 1/2, par. 407)

Sec. 7. Payment and denial of claims.

(a) In general. The Director shall order the payment from appropriations made for that purpose of grants to claimants under this Act in the amounts to which the Department has determined they are entitled, respectively. If a claim is denied, the Director shall cause written notice of that denial and the reasons for that denial to be sent to the claimant.

(b) Payment of claims one dollar and under. Where the amount of the grant computed under Section 4 is less than one dollar, the Department shall pay to the claimant one dollar.

(c) Right to appeal. Any person aggrieved by an action or determination of the Department on Aging arising under any of its powers or duties under this Act may request in writing that the Department on Aging reconsider its action or determination, setting out the facts upon which the request is based. The Department on Aging shall consider the request and either modify or affirm its prior action or determination. The Department on Aging may adopt, by rule, procedures for conducting its review under this Section.

Any person aggrieved by an action or determination of the Department of Healthcare and Family Services arising under any of its powers or duties under this Act may request in writing that the Department of Healthcare and Family Services reconsider its action or determination, setting out the facts upon which the request is based. The Department of Healthcare and Family Services shall consider the request and either modify or affirm its prior action or determination. The Department of Healthcare and Family Services may adopt, by rule, procedures for conducting its review under this Section. ~~Any claimant aggrieved by the action of the Department under this Act, whether in the reduction of the amount of the grant claimed or in the denial of the claim, may request in writing that the Department reconsider its prior determination, setting out the facts on which his request is based. The Department shall consider the request and either modify or affirm its prior determination.~~

(d) (Blank). ~~Administrative review. The decision of the Department to affirm its prior determination, or the failure of the Department to act on a request for reconsideration within 60 days, is a final administrative decision which is subject to judicial review under the Administrative Review Law, and all amendments and modifications thereof and the rules adopted thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.~~

(Source: P.A. 82-783.)

(320 ILCS 25/8) (from Ch. 67 1/2, par. 408)

Sec. 8. Records. Every claimant of a grant under this Act and every applicant for pharmaceutical

assistance under this Act shall keep such records, render such statements, file such forms and comply with such rules and regulations as the Department on Aging may from time to time prescribe. The Department on Aging may by regulations require landlords to furnish to tenants statements as to gross rent or rent constituting property taxes accrued.

(Source: P.A. 77-2059.)

(320 ILCS 25/8a) (from Ch. 67 1/2, par. 408.1)

Sec. 8a. Confidentiality.

(a) Except as otherwise provided in this Act, all information received by the Department of Revenue or its successors, the Department on Aging and the Department of Healthcare and Family Services, from claims filed under this Act, or from any investigation conducted under the provisions of this Act, shall be confidential, except for official purposes within those Departments ~~the Department~~ or pursuant to official procedures for collection of any State tax or enforcement of any civil or criminal penalty or sanction imposed by this Act or by any statute imposing a State tax, and any person who divulges any such information in any manner, except for such purposes and pursuant to order of the Director of one of those Departments or in accordance with a proper judicial order, shall be guilty of a Class A misdemeanor.

(b) Nothing contained in this Act shall prevent the Director of Aging from publishing or making available reasonable statistics concerning the operation of the grant programs contained in this Act wherein the contents of claims are grouped into aggregates in such a way that information contained in any individual claim shall not be disclosed.

(c) The Department on Aging shall furnish to the Secretary of State such information as is reasonably necessary for the administration of reduced vehicle registration fees pursuant to Section 3-806.3 of "The Illinois Vehicle Code".

(Source: P.A. 89-399, eff. 8-20-95.)

(320 ILCS 25/9) (from Ch. 67 1/2, par. 409)

Sec. 9. Fraud; error.

(a) Any person who files a fraudulent claim for a grant under this Act, or who for compensation prepares a claim for a grant and knowingly enters false information on an application ~~a claim form~~ for any claimant under this Act, or who fraudulently files multiple applications ~~claim forms~~, or who fraudulently states that a nondisabled person is disabled, or who fraudulently procures ~~a~~ pharmaceutical assistance benefits ~~identification card~~, or who fraudulently uses such assistance ~~card~~ to procure covered prescription drugs, or who, on behalf of an authorized pharmacy, files a fraudulent request ~~claim~~ for payment, is guilty of a Class 4 felony for the first offense and is guilty of a Class 3 felony for each subsequent offense.

(b) The Department on Aging and the Department of Healthcare and Family Services shall immediately suspend ~~the use of~~ the pharmaceutical assistance benefits ~~identification card~~ of any person suspected of fraudulent procurement or fraudulent use of such assistance ~~card~~, and shall revoke such assistance ~~card~~ upon a conviction. A person convicted of ~~such~~ fraud under subsection (a) shall be permanently barred from all of the programs ~~the program of pharmaceutical assistance~~ established under this Act.

(c) The Department on Aging may recover from a claimant ~~, including an authorized pharmacy,~~ any amount paid to that claimant under this Act on account of an erroneous or fraudulent claim, together with 6% interest per year. Amounts recoverable from a claimant by the Department on Aging under this Act may, but need not, be recovered by offsetting the amount owed against any future grant payable to the person under this Act.

The Department of Healthcare and Family Services may recover from an authorized pharmacy any amount paid to that pharmacy under the pharmaceutical assistance program on account of an erroneous or fraudulent request for payment under that program, together with 6% interest per year. The Department of Healthcare and Family Services may recover from a person who erroneously or fraudulently obtains benefits under the pharmaceutical assistance program the value of the benefits so obtained, together with 6% interest per year.

(d) A prosecution for a violation of this Section may be commenced at any time within 3 years of the commission of that violation.

(Source: P.A. 85-299.)

(320 ILCS 25/12) (from Ch. 67 1/2, par. 412)

Sec. 12. Regulations - Department on Aging.

(a) Regulations. Notwithstanding any other provision to the contrary, the Department on Aging may adopt rules regarding applications, proof of eligibility, required identification information, use of social security numbers, counting of income, and a method of computing "gross rent" in the case of a claimant

living in a nursing or sheltered care home, and any other rules necessary for the cost-efficient operation of the program established under Section 4. ~~The Director shall promulgate such regulations as are necessary or desirable to effectuate the purposes of this Act, including but not limited to the method of computing "gross rent" in the case of a claimant living in a nursing or sheltered care home.~~

(b) The Department on Aging shall, to the extent of appropriations made for that purpose:

(1) attempt to secure the cooperation of appropriate federal, State and local agencies in securing the names and addresses of persons to whom this Act pertains;

(2) prepare a mailing list of persons eligible for grants under this Act;

(3) secure the cooperation of the Department of Revenue, the Department of Healthcare and Family Services, other State agencies, and ~~of~~ local business establishments to facilitate distribution of applications ~~application forms~~ under this Act to those eligible to file claims; and

(4) through use of direct mail, newspaper advertisements and radio and television advertisements, and all other appropriate means of communication, conduct an on-going public relations program to increase awareness of eligible citizens of the benefits ~~grants~~ under this Act and the procedures for applying for them.

(Source: P.A. 78-1249.)

(320 ILCS 25/13) (from Ch. 67 1/2, par. 413)

Sec. 13. List of persons who have qualified. The Department on Aging ~~of Revenue~~ shall maintain a list of all persons who have qualified under this Act and shall make the list available to the Department of Healthcare and Family Services, the Department of Public Health, the Secretary of State, municipalities, and public transit authorities upon request.

All information received by a State agency, municipality, or public transit authority under this Section shall be confidential, except for official purposes, and any person who divulges or uses that information in any manner, except in accordance with a proper judicial order, shall be guilty of a Class B misdemeanor.

(Source: P.A. 87-247.)

(320 ILCS 25/3.02 rep.) (320 ILCS 25/3.03 rep.) (320 ILCS 25/3.15 rep.) (320 ILCS 25/3.16 rep.) (320 ILCS 25/3.17 rep.)

Section 20. The Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act is amended by repealing Sections 3.02, 3.03, 3.15, 3.16, and 3.17.

Section 99. Effective date. This Act takes effect January 1, 2010.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

At the hour of 5:02 o'clock p.m., Senator Harmon, presiding.

On motion of Senator Haine, **Senate Bill No. 2071** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2071

AMENDMENT NO. 1. Amend Senate Bill 2071 on page 32, line 7, by replacing "and 11-24," with ", 11-24, 11-25, and 11-26,".

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2071

AMENDMENT NO. 2. Amend Senate Bill 2071 as follows:

on page 3, line 17, after "district", by inserting "or the chief school administrator of the employing nonpublic school"; and

on page 7, line 2, before" 3-11", by inserting "2-3.25o,"; and

on page 7, immediately below line 3, by inserting the following:

"(105 ILCS 5/2-3.25o)

Sec. 2-3.25o. Registration and recognition of non-public elementary and secondary schools.

(a) Findings. The General Assembly finds and declares (i) that the Constitution of the State of Illinois provides that a "fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities" and (ii) that the educational development of every school student serves the public purposes of the State. In order to ensure that all Illinois students and teachers have the opportunity to enroll and work in State-approved educational institutions and programs, the State Board of Education shall provide for the voluntary registration and recognition of non-public elementary and secondary schools.

(b) Registration. All non-public elementary and secondary schools in the State of Illinois may voluntarily register with the State Board of Education on an annual basis. Registration shall be completed in conformance with procedures prescribed by the State Board of Education. Information required for registration shall include assurances of compliance (i) with federal and State laws regarding health examination and immunization, attendance, length of term, and nondiscrimination and (ii) with applicable fire and health safety requirements.

(c) Recognition. All non-public elementary and secondary schools in the State of Illinois may voluntarily seek the status of "Non-public School Recognition" from the State Board of Education. This status may be obtained by compliance with administrative guidelines and review procedures as prescribed by the State Board of Education. The guidelines and procedures must recognize that some of the aims and the financial bases of non-public schools are different from public schools and will not be identical to those for public schools, nor will they be more burdensome. The guidelines and procedures must also recognize the diversity of non-public schools and shall not impinge upon the noneducational relationships between those schools and their clientele.

(c-5) Prohibition against recognition. A non-public elementary or secondary school may not obtain "Non-public School Recognition" status unless the school requires all certified and non-certified applicants for employment with the school, after July 1, 2007, to authorize a fingerprint-based criminal history records check as a condition of employment to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses set forth in Section 21-23a of this Code ~~this subsection (c-5)~~ or have been convicted, within 7 years of the application for employment, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State.

Authorization for the check shall be furnished by the applicant to the school, except that if the applicant is a substitute teacher seeking employment in more than one non-public school, a teacher seeking concurrent part-time employment positions with more than one non-public school (as a reading specialist, special education teacher, or otherwise), or an educational support personnel employee seeking employment positions with more than one non-public school, then only one of the non-public schools employing the individual shall request the authorization. Upon receipt of this authorization, the non-public school shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to the Department of State Police.

The Department of State Police and Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereafter, until expunged, to the president or principal of the non-public school that requested the check. The Department of State Police shall charge that school a fee for conducting such check, which fee must be deposited into the State Police Services Fund and must not exceed the cost of the inquiry. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse non-public schools for fees paid to obtain criminal history records checks under this Section.

A non-public school may not obtain recognition status unless the school also performs a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, for each applicant for employment, after July 1, 2007, to determine whether the applicant has been adjudicated a sex offender.

Any information concerning the record of convictions obtained by a non-public school's president or principal under this Section is confidential and may be disseminated only to the governing body of the non-public school or any other person necessary to the decision of hiring the applicant for employment.

A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. Upon a check of the Statewide Sex Offender Database, the non-public school shall notify the applicant as to whether or not the applicant has been identified in the Sex Offender Database as a sex offender. Any information concerning the records of conviction obtained by the non-public school's president or principal under this Section for a substitute teacher seeking employment in more than one non-public school, a teacher seeking concurrent part-time employment positions with more than one non-public school (as a reading specialist, special education teacher, or otherwise), or an educational support personnel employee seeking employment positions with more than one non-public school may be shared with another non-public school's principal or president to which the applicant seeks employment. Any person who releases any criminal history record information concerning an applicant for employment is guilty of a Class A misdemeanor and may be subject to prosecution under federal law, unless the release of such information is authorized by this Section.

No non-public school may obtain recognition status that knowingly employs a person, hired after July 1, 2007, for whom a Department of State Police and Federal Bureau of Investigation fingerprint-based criminal history records check and a Statewide Sex Offender Database check has not been initiated or who has been convicted of any offense enumerated in Section 21-23a of this Code or ~~for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b), and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; and (iv)~~ any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as one or more of those ~~the foregoing~~ offenses. No non-public school may obtain recognition status under this Section that knowingly employs a person who has been found to be the perpetrator of sexual or physical abuse of a minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

In order to obtain recognition status under this Section, a non-public school must require compliance with the provisions of this subsection (c-5) from all employees of persons or firms holding contracts with the school, including, but not limited to, food service workers, school bus drivers, and other transportation employees, who have direct, daily contact with pupils. Any information concerning the records of conviction or identification as a sex offender of any such employee obtained by the non-public school principal or president must be promptly reported to the school's governing body.

(d) Public purposes. The provisions of this Section are in the public interest, for the public benefit, and serve secular public purposes.

(e) Definition. For purposes of this Section, a non-public school means any non-profit, non-home-based, and non-public elementary or secondary school that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of this Code.

(Source: P.A. 95-351, eff. 8-23-07.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Haine, **Senate Bill No. 2091** having been printed, was taken up, read by title a second time.

Senate Floor Amendment No. 1 was recommended “do adopt” by the Committee on Insurance earlier today.

Senate Floor Amendment Nos. 2, 3 and 4 were held in the Committee on Assignments.

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

On motion of Senator Duffy, **Senate Bill No. 2097** having been printed, was taken up, read by title a second time.

Senator Duffy offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2097

AMENDMENT NO. 1. Amend Senate Bill 2097 by replacing everything after the enacting clause

with the following:

"Section 1. Short title. This Act may be cited as the Joint Committee on Obsolete Laws and Programs Act.

Section 5. Committee established. The Joint Committee on Obsolete Laws and Programs is established, consisting of 12 members of the General Assembly, appointed as follows: 6 Senators appointed 3 each by the President and Minority Leader of the Senate and 6 Representatives appointed 3 each by the Speaker and Minority Leader of the House of Representatives. A member shall serve at the pleasure of the legislative leader authorized to make the appointment to that position. A vacancy shall be filled by appointment by the legislative leader authorized to make the appointment to the vacated position.

The President of the Senate and the Speaker of the House of Representatives each shall designate one of his or her appointees to serve as co-chair of the Committee. The Committee shall meet as frequently as necessary at the call of either co-chair. Members shall not receive compensation for their service on the Committee but shall be reimbursed for their reasonable expenses actually incurred in the performance of their service on the Committee from funds appropriated for that purpose. The Committee shall receive staff and technical assistance provided by the General Assembly.

Section 10. Research and report. By March 20, 2010, the Committee must prepare and file a report listing any statutes or State programs, or portion of a statute or program, that are obsolete, unnecessary due to changes in technology or lifestyle changes, or duplicative of other State or federal statutes or programs. The report must also include (i) an explanation of why all or part of a statute or program is obsolete, unnecessary, or duplicative of other State or federal statutes or programs and (ii) a timetable for repeal of all or part of the statutes or programs. The report shall be filed with the Secretary of the Senate, the Clerk of the House of Representatives, and the Legislative Reference Bureau and also with the Office of the Governor for distribution to affected State agencies.

Section 15. Repeal. This Act is repealed April 1, 2010.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Viverito, **Senate Bill No. 2125,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bond, **Senate Bill No. 2162,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **Senate Bill No. 2168** having been printed, was taken up, read by title a second time.

Senator Hutchinson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2168

AMENDMENT NO. __1__. Amend Senate Bill 2168 on page 1, in line 23, by deleting "spouse or".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Garrett, **Senate Bill No. 2212** having been printed, was taken up, read by title a second time.

Senator Garrett offered the following amendment:

AMENDMENT NO. 1 TO SENATE BILL 2212

AMENDMENT NO. 1. Amend Senate Bill 2212 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 1A-104 and 1A-112 as follows:

(40 ILCS 5/1A-104)

Sec. 1A-104. Examinations and investigations.

(a) The Division shall make periodic examinations and investigations of all pension funds established under this Code and maintained for the benefit of employees and officers of governmental units in the State of Illinois. However, in lieu of making an examination and investigation, the Division may accept and rely upon a report of audit or examination of any pension fund made by an independent certified public accountant pursuant to the provisions of the Article of this Code governing the pension fund. The acceptance of the report of audit or examination does not bar the Division from making a further audit, examination, and investigation if deemed necessary by the Division.

The Department may implement a flexible system of examinations under which it directs resources as it deems necessary or appropriate. In consultation with the pension fund being examined, the Division may retain attorneys, independent actuaries, independent certified public accountants, and other professionals and specialists as examiners, the cost of which (except in the case of pension funds established under Article 3 or 4) shall be borne by the pension fund that is the subject of the examination.

(b) The Division shall examine or investigate each pension fund established under Article 3 or Article 4 of this Code. Beginning December 31, 2010, the ~~The~~ schedule of each examination shall be such that each fund shall be examined once every 5 ~~3~~ years.

Each examination shall include the following:

(1) an audit of financial transactions, investment policies, and procedures;

(2) an examination of books, records, documents, files, and other pertinent memoranda relating to financial, statistical, and administrative operations;

(3) a review of policies and procedures maintained for the administration and operation of the pension fund;

(4) a determination of whether or not full effect is being given to the statutory provisions governing the operation of the pension fund;

(5) a determination of whether or not the administrative policies in force are in accord with the purposes of the statutory provisions and effectively protect and preserve the rights and equities of the participants;

(6) a determination of whether or not proper financial and statistical records have been established and adequate documentary evidence is recorded and maintained in support of the several types of annuity and benefit payments being made; and

(7) a determination of whether or not the calculations made by the fund for the payment of all annuities and benefits are accurate.

In addition, the Division may conduct investigations, which shall be identified as such and which may include one or more of the items listed in this subsection.

A copy of the report of examination or investigation as prepared by the Division shall be submitted to the secretary of the board of trustees of the pension fund examined or investigated and to the chief executive officer of the municipality. The Director, upon request, shall grant a hearing to the officers or trustees of the pension fund or their duly appointed representatives, upon any facts contained in the report of examination. The hearing shall be conducted before filing the report or making public any information contained in the report. The Director may withhold the report from public inspection for up to 60 days following the hearing.

(Source: P.A. 95-950, eff. 8-29-08.)

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

Senator Garrett moved the foregoing amendment be ordered to lie on the table.

The motion to table prevailed.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2212

AMENDMENT NO. 2. Amend Senate Bill 2212 by replacing everything after the enacting clause

with the following:

"Section 5. The Illinois Pension Code is amended by changing Section 1A-104 as follows:
(40 ILCS 5/1A-104)
Sec. 1A-104. Examinations and investigations.
(a) The Division shall make periodic examinations and investigations of all pension funds established under this Code and maintained for the benefit of employees and officers of governmental units in the State of Illinois. However, in lieu of making an examination and investigation, the Division may accept and rely upon a report of audit or examination of any pension fund made by an independent certified public accountant pursuant to the provisions of the Article of this Code governing the pension fund. The acceptance of the report of audit or examination does not bar the Division from making a further audit, examination, and investigation if deemed necessary by the Division.
The Department may implement a flexible system of examinations under which it directs resources as it deems necessary or appropriate. In consultation with the pension fund being examined, the Division may retain attorneys, independent actuaries, independent certified public accountants, and other professionals and specialists as examiners, the cost of which (except in the case of pension funds established under Article 3 or 4) shall be borne by the pension fund that is the subject of the examination.
(b) The Division shall examine or investigate each pension fund established under Article 3 or Article 4 of this Code. Beginning December 31, 2010, the ~~The~~ schedule of each examination shall be such that each fund shall be examined once every 5 ~~3~~ years. The Division shall comply with the changes made by this amendatory Act of the 96th General Assembly, and any costs associated with the changes shall be paid for using the pension fund fee structure as it exists on the effective date of that amendatory Act.
Each examination shall include the following:
(1) an audit of financial transactions, investment policies, and procedures;
(2) an examination of books, records, documents, files, and other pertinent memoranda relating to financial, statistical, and administrative operations;
(3) a review of policies and procedures maintained for the administration and operation of the pension fund;
(4) a determination of whether or not full effect is being given to the statutory provisions governing the operation of the pension fund;
(5) a determination of whether or not the administrative policies in force are in accord with the purposes of the statutory provisions and effectively protect and preserve the rights and equities of the participants;
(6) a determination of whether or not proper financial and statistical records have been established and adequate documentary evidence is recorded and maintained in support of the several types of annuity and benefit payments being made; and
(7) a determination of whether or not the calculations made by the fund for the payment of all annuities and benefits are accurate.
In addition, the Division may conduct investigations, which shall be identified as such and which may include one or more of the items listed in this subsection.
A copy of the report of examination or investigation as prepared by the Division shall be submitted to the secretary of the board of trustees of the pension fund examined or investigated and to the chief executive officer of the municipality. The Director, upon request, shall grant a hearing to the officers or trustees of the pension fund or their duly appointed representatives, upon any facts contained in the report of examination. The hearing shall be conducted before filing the report or making public any information contained in the report. The Director may withhold the report from public inspection for up to 60 days following the hearing.
(Source: P.A. 95-950, eff. 8-29-08.)

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

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 2214** having been printed, was taken up, read by title a second time.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2214

AMENDMENT NO. 1. Amend Senate Bill 2214 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 27-24.5 as follows:
(105 ILCS 5/27-24.5) (from Ch. 122, par. 27-24.5)
Sec. 27-24.5. Submission of claims. The district shall report on forms prescribed by the State Board, on an ongoing basis, a list of students by name, birth date and sex, with the date the behind-the-wheel instruction or the classroom instruction or both were completed and with the status of the course completion. The district shall report annually to the State Board the total expenditures related to providing driver education, including equipment and personnel costs, by June 30, 2009 and every year thereafter.
The State shall not reimburse any district for any student who has repeated any part of the course more than once or who did not meet the age requirements of this Act during the period that the student was instructed in any part of the drivers education course; nor shall the State reimburse any district for any resident of the district over age 55.
(Source: P.A. 94-440, eff. 8-4-05.)

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

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

On motion of Senator Wilhelmi, **Senate Bill No. 2256** having been printed, was taken up, read by title a second time.
Senator Wilhelmi offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2256

AMENDMENT NO. 1. Amend Senate Bill 2256 by replacing everything after the enacting clause with the following:

"Section 5. The Health Care Surrogate Act is amended by changing Section 65 as follows:
(755 ILCS 40/65)
Sec. 65. Do-not-resuscitate advance directive forms.
(a) An individual of sound mind and having reached the age of majority or having obtained the status of an emancipated person pursuant to the Emancipation of Minors Act may execute a document (consistent with the Department of Public Health Uniform DNR Advance Directive) directing that resuscitating efforts shall not be implemented. Such a document may also be executed by an attending physician. Notwithstanding the existence of a do-not-resuscitate (DNR) ~~DNR~~ order, appropriate organ donation treatment may be applied or continued temporarily in the event of the patient's death, in accordance with subsection (g) of Section 20 of this Act, if the patient is an organ donor.
(b) Consent to a DNR Advance Directive may be obtained from the individual, or from another person at the individual's direction, or from the individual's legal guardian, agent under a power of attorney for health care, or surrogate decision maker, and witnessed by one individual ~~2 individuals~~ 18 years of age or older.
(c) The DNR Advance Directive may, but need not, be in the form adopted by the Department of Public Health pursuant to Section 2310-600 of the Department of Public Health Powers and Duties Law (20 ILCS 2310/2310-600).
(d) A health care professional or health care provider may presume, in the absence of knowledge to the contrary, that a completed Department of Public Health Uniform DNR Advance Directive or a copy of that Advance Directive is a valid DNR Advance Directive. A health care professional or health care provider, or an employee of a health care professional or health care provider, who in good faith complies with a do-not-resuscitate order made in accordance with this Act is not, as a result of that compliance, subject to any criminal or civil liability, except for willful and wanton misconduct, and may not be found to have committed an act of unprofessional conduct.

(e) Nothing in this Section or this Amendatory Act of the 94th General Assembly shall be construed to affect the ability of a physician to make a do-not-resuscitate ~~DNR~~ order.
(Source: P.A. 93-794, eff. 7-22-04; 94-865, eff. 6-16-06.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Demuzio, **Senate Bill No. 610,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 1603** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1603

AMENDMENT NO. 1. Amend Senate Bill 1603 on page 1, by replacing line 5 with the following:
"Sections 16-111.7, 16-111.9, 19-140 and 19-150 as follows:"; and

on page 4, immediately below line 19, by inserting the following:

"(220 ILCS 5/19-140 new)

Sec. 19-140. Financial assistance; payment plans; gas utilities.

(a) Notwithstanding any other provision of this Act, a gas utility may offer programs that are approved by the Commission specifically designed to provide bill payment assistance to low-income customers. The programs may be designed in a number of ways, including, but not limited to, flat grants, forgiveness of past due amounts in exchange for regular payments, percentage of income payments, energy efficiency and demand-response measures, and education. After receiving a request from a gas utility for the approval of a proposed program pursuant to this Section, the Commission shall render its decision within 120 days. If no decision is rendered within 120 days, then the request shall be deemed to be approved.

(b) If a gas utility elects to offer programs under this Section, the utility must first offer a Percentage of Income Payment Plan (PIP Plan) that has been approved by the Commission and that contains the following components:

(1) The gas utility shall coordinate with the Department of Healthcare and Family Services (Department) to identify eligible participants, which shall be based on the same criteria established by the Department to determine eligibility for the Illinois Low Income Home Energy Assistance Program (LIHEAP) pursuant to the Energy Assistance Act.

(2) The gas utility, in conjunction with the Department, shall establish the percentage of income formula that will be applied to PIP Plan participants' gas utility bills to determine the portion of the bill that is the responsibility of the participant.

(3) The Department shall remit to the gas utility that portion of the PIP Plan participant's bill that is not the responsibility of the participant; in the event that the Department fails to remit payment to the gas utility as required by this Section, the utility shall be entitled to recover all costs related to nonpayment through the automatic adjustment clause tariff established pursuant to Section 19-150 of this Act, and the limitations of subsection (c) of this Section shall not apply.

(4) For each month that a PIP Plan participant pays its gas utility bill on time, the gas utility shall apply a credit to a portion of the participant's arrearage, if any, and costs shall be recoverable by the utility pursuant to subsection (c) of this Section.

(5) A PIP Plan participant shall no longer be eligible for the PIP Plan if the participant fails to make an on time payment in any given month.

(6) Subsequent to Commission approval, the gas utility shall have the discretion to adjust the number of program participants, the percentage of income formula, and the amount of arrearages credits in order to add additional programs or control annual expenditures under this Section.

(c) A gas utility shall recover all of the costs it incurs in offering programs approved by the Commission pursuant to this Section, including all start-up and administrative costs, provided that the costs do not exceed $10 million annually. All costs incurred under this Section shall be recovered from

the gas utility's retail customers through an automatic adjustment clause tariff filed with and approved by the Commission.

(d) In the event a gas utility offering programs under this Section elects to discontinue a program, it shall provide 60 days notice both (i) to program participants through a bill insert and (ii) to the Commission through an informational filing.

(220 ILCS 5/19-150 new)

Sec. 19-150. Automatic adjustment clause tariff; uncollectibles; gas utilities. A gas utility that has filed a request with the Commission for approval of a Percentage of Income Payment Plan pursuant to Section 19-140 of this Act shall be permitted to recover all of its uncollectibles through an automatic adjustment clause tariff. The tariff shall be established outside the context of a general rate case. A gas utility may file a compliant tariff within 45 days after the effective date of this amendatory Act of the 96th General Assembly. The Commission shall conclude any investigation of the tariff within 45 days after the date on which it is filed. An approved tariff shall be applicable beginning with the utility's next monthly billing period commencing at least 15 days after the date of approval. Thereafter, the Commission shall annually initiate a review to reconcile any amounts collected with actual uncollectibles in the prior annual period and to determine any required adjustment to account for any difference in those amounts. Nothing in this Section or the implementing tariffs shall affect or alter the gas utility's existing obligation to pursue collection of uncollectibles or the gas utility's right to disconnect service.".

Senate Floor Amendment No. 2 was postponed in the Committee on Environment earlier today.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Frerichs, **Senate Bill No. 1522**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Sandoval
Bond	Garrett	Maloney	Schoenberg
Brady	Haine	Martinez	Silverstein
Burzynski	Harmon	McCarter	Steans
Clayborne	Hendon	Meeks	Sullivan
Collins	Holmes	Millner	Syverson
Cronin	Hunter	Munoz	Trotter
Crotty	Hutchinson	Murphy	Viverito
Dahl	Jacobs	Noland	Wilhelmi
DeLeo	Jones, E.	Pankau	Mr. President
Delgado	Jones, J.	Radogno	
Demuzio	Koehler	Raoul	

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

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

On motion of Senator Dahl, **Senate Bill No. 1535**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Sandoval
Bond	Garrett	Maloney	Schoenberg
Brady	Haine	Martinez	Silverstein
Burzynski	Harmon	McCarter	Steans
Clayborne	Hendon	Meeks	Sullivan
Collins	Holmes	Millner	Syverson
Cronin	Hunter	Munoz	Trotter
Crotty	Hutchinson	Murphy	Viverito
Dahl	Jacobs	Noland	Wilhelmi
DeLeo	Jones, E.	Pankau	Mr. President
Delgado	Jones, J.	Radogno	
Demuzio	Koehler	Raoul	

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

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

On motion of Senator Frerichs, **Senate Bill No. 1538**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Sandoval
Bond	Garrett	Maloney	Schoenberg
Brady	Haine	Martinez	Silverstein
Burzynski	Harmon	McCarter	Steans
Clayborne	Hendon	Meeks	Sullivan
Collins	Holmes	Millner	Syverson
Cronin	Hunter	Munoz	Trotter
Crotty	Hutchinson	Murphy	Viverito
Dahl	Jacobs	Noland	Wilhelmi
DeLeo	Jones, E.	Pankau	Mr. President
Delgado	Jones, J.	Radogno	
Demuzio	Koehler	Raoul	

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

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

On motion of Senator Bond, **Senate Bill No. 1541**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Risinger
Bivins	Frerichs	Link	Sandoval
Bomke	Garrett	Maloney	Schoenberg
Bond	Haine	Martinez	Silverstein
Brady	Harmon	McCarter	Steans
Burzynski	Hendon	Meeks	Sullivan
Clayborne	Holmes	Millner	Syverson
Collins	Hunter	Munoz	Trotter
Crotty	Hutchinson	Murphy	Viverito
Dahl	Jacobs	Noland	Wilhelmi
DeLeo	Jones, E.	Pankau	Mr. President
Delgado	Jones, J.	Radogno	
Demuzio	Koehler	Raoul	
Duffy	Lauzen	Righter	

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

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

On motion of Senator Noland, **Senate Bill No. 1544**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Lauzen	Risinger
Bivins	Forby	Lightford	Sandoval
Bomke	Frerichs	Link	Schoenberg
Bond	Garrett	Maloney	Silverstein
Brady	Haine	Martinez	Steans
Burzynski	Harmon	McCarter	Sullivan
Clayborne	Hendon	Meeks	Syverson
Collins	Holmes	Millner	Trotter
Cronin	Hunter	Munoz	Viverito
Crotty	Hutchinson	Murphy	Wilhelmi
Dahl	Jacobs	Noland	Mr. President
DeLeo	Jones, E.	Radogno	
Delgado	Jones, J.	Raoul	
Demuzio	Koehler	Righter	

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

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

On motion of Senator Cullerton, **Senate Bill No. 367**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Risinger
Bivins	Frerichs	Link	Sandoval
Bomke	Garrett	Maloney	Schoenberg
Bond	Haine	Martinez	Silverstein
Burzynski	Harmon	McCarter	Steans
Clayborne	Hendon	Meeks	Sullivan
Collins	Holmes	Millner	Syverson
Cronin	Hunter	Munoz	Trotter
Crotty	Hutchinson	Murphy	Viverito
Dahl	Jacobs	Noland	Wilhelmi
DeLeo	Jones, E.	Pankau	Mr. President
Delgado	Jones, J.	Radogno	
Demuzio	Koehler	Raoul	
Duffy	Lauzen	Righter	

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

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

On motion of Senator Haine, **Senate Bill No. 1549**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Sandoval
Bond	Garrett	Maloney	Schoenberg
Brady	Haine	Martinez	Silverstein
Burzynski	Harmon	McCarter	Steans
Clayborne	Hendon	Meeks	Sullivan
Collins	Holmes	Millner	Syverson
Cronin	Hunter	Munoz	Trotter
Crotty	Hutchinson	Murphy	Viverito
Dahl	Jacobs	Noland	Wilhelmi
DeLeo	Jones, E.	Pankau	Mr. President
Delgado	Jones, J.	Radogno	
Demuzio	Koehler	Raoul	

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

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

On motion of Senator Pankau, **Senate Bill No. 1552**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Sandoval
Bond	Garrett	Maloney	Schoenberg
Brady	Haine	Martinez	Silverstein
Burzynski	Harmon	McCarter	Steans
Clayborne	Hendon	Meeks	Sullivan
Collins	Holmes	Millner	Syverson
Cronin	Hunter	Munoz	Trotter
Crotty	Hutchinson	Murphy	Viverito
Dahl	Jacobs	Noland	Wilhelmi
DeLeo	Jones, E.	Pankau	Mr. President
Delgado	Jones, J.	Radogno	
Demuzio	Koehler	Raoul	

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

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

COMMITTEE MEETING ANNOUNCEMENT

The Chair announced that the Executive Committee will meet at 6:35 o'clock p.m. this evening.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Althoff, **Senate Bill No. 1555**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Sandoval
Bond	Garrett	Maloney	Schoenberg
Brady	Haine	Martinez	Silverstein
Burzynski	Harmon	McCarter	Steans
Clayborne	Hendon	Meeks	Sullivan
Collins	Holmes	Millner	Syverson
Cronin	Hunter	Munoz	Trotter
Crotty	Hutchinson	Murphy	Viverito
Dahl	Jacobs	Noland	Wilhelmi

DeLeo	Jones, E.	Pankau	Mr. President
Delgado	Jones, J.	Radogno	
Demuzio	Koehler	Raoul	

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

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

SENATE BILL RECALLED

On motion of Senator Delgado, **Senate Bill No. 1557** was recalled from the order of third reading to the order of second reading.

Senator Delgado offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1557

AMENDMENT NO. 1. Amend Senate Bill 1557 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 27-21 as follows:

(105 ILCS 5/27-21) (from Ch. 122, par. 27-21)

Sec. 27-21. History of United States. History of the United States shall be taught in all public schools and in all other educational institutions in this State supported or maintained, in whole or in part, by public funds. The teaching of history shall have as one of its objectives the imparting to pupils of a comprehensive idea of our democratic form of government and the principles for which our government stands as regards other nations, including the studying of the place of our government in world-wide movements and the leaders thereof, with particular stress upon the basic principles and ideals of our representative form of government. The teaching of history shall include a study of the role and contributions of African Americans and other ethnic groups including but not restricted to Polish, Lithuanian, German, Hungarian, Irish, Bohemian, Russian, Albanian, Italian, Czech, Slovak, French, Scots, Hispanics, Asian Americans, etc., in the history of this country and this State. The teaching of history shall include a study of the events related to the forceful removal and illegal deportation of almost 2,000,000 Mexican-American U.S. citizens during the Great Depression, beginning in 1929 and ending in the mid-1940's. The teaching of history also shall include a study of the role of labor unions and their interaction with government in achieving the goals of a mixed free enterprise system. No pupils shall be graduated from the eighth grade of any public school unless he has received such instruction in the history of the United States and gives evidence of having a comprehensive knowledge thereof. The State Superintendent of Education may prepare and make available to all school boards instructional materials that may be used to supplement instruction in any of the subject areas listed in this Section.

(Source: P.A. 92-27, eff. 7-1-01; 93-406, eff. 1-1-04.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Delgado, **Senate Bill No. 1557**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 42; NAYS 6; Present 2.

The following voted in the affirmative:

Althoff	Garrett	Link	Risinger
Bomke	Haine	Maloney	Schoenberg
Bond	Harmon	Martinez	Silverstein
Clayborne	Hendon	Meeks	Steans
Collins	Holmes	Millner	Sullivan
Crotty	Hunter	Murphy	Trotter
DeLeo	Hutchinson	Noland	Viverito
Delgado	Jacobs	Pankau	Wilhelmi
Demuzio	Jones, E.	Radogno	Mr. President
Forby	Koehler	Raoul	
Frerichs	Lightford	Righter	

The following voted in the negative:

Bivins	Duffy	Lauzen
Burzynski	Jones, J.	McCarter

The following voted present:

Cronin
Dahl

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

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

On motion of Senator Koehler, **Senate Bill No. 1559**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 51; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Duffy	Koehler	Righter
Bivins	Forby	Lauzen	Risinger
Bomke	Frerichs	Link	Sandoval
Bond	Garrett	Maloney	Schoenberg
Brady	Haine	Martinez	Silverstein
Burzynski	Harmon	McCarter	Steans
Clayborne	Hendon	Meeks	Sullivan
Collins	Holmes	Millner	Syverson
Crotty	Hunter	Munoz	Trotter
Dahl	Hutchinson	Noland	Viverito
DeLeo	Jacobs	Pankau	Wilhelmi
Delgado	Jones, E.	Radogno	Mr. President
Demuzio	Jones, J.	Raoul	

The following voted present:

Cronin

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

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

On motion of Senator Koehler, **Senate Bill No. 1560**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Sandoval
Bond	Garrett	Maloney	Schoenberg
Brady	Haine	Martinez	Silverstein
Burzynski	Harmon	McCarter	Steans
Clayborne	Hendon	Meeks	Sullivan
Collins	Holmes	Millner	Syverson
Cronin	Hunter	Munoz	Trotter
Crotty	Hutchinson	Murphy	Viverito
Dahl	Jacobs	Noland	Wilhelmi
DeLeo	Jones, E.	Pankau	Mr. President
Delgado	Jones, J.	Radogno	
Demuzio	Koehler	Raoul	

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

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

On motion of Senator Collins, **Senate Bill No. 1563**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Sandoval
Bond	Garrett	Maloney	Schoenberg
Brady	Haine	Martinez	Silverstein
Burzynski	Harmon	McCarter	Steans
Clayborne	Hendon	Meeks	Sullivan
Collins	Holmes	Millner	Syverson
Cronin	Hunter	Munoz	Trotter
Crotty	Hutchinson	Murphy	Viverito
Dahl	Jacobs	Noland	Wilhelmi
DeLeo	Jones, E.	Pankau	Mr. President
Delgado	Jones, J.	Radogno	
Demuzio	Koehler	Raoul	

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

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

SENATE BILL RECALLED

On motion of Senator Pankau, **Senate Bill No. 1570** was recalled from the order of third reading to the order of second reading.

Senator Pankau offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1570

AMENDMENT NO. 1. Amend Senate Bill 1570 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Section 605-333 as follows:

(20 ILCS 605/605-333 new)

Sec. 605-333. School Wind and Solar Generation Program.

(a) There is created the School Wind and Solar Generation Program to fund wind generation projects and solar generation projects for school districts and community college districts. The Department shall implement and administer this program. Under the program, the Department shall provide to school districts and community college districts that apply, full or partial low-interest loans for, without limitation, engineering studies, feasibility studies, research studies, and construction costs for wind generation projects and solar generation projects. The loan funds, subject to appropriation, shall be paid out of the School Wind and Solar Generation Revolving Loan Fund. All repayments of loans shall be deposited into the School Wind and Solar Generation Revolving Loan Fund.

(b) The Department shall make available information regarding the School Wind and Solar Generation Program to all school districts and community college districts in this State.

(c) Receiving a loan under this Section does not disqualify a district from being eligible for other Department funding programs regarding energy.

(d) For each of the fiscal years 2010 through 2014, the State Comptroller may order transferred and the State Treasurer may transfer $5,000,000 from the General Revenue Fund and other State funds to the School Wind and Solar Generation Revolving Loan Fund. The School Wind and Solar Generation Revolving Loan Fund is created as a special fund in the State treasury. The School Wind and Solar Generation Revolving Loan Fund shall consist of any moneys transferred or appropriated into the School Wind and Solar Generation Revolving Loan Fund, as well as all repayments of loans made under the School Wind and Solar Generation Program. All interest earned on moneys in the School Wind and Solar Generation Revolving Loan Fund shall be deposited into the Fund. All money in the School Wind and Solar Generation Revolving Loan Fund must be used, subject to appropriation, by the Department for the purposes of this Section. The School Wind and Solar Generation Revolving Loan Fund shall not be subject to sweeps, administrative charges or chargebacks or any other fiscal or budgetary maneuver that would in any way result in the transfer of any funds from the School Wind and Solar Generation Revolving Loan Fund to any other fund of the State or having any such funds utilized for any purpose other than for the purposes of this Section.

(e) The Department may accept additional funding for the School Wind and Solar Generation Program from the federal government and private donations.

(f) The Department may adopt any rules necessary to implement this Section.

Section 7. The Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997 is amended by changing Section 6-5.5 as follows:

(20 ILCS 687/6-5.5)

(Section scheduled to be repealed on December 12, 2015)

Sec. 6-5.5. Renewable energy grants.

(a) Subject to appropriation, the Department may establish and operate a renewable energy grant program to assist public schools and community colleges with engineering studies and feasibility studies and ~~school districts~~ in the installation, acquisition, construction, and improvement of renewable energy resources ~~in the public schools~~, including without limitation solar energy (such as solar panels), geothermal energy, and wind energy.

(b) Application for a grant under this Section must be in the form and manner established by the

Department. ~~The grant shall cover 50% of the cost for which the grant is sought, up to a maximum grant of $1,000,000, if the applicant school district is able to demonstrate that it has funds to pay the other 50% of the cost.~~ The schools and community colleges ~~school district~~ may accept private funds for their ~~its~~ portion of the cost.

(c) The Department may adopt any rules that are necessary to carry out its responsibilities under this Section.

(Source: P.A. 95-46, eff. 8-10-07.)

Section 10. The State Finance Act is amended by adding Section 5.719 as follows:

(30 ILCS 105/5.719 new)

Sec. 5.719. The School Wind and Solar Generation Revolving Loan Fund.

Section 15. The School Code is amended by changing Sections 10-20.42 and 34-18.36 as follows:

(105 ILCS 5/10-20.42)

Sec. 10-20.42. Wind and solar farms ~~farm~~. A school district may own and operate a wind or solar generation turbine farm, either individually or jointly with a unit of local government, school district, or community college district that is authorized to own and operate a wind or solar generation turbine farm, that directly or indirectly reduces the energy or other operating costs of the school district. The school district may ask for the assistance of any State agency, including without limitation the State Board of Education, the Illinois Power Agency, or the Environmental Protection Agency, in obtaining financing options for a wind or solar generation turbine farm.

(Source: P.A. 95-390, eff. 8-23-07; 95-805, eff. 8-12-08; 95-876, eff. 8-21-08.)

(105 ILCS 5/34-18.36)

Sec. 34-18.36. Wind and solar farms ~~farm~~. The school district may own and operate a wind or solar generation turbine farm, either individually or jointly with a unit of local government, school district, or community college district that is authorized to own and operate a wind or solar generation turbine farm, that directly or indirectly reduces the energy or other operating costs of the school district. The school district may ask for the assistance of any State agency, including without limitation the State Board of Education, the Illinois Power Agency, or the Environmental Protection Agency, in obtaining financing options for a wind or solar generation turbine farm.

(Source: P.A. 95-390, eff. 8-23-07; 95-805, eff. 8-12-08; 95-876, eff. 8-21-08.)

Section 20. The Public Community College Act is amended by changing Section 3-42.3 as follows:

(110 ILCS 805/3-42.3)

Sec. 3-42.3. Wind and solar farms ~~farm~~. To own and operate a wind or solar generation turbine farm, either individually or jointly with a unit of local government, school district, or community college district that is authorized to own and operate a wind or solar generation turbine farm, that directly or indirectly reduces the energy or other operating costs of the community college district. The board may ask for the assistance of any State agency, including without limitation the State Board, the Illinois Power Agency, or the Environmental Protection Agency, in obtaining financing options for a wind or solar generation turbine farm.

(Source: P.A. 95-390, eff. 8-23-07; 95-805, eff. 8-12-08.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Pankau, **Senate Bill No. 1570**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Sandoval
Bond	Garrett	Maloney	Schoenberg
Brady	Haine	Martinez	Silverstein
Burzynski	Harmon	McCarter	Steans
Clayborne	Hendon	Meeks	Sullivan
Collins	Holmes	Millner	Syverson
Cronin	Hunter	Munoz	Trotter
Crotty	Hutchinson	Murphy	Viverito
Dahl	Jacobs	Noland	Wilhelmi
DeLeo	Jones, E.	Pankau	Mr. President
Delgado	Jones, J.	Radogno	
Demuzio	Koehler	Raoul	

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

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

On motion of Senator Cronin, **Senate Bill No. 1576**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Sandoval
Bond	Garrett	Maloney	Schoenberg
Brady	Haine	Martinez	Silverstein
Burzynski	Harmon	McCarter	Steans
Clayborne	Hendon	Meeks	Sullivan
Collins	Holmes	Millner	Syverson
Cronin	Hunter	Munoz	Trotter
Crotty	Hutchinson	Murphy	Viverito
Dahl	Jacobs	Noland	Wilhelmi
DeLeo	Jones, E.	Pankau	Mr. President
Delgado	Jones, J.	Radogno	
Demuzio	Koehler	Raoul	

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

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

SENATE BILL RECALLED

On motion of Senator Wilhelmi, **Senate Bill No. 1579** was recalled from the order of third reading to the order of second reading.

Senator Wilhelmi offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 1579

AMENDMENT NO. 3. Amend Senate Bill 1579, AS AMENDED, in Section 40, subsec. (a), item (3), by replacing "forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any other similar offense, or a felony involving moral turpitude, in any court of competent jurisdiction in this State or any other state, district, or territory of the United States or of a foreign country, unless the Board waives this qualification after taking into account the nature of the applicant's conduct, any aggravating or extenuating circumstances, the time elapsed since the conviction, the rehabilitation or restitution performed by the applicant, and any other factors that the Board deems relevant." with "a felony.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Wilhelmi, **Senate Bill No. 1579**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Risinger
Bivins	Frerichs	Link	Sandoval
Bomke	Garrett	Maloney	Schoenberg
Bond	Haine	Martinez	Silverstein
Brady	Harmon	McCarter	Steans
Clayborne	Hendon	Meeks	Sullivan
Collins	Holmes	Millner	Trotter
Cronin	Hunter	Munoz	Viverito
Crotty	Hutchinson	Murphy	Wilhelmi
Dahl	Jacobs	Noland	Mr. President
DeLeo	Jones, E.	Pankau	
Delgado	Jones, J.	Radogno	
Demuzio	Koehler	Raoul	
Duffy	Lauzen	Righter	

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

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

SENATE BILL RECALLED

On motion of Senator Wilhelmi, **Senate Bill No. 1582** was recalled from the order of third reading to the order of second reading.

Senator Wilhelmi offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1582

AMENDMENT NO. 1. Amend Senate Bill 1582 on page 1, in line 5, by replacing "and 7A-1" with ", 7-12, 7A-1, and 10-7"; and

on page 15, by inserting below line 6 the following:

"(10 ILCS 5/7-12) (from Ch. 46, par. 7-12)

Sec. 7-12. All petitions for nomination shall be filed by mail or in person as follows:

(1) Where the nomination is to be made for a State, congressional, or judicial office, or for any office a nomination for which is made for a territorial division or district which comprises more than one county or is partly in one county and partly in another county or counties, then, except as otherwise provided in this Section, such petition for nomination shall be filed in the principal office of the State Board of Elections not more than 99 and not less than 92 days prior to the date of the primary, but, in the case of petitions for nomination to fill a vacancy by special election in the office of representative in Congress from this State, such petition for nomination shall be filed in the principal office of the State Board of Elections not more than 57 days and not less than 50 days prior to the date of the primary.

Where a vacancy occurs in the office of Supreme, Appellate or Circuit Court Judge within the 3-week period preceding the 92nd day before a general primary election, petitions for nomination for the office in which the vacancy has occurred shall be filed in the principal office of the State Board of Elections not more than 78 nor less than 71 days prior to the date of the general primary election.

Where the nomination is to be made for delegates or alternate delegates to a national nominating convention, then such petition for nomination shall be filed in the principal office of the State Board of Elections not more than 99 and not less than 92 days prior to the date of the primary; provided, however, that if the rules or policies of a national political party conflict with such requirements for filing petitions for nomination for delegates or alternate delegates to a national nominating convention, the chairman of the State central committee of such national political party shall notify the Board in writing, citing by reference the rules or policies of the national political party in conflict, and in such case the Board shall direct such petitions to be filed not more than 69 and not less than 62 days prior to the date of the primary.

(2) Where the nomination is to be made for a county office or trustee of a sanitary district then such petition shall be filed in the office of the county clerk not more than 99 nor less than 92 days prior to the date of the primary.

(3) Where the nomination is to be made for a municipal or township office, such petitions for nomination shall be filed in the office of the local election official, not more than 78 nor less than 71 days prior to the date of the primary; provided, where a municipality's or township's boundaries are coextensive with or are entirely within the jurisdiction of a municipal board of election commissioners, the petitions shall be filed in the office of such board; and provided, that petitions for the office of multi-township assessor shall be filed with the election authority.

(4) The petitions of candidates for State central committeeman shall be filed in the principal office of the State Board of Elections not more than 99 nor less than 92 days prior to the date of the primary.

(5) Petitions of candidates for precinct, township or ward committeemen shall be filed in the office of the county clerk not more than 99 nor less than 92 days prior to the date of the primary.

(6) The State Board of Elections and the various election authorities and local election officials with whom such petitions for nominations are filed shall specify the place where filings shall be made and upon receipt shall endorse thereon the day and hour on which each petition was filed. All petitions filed by persons waiting in line as of 8:00 a.m. on the first day for filing, or as of the normal opening hour of the office involved on such day, shall be deemed filed as of 8:00 a.m. or the normal opening hour, as the case may be. Petitions filed by mail and received after midnight of the first day for filing and in the first mail delivery or pickup of that day shall be deemed as filed as of 8:00 a.m. of that day or as of the normal opening hour of such day, as the case may be. All petitions received thereafter shall be deemed as filed in the order of actual receipt. Where 2 or more petitions are received simultaneously, the State Board of Elections or the various election authorities or local election officials with whom such petitions are filed shall break ties and determine the order of filing, by means of a lottery or other fair and impartial method of random selection approved by the State Board of Elections. Such lottery shall be conducted within 9 days following the last day for petition filing and shall be open to the public. Seven days written notice of the time and place of conducting such random selection shall be given by the State Board of Elections to the chairman of the State central committee of each established political party, and by each election authority or local election official, to the County Chairman of each established political party, and to each organization of citizens within the election jurisdiction which was entitled, under this Article, at the next preceding election, to have pollwatchers present on the day of election. The State Board of Elections, election authority or local election official shall post in a conspicuous, open and public place, at the entrance of the office, notice of the time and place of such lottery. The State Board of Elections shall adopt rules and regulations governing the procedures for the conduct of such lottery. All candidates shall be certified in the order in which their petitions have been filed. Where candidates have

filed simultaneously, they shall be certified in the order determined by lot and prior to candidates who filed for the same office at a later time.

(7) The State Board of Elections or the appropriate election authority or local election official with whom such a petition for nomination is filed shall notify the person for whom a petition for nomination has been filed of the obligation to file statements of organization, reports of campaign contributions, and annual reports of campaign contributions and expenditures under Article 9 of this Act. Such notice shall be given in the manner prescribed by paragraph (7) of Section 9-16 of this Code.

(8) Nomination papers filed under this Section are not valid if the candidate named therein fails to file a statement of economic interests as required by the Illinois Governmental Ethics Act in relation to his candidacy with the appropriate officer by the end of the period for the filing of nomination papers unless he has filed a statement of economic interests in relation to the same governmental unit with that officer within a year preceding the date on which such nomination papers were filed. If the nomination papers of any candidate and the statement of economic interest of that candidate are not required to be filed with the same officer, the candidate must file with the officer with whom the nomination papers are filed a receipt from the officer with whom the statement of economic interests is filed showing the date on which such statement was filed. Such receipt shall be so filed not later than the last day on which nomination papers may be filed.

(9) Any person for whom a petition for nomination, or for committeeman or for delegate or alternate delegate to a national nominating convention has been filed may cause his name to be withdrawn by request in writing, signed by him and duly acknowledged before an officer qualified to take acknowledgments of deeds, and filed in the principal or permanent branch office of the State Board of Elections or with the appropriate election authority or local election official, not later than the date of certification of candidates for the consolidated primary or general primary ballot. No names so withdrawn shall be certified or printed on the primary ballot. If petitions for nomination have been filed for the same person with respect to more than one political party, his name shall not be certified nor printed on the primary ballot of any party. If petitions for nomination have been filed for the same person for 2 or more offices which are incompatible so that the same person could not serve in more than one of such offices if elected, that person must withdraw as a candidate for all but one of such offices within the 5 business days following the last day for petition filing. If he fails to withdraw as a candidate for all but one of such offices within such time his name shall not be certified, nor printed on the primary ballot, for any office. For the purpose of the foregoing provisions, an office in a political party is not incompatible with any other office.

(10) (a) Notwithstanding the provisions of any other statute, no primary shall be held for an established political party in any township, municipality, or ward thereof, where the nomination of such party for every office to be voted upon by the electors of such township, municipality, or ward thereof, is uncontested. Whenever a political party's nomination of candidates is uncontested as to one or more, but not all, of the offices to be voted upon by the electors of a township, municipality, or ward thereof, then a primary shall be held for that party in such township, municipality, or ward thereof; provided that the primary ballot shall not include those offices within such township, municipality, or ward thereof, for which the nomination is uncontested. For purposes of this Article, the nomination of an established political party of a candidate for election to an office shall be deemed to be uncontested where not more than the number of persons to be nominated have timely filed valid nomination papers seeking the nomination of such party for election to such office.

(b) Notwithstanding the provisions of any other statute, no primary election shall be held for an established political party for any special primary election called for the purpose of filling a vacancy in the office of representative in the United States Congress where the nomination of such political party for said office is uncontested. For the purposes of this Article, the nomination of an established political party of a candidate for election to said office shall be deemed to be uncontested where not more than the number of persons to be nominated have timely filed valid nomination papers seeking the nomination of such established party for election to said office. This subsection (b) shall not apply if such primary election is conducted on a regularly scheduled election day.

(c) Notwithstanding the provisions in subparagraph (a) and (b) of this paragraph (10), whenever a person who has not timely filed valid nomination papers and who intends to become a write-in candidate for a political party's nomination for any office for which the nomination is uncontested files a written statement or notice of that intent with the State Board of Elections or the local election official with whom nomination papers for such office are filed, a primary ballot shall be prepared and a primary shall be held for that office. Such statement or notice shall be filed on or before the date established in this Article for certifying candidates for the primary ballot. Such statement or notice shall contain (i) the name and address of the person intending to become a write-in

candidate, (ii) a statement that the person is a qualified primary elector of the political party from whom the nomination is sought, (iii) a statement that the person intends to become a write-in candidate for the party's nomination, and (iv) the office the person is seeking as a write-in candidate. An election authority shall have no duty to conduct a primary and prepare a primary ballot for any office for which the nomination is uncontested unless a statement or notice meeting the requirements of this Section is filed in a timely manner.

(11) If multiple sets of nomination papers are filed for a candidate to the same office, the State Board of Elections, appropriate election authority or local election official where the petitions are filed shall within 2 business days notify the candidate of his or her multiple petition filings and that the candidate has 3 business days after receipt of the notice to notify the State Board of Elections, appropriate election authority or local election official that he or she may cancel prior sets of petitions. If the candidate notifies the State Board of Elections, appropriate election authority or local election official, the last set of petitions filed shall be the only petitions to be considered valid by the State Board of Elections, election authority or local election official. If the candidate fails to notify the State Board of Elections, election authority or local election official then only the first set of petitions filed shall be valid and all subsequent petitions shall be void.

(12) All nominating petitions shall be available for public inspection and shall be preserved for a period of not less than 6 months. No listing of candidates may include the residence address of a candidate for judicial office. Following the date of the primary election for which the petition was filed, the State Board of Elections shall remove the address of a judicial candidate from any original petition before its inspection and from any copy of the petition before its receipt by the individual who ordered the copy.

(Source: P.A. 86-867; 86-873; 86-875; 86-1028; 86-1089; 87-1052.)"; and

on page 16, by inserting below line 18 the following:

"No listing of candidates may include the residence address of a candidate for judicial office. Following the date of the general election for which the declaration of candidacy was filed, the State Board of Elections or Secretary of State shall remove the address of a judicial candidate from any original declaration before its inspection and from any copy of the declaration before its receipt by the individual who ordered the copy."; and

on page 16, by inserting below line 19 the following:

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

Sec. 10-7. Any person whose name has been presented as a candidate may cause his name to be withdrawn from any such nomination by his request in writing, signed by him and duly acknowledged before an officer qualified to take acknowledgment of deeds, and presented to the principal office or permanent branch office of the Board, the election authority, or the local election official, as the case may be, not later than the date for certification of candidates for the ballot. No name so withdrawn shall be printed upon the ballots under the party appellation or title from which the candidate has withdrawn his name. If the name of the same person has been presented as a candidate for 2 or more offices which are incompatible so that the same person could not serve in more than one of such offices if elected, that person must withdraw as a candidate for all but one of such offices within the 5 business days following the last day for petition filing. If he fails to withdraw as a candidate for all but one of such offices within such time, his name shall not be certified, nor printed on the ballot, for any office. However, nothing in this section shall be construed as precluding a judge who is seeking retention in office from also being a candidate for another judicial office. Except as otherwise herein provided, in case the certificate of nomination or petition as provided for in this Article shall contain or exhibit the name of any candidate for any office upon more than one of said certificates or petitions (for the same office), then and in that case the Board or election authority or local election official, as the case may be, shall immediately notify said candidate of said fact and that his name appears unlawfully upon more than one of said certificates or petitions and that within 3 days from the receipt of said notification, said candidate must elect as to which of said political party appellations or groups he desires his name to appear and remain under upon said ballot, and if said candidate refuses, fails or neglects to make such election, then and in that case the Board or election authority or local election official, as the case may be, shall permit the name of said candidate to appear or be printed or placed upon said ballot only under the political party appellation or group appearing on the certificate of nomination or petition, as the case may be, first filed, and shall strike or cause to be stricken the name of said candidate from all certificates of nomination and petitions filed after the first such certificate of nomination or petition.

Whenever the name of a candidate for an office is withdrawn from a new political party petition, it shall constitute a vacancy in nomination for that office which may be filled in accordance with Section 10-11 of this Article; provided, that if the names of all candidates for all offices on a new political party petition are withdrawn or such petition is declared invalid by an electoral board or upon judicial review, no vacancies in nomination for those offices shall exist and the filing of any notice or resolution purporting to fill vacancies in nomination shall have no legal effect.

Whenever the name of an independent candidate for an office is withdrawn or an independent candidate's petition is declared invalid by an electoral board or upon judicial review, no vacancy in nomination for that office shall exist and the filing of any notice or resolution purporting to fill a vacancy in nomination shall have no legal effect.

All certificates of nomination and nomination papers when presented or filed shall be open, under proper regulation, to public inspection, and the State Board of Elections and the several election authorities and local election officials having charge of nomination papers shall preserve the same in their respective offices not less than 6 months. No listing of candidates may include the residence address of a candidate for judicial office. Following the date of the primary election for which the petition was filed, the State Board of Elections shall remove the address of a judicial candidate from any original petition before its inspection and from any copy of the petition before its receipt by the individual who ordered the copy.

(Source: P.A. 86-875.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Wilhelmi, **Senate Bill No. 1582**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Sandoval
Bond	Garrett	Maloney	Schoenberg
Brady	Haine	Martinez	Silverstein
Burzynski	Harmon	McCarter	Steans
Clayborne	Hendon	Meeks	Sullivan
Collins	Holmes	Millner	Syverson
Cronin	Hunter	Munoz	Trotter
Crotty	Hutchinson	Murphy	Viverito
Dahl	Jacobs	Noland	Wilhelmi
DeLeo	Jones, E.	Pankau	Mr. President
Delgado	Jones, J.	Radogno	
Demuzio	Koehler	Raoul	

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

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

On motion of Senator Righter, **Senate Bill No. 1583**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Sandoval
Bond	Garrett	Maloney	Schoenberg
Brady	Haine	Martinez	Silverstein
Burzynski	Harmon	McCarter	Steans
Clayborne	Hendon	Meeks	Sullivan
Collins	Holmes	Millner	Syverson
Cronin	Hunter	Munoz	Trotter
Crotty	Hutchinson	Murphy	Viverito
Dahl	Jacobs	Noland	Wilhelmi
DeLeo	Jones, E.	Pankau	Mr. President
Delgado	Jones, J.	Radogno	
Demuzio	Koehler	Raoul	

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

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

On motion of Senator Forby, **Senate Bill No. 1586**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Sandoval
Bond	Garrett	Maloney	Schoenberg
Brady	Haine	Martinez	Silverstein
Burzynski	Harmon	McCarter	Steans
Clayborne	Hendon	Meeks	Sullivan
Collins	Holmes	Millner	Syverson
Cronin	Hunter	Munoz	Trotter
Crotty	Hutchinson	Murphy	Viverito
Dahl	Jacobs	Noland	Wilhelmi
DeLeo	Jones, E.	Pankau	Mr. President
Delgado	Jones, J.	Radogno	
Demuzio	Koehler	Raoul	

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

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

On motion of Senator Forby, **Senate Bill No. 1587**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Sandoval
Bond	Garrett	Maloney	Schoenberg
Brady	Haine	Martinez	Silverstein
Burzynski	Harmon	McCarter	Steans
Clayborne	Hendon	Meeks	Sullivan
Collins	Holmes	Millner	Syverson
Cronin	Hunter	Munoz	Trotter
Crotty	Hutchinson	Murphy	Viverito
Dahl	Jacobs	Noland	Wilhelmi
DeLeo	Jones, E.	Pankau	Mr. President
Delgado	Jones, J.	Radogno	
Demuzio	Koehler	Raoul	

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

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

On motion of Senator Althoff, **Senate Bill No. 1590**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Sandoval
Bond	Garrett	Maloney	Schoenberg
Brady	Haine	Martinez	Silverstein
Burzynski	Harmon	McCarter	Steans
Clayborne	Hendon	Meeks	Sullivan
Collins	Holmes	Millner	Syverson
Cronin	Hunter	Munoz	Trotter
Crotty	Hutchinson	Murphy	Viverito
Dahl	Jacobs	Noland	Wilhelmi
DeLeo	Jones, E.	Pankau	Mr. President
Delgado	Jones, J.	Radogno	
Demuzio	Koehler	Raoul	

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

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

On motion of Senator Althoff, **Senate Bill No. 1591**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 42; NAY 1; Present 7.

The following voted in the affirmative:

Althoff	Duffy	Link	Risinger
Bivins	Forby	Maloney	Sandoval
Bomke	Frerichs	Martinez	Schoenberg
Brady	Garrett	McCarter	Silverstein
Burzynski	Haine	Millner	Steans
Cronin	Harmon	Munoz	Sullivan
Crotty	Holmes	Murphy	Syverson
Dahl	Hutchinson	Pankau	Viverito
DeLeo	Jones, J.	Radogno	Mr. President
Delgado	Koehler	Raoul	
Demuzio	Lauzen	Righter	

The following voted in the negative:

Jacobs

The following voted present:

Clayborne	Hendon	Jones, E.	Meeks
Collins	Hunter	Lightford	

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

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Wilhelmi, **House Bill No. 210** having been printed, was taken up and read by title a second time.

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

AMENDMENT 1 TO HOUSE BILL 210

AMENDMENT NO. _____. Amend House Bill 210 on page 1, line 8, by replacing "2010" with "2009".

Senator Trotter offered the following amendment:

AMENDMENT 2 TO HOUSE BILL 210

AMENDMENT NO. _____. Amend House Bill 210, by deleting everything after the enacting clause and inserting in lieu thereof the following:

"ARTICLE 1

Section 5. "AN ACT concerning appropriations", Public Act 95-734, approved July 9, 2008, as vetoed, reduced and restored, is amended by changing Section 5 of Article 28 as follows:

(P.A. 95-734, Art. 28, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary are appropriated to the Department of Agriculture for repairs, maintenance, and capital improvements including construction, reconstruction, improvement, repair and installation of capital facilities, cost of planning, supplies, materials, equipment, services and all other expenses required to complete the work:

Payable from Agricultural Premium Fund:

For various projects at the State Fairgrounds..... 1,100,000 ~~600,000~~

For various projects at the DuQuoin State Fairgrounds..... 250,000

Total $850,000

Section 10. AN ACT concerning appropriations", Public Act 95-732, approved July 9, 2008, as vetoed, reduced and restored, is amended by changing Section 265 and adding new Sections 310 and 311 of Article 10 as follows:

(P.A. 95-732, Art. 10, Sec. 265)

Sec. 265. The sum of $1,700,000, or so much thereof as may be necessary, is appropriated from the State and Local Sales Tax Reform Fund ~~Downstate Public Transportation Fund~~ to the Department of Transportation for the purpose stated in Section 6z-17 of the State Finance Act (30ILCS 105/6z-17) and Section 2-2.04 of the Downstate Public Transportation Act (30 ILCS 740/2-2.04), for a grant to Madison County ~~equal to the sales tax transferred from the State and Local Sales Tax Reform Fund.~~

(P.A. 95-732, Art. 10, Sec. 311, new)

Sec. 310. The sum of $1,728,410, or so much thereof as may be necessary, is appropriated from the Federal/Local Airport Fund to the Department of Transportation for a grant to the Chicago/Rockford International Airport for the purpose of cargo apron construction (Phase I – Site Preparations), provided such amounts shall not exceed funds available from federal sources.

(P.A. 95-732, Art. 10, Sec. 311, new)

Sec. 311. The sum of $110,665, or so much thereof as may be necessary, is appropriated from the Metro East Public Transportation Fund to the Department of Transportation for operating assistance grants to Madison County subject to the provisions of the "Downstate Public Transportation Act," as amended.

Section 15. AN ACT concerning appropriations", Public Act 95-731, approved July 9, 2008, as vetoed, reduced and restored, is amended by changing Section 5 of Article 29 as follows:

(P.A. 95-731, Art. 29, Sec. 5)

Sec. 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Military Affairs:

FOR OPERATIONS

OFFICE OF THE ADJUTANT GENERAL

Payable from General Revenue Fund:

For Personal Services.....1,375,000

For State Contributions to State Employees' Retirement System.....244,700

For State Contributions to Social Security.....105,200

For Contractual Services.....17,300

For Travel.....23,000

For Commodities 20,100
For Printing 3,600
For Equipment 4,900
For Electronic Data Processing 32,000
For Telecommunications Services 31,400
For Operation of Auto Equipment 23,800
For State Officers' Candidate School 700
For Lincoln's Challenge 3,116,700
For Lincoln's Challenge Allowances 235,700
Total $5,234,100
Payable from Federal Support Agreement Revolving Fund:
Lincoln's Challenge 4,889,700
Lincoln's Challenge Allowances 1,200,000
Total $6,089,700

FACILITIES OPERATIONS

Payable from General Revenue Fund:
For Personal Services 5,400,000
For State Contributions to State Employees' Retirement System 961,000
For State Contributions to Social Security 413,100
For Contractual Services ..... 4,192,400 ~~3,192,400~~
For Commodities 65,200
For Equipment 24,800
Total $10,056,500
Payable from Federal Support Agreement Revolving Fund:
Army/Air Reimbursable Positions 9,145,900
Total $9,145,900

Section 20. AN ACT concerning appropriations", Public Act 95-731, approved July 9, 2008, as vetoed, reduced and restored, is amended by changing Sections 5 and 35 of Article 13 as follows:

(P.A. 95-731, Art. 13, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

MANAGEMENT AND ADMINISTRATIVE SUPPORT

Payable from General Revenue Fund:
For Personal Services 279,000
For State Contributions to State Employees' Retirement System 49,700
For State Contributions to Social Security 21,400
For Contractual Services 950,000
For Travel 3,800
For Commodities 1,000
For Printing 6,700
For Equipment 26,700
For Electronic Data Processing 13,300
For Telecommunications 59,800
For Operation of Auto Equipment 6,600
For Training and Education 150,000
For costs and services related to ILEAS/MABAS administration 125,000
Total $1,693,000
Payable from Radiation Protection Fund:
For Personal Services 0
For State Contributions to State

Employees' Retirement System....0
For State Contributions to
Social Security....0
For Group Insurance....0
For Contractual Services....25,000
For Travel....5,000
For Commodities....1,000
For Printing....1,000
For Electronic Data Processing....25,000
For Telecommunications Services....11,000
For Operation of Auto Equipment....5,000
Total....$73,000

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services....1,808,100
For State Contributions to State
Employees' Retirement System....321,800
For State Contributions to
Social Security....139,400
For Group Insurance....367,200
For Contractual Services....450,000
For Travel....12,000
For Commodities....6,000
For Printing....5,000
For Equipment....22,000
For Electronic Data Processing....446,000
For Telecommunications Services....100,000
For Operation of Auto Equipment....12,000
Total....$3,689,500

Payable from the Emergency Management Preparedness Fund:
For an Emergency Management
Preparedness Program....5,000,000

Payable from the Federal Civil Preparedness Administrative Fund:
For Terrorism Preparedness and
Training costs in the current
and prior years....99,300,000
For Terrorism Preparedness and
Training costs in the current
and prior years in the Chicago
Urban Area....168,300,000

Payable from the September 11th Fund:
For grants, contracts, and administrative
expenses pursuant to 625 ILCS 5/3-653,
including prior year costs....100,000

Whenever it becomes necessary for the State or any governmental unit to furnish in a disaster area emergency services directly related to or required by a disaster and existing funds are insufficient to provide such services, the Governor may, when he considers such action in the best interest of the State, release funds from the General Revenue disaster relief appropriation in order to provide such services or to reimburse local governmental bodies furnishing such services. Such appropriation may be used for payment of the Illinois National Guard when called to active duty in case of disaster, and for the emergency purchase or renting of equipment and commodities. Such appropriation shall be used for emergency services and relief to the disaster area as a whole and shall not be used to provide private relief to persons sustaining property damages or personal injury as a result of a disaster.

Payable from General Revenue Fund:
For disaster relief costs incurred

in current and prior years ..... 8,800,000 ~~10,500,000~~

(P.A. 95-731, Art. 13, Sec. 35)

Sec. 35. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

DISASTER ASSISTANCE AND PREPAREDNESS

Payable from General Revenue Fund:
For Personal Services 415,400
For State Contributions to State Employees' Retirement System 74,000
For State Contributions to Social Security 31,800
For Contractual Services 2,900
For Travel 1,900
For Commodities 1,000
For Printing 1,000
For Telecommunications Services 7,600
For Operation of Automotive Equipment 0
For State Share of Individual and Household Grant Program for Disaster Declarations in Current and Prior Years ..... 2,192,000 ~~492,000~~
Total $1,027,600

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services 679,000
For State Contributions to State Employees' Retirement System 120,900
For State Contributions to Social Security 52,000
For Group Insurance 136,500
For Contractual Services 50,000
For Travel 36,000
For Commodities 12,000
For Printing 5,000
For Equipment 5,000
For Electronic Data Processing 0
For Telecommunications Services 10,500
For Operation of Automotive Equipment 2,500
For compensation to local governments for expenses attributable to implementation and maintenance of plans and programs authorized by the Nuclear Safety Preparedness Act 650,000
Total $1,759,400

Payable from the Federal Aid Disaster Fund:
For Federal Disaster Declarations in Current and Prior Years ..... 70,000,000 ~~50,000,000~~
For State administration of the Federal Disaster Relief Program 1,000,000
Disaster Relief - Hazard Mitigation in Current and Prior Years ..... 10,000,000 ~~40,000,000~~
For State administration of the Hazard Mitigation Program 1,000,000
Total $92,000,000

Payable from the Emergency Planning and Training Fund:
For Activities as a Result of the Illinois Emergency Planning and Community Right To Know Act 150,000

Payable from the Nuclear Civil Protection

Planning Fund:	
For Federal Projects	500,000
For Mitigation Assistance	5,000,000
Total	$5,650,000
Payable from the Federal Civil Preparedness Administrative Fund:	
For Training and Education	2,091,000
Payable from the Emergency Management Preparedness Fund:	
For Emergency Management Preparedness	4,500,000

Section 25. "AN ACT concerning appropriations", Public Act 95-731, approved July 9, 2008, as vetoed, reduced and restored, is amended by changing Sections 45 and 85 of Article 20 as follows:

(P.A. 95-731, Art. 20, Sec. 45)

Sec. 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS

HISTORIC SITES DIVISION

PAYABLE FROM GENERAL REVENUE FUND

For Personal Services	3,296,400 ~~2,773,600~~
For State Contributions to State Employees' Retirement System	616,300 ~~493,600~~
For State Contributions to Social Security	243,800 ~~199,300~~
For Contractual Services	936,400
For Travel	13,600
For Commodities	146,300
For Equipment	46,000
For Telecommunications Services	52,900
For Operation of Auto Equipment	39,900
Total	$8,168,200

PAYABLE FROM ILLINOIS HISTORIC SITES FUND

For Personal Services	38,000
For State Contributions to State Employees' Retirement System	6,800
For State Contributions to Social Security	2,900
For Group Insurance	15,900
For Contractual Services	180,000
For Travel	5,000
For Commodities	35,000
For Equipment	25,000
For Telecommunications Services	15,000
For Operation of Auto Equipment	10,000
For Historic Preservation Programs Administered by the Historic Sites Division, Only to the Extent that Funds are Received Through Grants, Awards, or Gifts	300,000
For Permanent Improvements	75,000
Total	$708,600

(P.A. 95-731, Art. 20, Sec. 85)

Sec. 85. The sum of $750,000 ~~$1,500,000~~, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Historic Preservation Agency for a grant to the Illinois Abraham Lincoln Bicentennial Commission for expenses and activities related to promoting knowledge and understanding of the life and times of Abraham Lincoln and observances commemorating Abraham Lincoln's birthday on February 12, 2009.

Section 30. "AN ACT concerning appropriations", Public Act 95-733, approved July 9, 2008, as vetoed, reduced and restored, is amended by changing Section 5 of Article 3 as follows:

(P.A. 95-733, Art. 3, Sec. 5)

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Illinois Educational Labor Relations Board for the objects and purposes hereinafter named:

OPERATIONS

For Personal Services ..... 802,350 ~~723,350~~
For Employee Retirement Contributions Paid by Employer 0
For State Contributions to State Employees' Retirement System 128,800
For State Contributions to Social Security ..... 61,800 ~~55,300~~
For Contractual Services ..... 56,700 ~~120,700~~
For Travel 11,200
For Commodities 4,900
For Printing 3,000
For Equipment 3,700
For Electronic Data Processing ..... 1,000 ~~6,000~~
For Telecommunications Services ..... 0 ~~16,500~~
For Operation of Automotive Equipment 2,200
Total $1,075,650

Sec. 35. "AN ACT concerning appropriations", Public Act 95-731, approved July 9, 2008, as vetoed, reduced and restored, is amended by changing Section 50 of Article 8 as follows:

(P.A. 95-731, Art. 8, Sec. 50)

Sec. 50. The following named amounts, or so much thereof as may be necessary, respectively, for payments for care of children served by the Department of Children and Family Services:

GRANTS-IN-AID
REGIONAL OFFICES
PAYABLE FROM GENERAL REVENUE FUND

For Foster Homes and Specialized Foster Care and Prevention ..... 180,888,800 ~~174,788,800~~
For Counseling and Auxiliary Services 14,028,500
For Institution and Group Home Care and Prevention ..... 165,380,600 ~~128,780,600~~
For Services Associated with the Foster Care Initiative 6,812,200
For a 3% increase, to be given directly to both licensed and unlicensed foster parents 0
For Purchase of Adoption and Guardianship Services 199,584,100
For Health Care Network 4,198,500
For Cash Assistance and Housing Locator Service to Families in the Class Defined in the Norman Consent Order 1,432,000
For Youth in Transition Program 944,700
For MCO Technical Assistance and Program Development 1,650,000
For Pre Admission/Post Discharge Psychiatric Screening 3,225,000
For Assisting in the Development of Children's Advocacy Centers 2,069,500

For Psychological Assessments including Operations and Administrative Expenses 3,200,000
Total $566,031,900

PAYABLE FROM DCFS CHILDREN'S SERVICES FUND

For Foster Homes and Specialized Foster Care and Prevention 141,570,500
For Cash Assistance and Housing Locator Services to Families in the Class Defined in the Norman Consent Order 2,162,600
For Counseling and Auxiliary Services 12,568,900
For Institution and Group Home Care and Prevention 99,174,500
For Assisting in the development of Children's Advocacy Centers 1,505,400
For Children's Personal and Physical Maintenance 3,198,100
For Services Associated with the Foster Care Initiative 1,733,500
For Purchase of Adoption and Guardianship Services 75,854,800
For Client Specific Assistance 0
For Family Preservation Services 18,528,300
For Purchase of Children's Services 1,355,300
For Family Centered Services Initiative 16,999,700
Total $374,701,600

Section 40. "AN ACT concerning appropriations", Public Act 95-734, approved July 9, 2008, as vetoed, reduced and restored, is amended by changing Sections 5 and 10 of Article 14 as follows:

(P.A. 95-734, Art. 14, Sec. 5)

Sec. 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the following divisions of the Department of Juvenile Justice for the fiscal year ending June 30, 2009:

FOR OPERATIONS

GENERAL OFFICE

For Personal Services ..... 103,200 ~~158,200~~
For State Contributions to State Employees' Retirement System 28,200
For State Contributions to Social Security 12,200
For Contractual Services 87,000
For Travel 0
For Commodities 600
For Printing 0
For Equipment 1,000
For Electronic Data Processing 703,400
For Telecommunications Services 1,000
For Operation of Auto Equipment 0
For Tort Claims 47,000
Total $1,038,600

SCHOOL DISTRICT

For Personal Services ..... 6,482,000 ~~7,602,000~~
For Student, Member and Inmate Compensation 0
For State Contributions to State

Employees' Retirement System....1,352,900
For State Contributions to Teachers'
Retirement System....2,700
For State Contributions to Social Security....658,100
For Contractual Services....725,300
For Travel....3,900
For Commodities....47,700
For Printing....9,100
For Equipment....0
For Telecommunications Services....1,900
For Operation of Auto Equipment....5,100
Total....$10,408,700

AFTERCARE SERVICES

For Personal Services....340,100 ~~390,100~~
For State Contributions to State
Employees' Retirement System....79,600
For State Contributions to
Social Security....29,500
For Contractual Services....1,260,900
For Travel....20,800
For Travel and Allowance for Committed,
Paroled and Discharged Youth....1,800
For Commodities....27,900
For Printing....1,300
For Equipment....0
For Telecommunications Services....87,200
For Operation of Auto Equipment....117,700
Total....$6,266,100

(P.A. 95-734, Art. 14, Sec. 10)

Sec. 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Juvenile Justice from the General Revenue Fund:

ILLINOIS YOUTH CENTER - CHICAGO

For Personal Services....4,596,900
For Student, Member and Inmate
Compensation....10,300
For State Contributions to State
Employees' Retirement System....812,800
For State Contributions to
Social Security....349,400
For Contractual Services....2,576,700
For Travel....700
For Travel and Allowances for Committed,
Paroled and Discharged Youth....0
For Commodities....251,000
For Printing....4,500
For Equipment....14,000
For Telecommunications Services....30,300
For Operation of Auto Equipment....31,000
Total....$8,792,700

ILLINOIS YOUTH CENTER - HARRISBURG

For Personal Services....13,993,000 ~~14,768,800~~
For Student, Member and Inmate
Compensation....38,700
For State Contributions to State
Employees' Retirement System....2,622,900
For State Contributions to
Social Security....1,127,500
For Contractual Services....2,471,500

For Travel 10,400
For Travel and Allowances for Committed, Paroled and Discharged Youth 9,000
For Commodities 911,300
For Printing 14,600
For Equipment 40,000
For Telecommunications Services 78,100
For Operation of Auto Equipment 49,400
Total $22,256,400

ILLINOIS YOUTH CENTER - JOLIET

For Personal Services ..... 12,536,800 ~~11,536,800~~
For Student, Member and Inmate Compensation 13,600
For State Contributions to State Employees' Retirement System 2,047,800
For State Contributions to Social Security 880,300
For Contractual Services 2,190,700
For Travel 5,200
For Travel and Allowances for Committed, Paroled and Discharged Youth 1,300
For Commodities 414,300
For Printing 3,400
For Equipment 21,600
For Telecommunications Services 50,100
For Operation of Auto Equipment 57,400
Total $17,337,500

ILLINOIS YOUTH CENTER - KEWANEE

For Personal Services ..... 11,689,900 ~~10,689,900~~
For Student, Member and Inmate Compensation 16,200
For State Contributions to State Employees' Retirement System 1,897,100
For State Contributions to Social Security 815,500
For Contractual Services 4,104,100
For Travel 22,900
For Travel Allowances for Committed, Paroled and Discharged Youth 0
For Commodities 550,100
For Printing 8,600
For Equipment 5,000
For Telecommunications Services 92,000
For Operation of Auto Equipment 58,000
Total $18,374,400

ILLINOIS YOUTH CENTER - MURPHYSBORO

For Personal Services 6,766,500
For Student, Member and Inmate Compensation 8,600
For State Contributions to State Employees' Retirement System 1,198,900
For State Contributions to Social Security 515,400
For Contractual Services 1,068,200
For Travel 2,800
For Travel Allowances for Committed, Paroled and Discharged Youth 4,200
For Commodities 194,300
For Printing 4,700

For Equipment 25,000
For Telecommunications Services 23,500
For Operation of Auto Equipment 19,900
Total $9,947,000

ILLINOIS YOUTH CENTER - PERE MARQUETTE

For Personal Services 2,697,600
For Student, Member and Inmate Compensation 12,300
For State Contributions to State Employees' Retirement System 474,800
For State Contributions to Social Security 204,100
For Contractual Services 665,700
For Travel 1,300
For Travel and Allowances for Committed, Paroled and Discharged Youth 0
For Commodities 162,000
For Printing 2,600
For Equipment 20,000
For Telecommunications Services 23,000
For Operation of Auto Equipment 13,100
Total $4,391,500

ILLINOIS YOUTH CENTER - ST. CHARLES

For Personal Services 14,264,000
For Student, Member and Inmate Compensation 45,000
For State Contributions to State Employees' Retirement System 2,533,200
For State Contributions to Social Security 1,089,000
For Contractual Services 3,873,500
For Travel 25,000
For Travel and Allowances for Committed, Paroled and Discharged Youth 0
For Commodities 758,900
For Printing 16,400
For Equipment 9,000
For Telecommunications Services 98,300
For Operation of Auto Equipment 126,000
Total $22,953,300

ILLINOIS YOUTH CENTER - WARRENVILLE

For Personal Services 5,615,200
For Student, Member and Inmate Compensation 17,300
For State Contributions to State Employees' Retirement System 994,000
For State Contributions to Social Security 427,300
For Contractual Services 1,679,000
For Travel 2,500
For Travel and Allowances for Committed, Paroled and Discharged Youth 0
For Commodities 213,300
For Printing 8,600
For Equipment 21,000
For Telecommunications Services 33,900
For Operation of Auto Equipment 28,400
Total $9,155,500

Section 45. "AN ACT concerning appropriations", Public Act 95-734, approved July 9, 2008, as vetoed, reduced and restored, is amended by changing Sections 5, 40 and 45 of Article 5 as follows:

(P.A. 95-734, Art. 5, Sec. 5)

Sec. 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the following divisions of the Department of Corrections for the fiscal year ending June 30, 2009:

FOR OPERATIONS

GENERAL OFFICE

For Personal Services	13,412,900	~~13,307,900~~
For State Contributions to State Employees' Retirement System	2,375,500	
For State Contributions to Social Security	1,020,400	
For Contractual Services	7,333,000	
For Travel	257,600	
For Commodities	134,900	
For Printing	2,400	
For Equipment	718,400	
For Electronic Data Processing	6,516,300	
For Telecommunications Services	1,989,700	
For Operation of Auto Equipment	365,200	
For Tort Claims	816,200	
Total	$34,837,500	

(P.A. 95-734, Art. 5, Sec. 40)

Sec. 40. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Corrections:

ADULT EDUCATION

For Personal Services	13,242,100	14,772,100
For Student, Member and Inmate Compensation	15,300	
For State Contributions to State Employees' Retirement System	2,628,900	
For State Contributions to Teachers' Retirement System	4,500	
For State Contributions to Social Security	1,130,100	
For Contractual Services	4,723,900	
For Travel	10,000	
For Commodities	224,900	
For Printing	46,100	
For Equipment	0	
For Telecommunications Services	60,900	
For Operation of Auto Equipment	15,900	
Total	$23,632,600	

FIELD SERVICES

For Personal Services	54,383,400	~~54,958,400~~
For Student, Member and Inmate Compensation	85,400	
For State Contributions to State Employees' Retirement System	9,780,400	
For State Contributions to Social Security	4,205,100	
For Contractual Services	42,725,900	
For Travel	285,600	
For Travel and Allowance for Committed,		

Paroled and Discharged Prisoners.....41,300
For Commodities 476,000
For Printing.....28,000
For Equipment 26,000
For Telecommunications Services 6,939,900
For Operation of Auto Equipment 5,335,000
Total $124,887,000

(P.A. 95-734, Art. 5, Sec. 45)

Sec. 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections from the General Revenue Fund for:

PUBLIC SAFETY SHARED SERVICES

For costs and expenses related to
or in support of a Public
Safety shared services center 5,304,300

BIG MUDDY RIVER CORRECTIONAL CENTER

For Personal Services.....18,351,800
For Student, Member and Inmate
Compensation.....330,800
For State Contributions to State
Employees' Retirement System.....3,242,600
For State Contributions to
Social Security.....1,393,900
For Contractual Services.....6,647,900
For Travel 15,900
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners.....31,000
For Commodities 1,757,400
For Printing.....20,900
For Equipment 31,000
For Telecommunications Services 93,700
For Operation of Auto Equipment 150,400
Total $32,582,500

CENTRALIA CORRECTIONAL CENTER

For Personal Services..... 22,212,900 ~~21,387,900~~
For Student, Member and Inmate
Compensation.....285,200
For State Contributions to State
Employees' Retirement System.....3,806,200
For State Contributions to
Social Security.....1,636,200
For Contractual Services.....5,093,800
For Travel 9,900
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners.....33,400
For Commodities 1,646,000
For Printing.....19,600
For Equipment 31,600
For Telecommunications Services 101,500
For Operation of Auto Equipment 86,500
Total $34,137,800

DANVILLE CORRECTIONAL CENTER

For Personal Services..... 18,730,400 ~~19,430,400~~
For Student, Member and Inmate
Compensation.....338,800
For State Contributions to State
Employees' Retirement System.....3,457,900
For State Contributions to

Social Security....1,486,500
For Contractual Services....5,810,000
For Travel....14,800
For Travel and Allowances for Committed, Paroled and Discharged Prisoners....9,100
For Commodities....1,907,800
For Printing....18,300
For Equipment....31,000
For Telecommunications Services....92,600
For Operation of Auto Equipment....178,900
Total....$32,776,100

DECATUR WOMEN'S CORRECTIONAL CENTER

For Personal Services....13,801,100 ~~13,301,100~~
For Student, Member and Inmate Compensation....92,200
For State Contributions to State Employees' Retirement System....2,367,100
For State Contributions to Social Security....1,017,600
For Contractual Services....3,518,000
For Travel....5,400
For Travel and Allowances for Committed, Paroled and Discharged Prisoners....21,600
For Commodities....483,500
For Printing....9,600
For Equipment....22,000
For Telecommunications Services....37,900
For Operation of Auto Equipment....59,000
Total....$20,935,000

DIXON CORRECTIONAL CENTER

For Personal Services....32,402,700 ~~32,127,700~~
For Student, Member and Inmate Compensation....360,000
For State Contributions to State Employees' Retirement System....5,676,700
For State Contributions to Social Security....2,440,200
For Contractual Services....13,154,300
For Travel....26,000
For Travel and Allowances for Committed, Paroled and Discharged Prisoners....15,300
For Commodities....2,723,400
For Printing....32,800
For Equipment....44,400
For Telecommunications Services....160,000
For Operation of Auto Equipment....383,800
Total....$58,046,600

DWIGHT CORRECTIONAL CENTER

For Personal Services....24,469,400
For Student, Member and Inmate Compensation....159,600
For State Contributions to State Employees' Retirement System....4,354,600
For State Contributions to Social Security....1,869,400
For Contractual Services....8,276,000
For Travel....36,200
For Travel and Allowances for Committed,

Paroled and Discharged Prisoners.....9,600
For Commodities.....1,795,500
For Printing.....24,300
For Equipment.....45,300
For Telecommunications Services.....135,700
For Operation of Auto Equipment.....245,800
Total.....$41,798,900

EAST MOLINE CORRECTIONAL CENTER

For Personal Services.....16,775,100 ~~16,525,100~~
For Student, Member and Inmate Compensation.....238,200
For State Contributions to State Employees' Retirement System.....2,940,900
For State Contributions to Social Security.....1,264,200
For Contractual Services.....4,059,300
For Travel.....12,400
For Travel and Allowances for Committed, Paroled and Discharged Prisoners.....34,300
For Commodities.....1,197,200
For Printing.....10,100
For Equipment.....26,800
For Telecommunications Services.....125,300
For Operation of Auto Equipment.....173,400
Total.....$26,607,200

SOUTHWESTERN ILLINOIS CORRECTIONAL CENTER

For Personal Services.....14,581,800 ~~14,756,800~~
For Student, Member and Inmate Compensation.....149,800
For State Contributions to State Employees' Retirement System.....2,626,200
For State Contributions to Social Security.....1,128,900
For Contractual Services.....10,405,400
For Travel.....13,600
For Travel and Allowances for Committed, Paroled and Discharged Prisoners.....4,400
For Commodities.....696,700
For Printing.....11,300
For Equipment.....25,900
For Telecommunications Services.....22,700
For Operation of Auto Equipment.....66,800
Total.....$29,908,500

GRAHAM CORRECTIONAL CENTER

For Personal Services.....23,737,600 ~~24,187,600~~
For Student, Member and Inmate Compensation.....267,100
For State Contributions to State Employees' Retirement System.....4,278,800
For State Contributions to Social Security.....1,839,300
For Contractual Services.....6,862,900
For Travel.....18,300
For Travel and Allowances for Committed, Paroled and Discharged Prisoners.....6,900
For Commodities.....2,328,700
For Printing.....25,600
For Equipment.....39,400
For Telecommunications Services.....72,800

For Operation of Auto Equipment 143,000
Total $40,638,600

ILLINOIS RIVER CORRECTIONAL CENTER

For Personal Services..... 20,818,200 ~~19,568,200~~
For Student, Member and Inmate Compensation..... 323,400
For State Contributions to State Employees' Retirement System..... 3,392,500
For State Contributions to Social Security 1,458,300
For Contractual Services..... 6,722,800
For Travel 17,000
For Travel and Allowance for Committed, Paroled and Discharged Prisoners..... 28,700
For Commodities 2,003,700
For Printing..... 13,700
For Equipment 38,000
For Telecommunications Services 83,700
For Operation of Auto Equipment 142,100
Total $37,869,600

HILL CORRECTIONAL CENTER

For Personal Services..... 18,895,100 ~~18,420,100~~
For Student, Member and Inmate Compensation..... 302,600
For State Contributions to State Employees' Retirement System..... 3,254,700
For State Contributions to Social Security 1,399,100
For Contractual Services..... 6,096,000
For Travel 10,300
For Travel and Allowance for Committed, Paroled and Discharged Prisoners..... 27,300
For Commodities 2,155,100
For Printing..... 19,500
For Equipment 27,400
For Telecommunications Services 61,200
For Operation of Auto Equipment 102,400
Total $32,392,800

JACKSONVILLE CORRECTIONAL CENTER

For Personal Services..... 27,702,100 ~~26,902,100~~
For Student, Member and Inmate Compensation..... 442,300
For State Contributions to State Employees' Retirement System..... 4,753,400
For State Contributions to Social Security..... 2,043,400
For Contractual Services..... 3,286,500
For Travel 2,800
For Travel and Allowance for Committed, Paroled and Discharged Prisoners..... 7,300
For Commodities 2,131,200
For Printing..... 21,200
For Equipment 32,000
For Telecommunications Services 58,200
For Operation of Auto Equipment 217,200
Total $40,652,900

LAWRENCE CORRECTIONAL CENTER

For Personal Services..... 24,058,000 ~~24,158,000~~
For Student, Member and Inmate Compensation..... 299,800
For State Contributions to State

Employees' Retirement System....4,268,500
For State Contributions to
Social Security....1,834,800
For Contractual Services....7,538,600
For Travel....27,300
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners....48,800
For Commodities....3,046,400
For Printing....34,700
For Equipment....68,000
For Telecommunications Services....173,400
For Operation of Auto Equipment....103,400
Total....$42,280,000

LINCOLN CORRECTIONAL CENTER

For Personal Services....13,559,500 ~~13,959,500~~
For Student, Member and Inmate
Compensation....219,000
For State Contributions to State
Employees' Retirement System....2,484,300
For State Contributions to
Social Security....1,067,900
For Contractual Services....5,234,700
For Travel....9,300
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners....12,100
For Commodities....890,000
For Printing....13,100
For Equipment....22,700
For Telecommunications Services....97,700
For Operation of Auto Equipment....126,900
Total....$24,137,200

LOGAN CORRECTIONAL CENTER

For Personal Services....21,761,300 ~~21,436,300~~
For Student, Member and Inmate
Compensation....366,400
For State Contributions to State
Employees' Retirement System....3,814,900
For State Contributions to
Social Security....1,639,900
For Contractual Services....4,436,200
For Travel....6,200
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners....15,300
For Commodities....2,356,200
For Printing....19,600
For Equipment....33,700
For Telecommunications Services....162,500
For Operation of Auto Equipment....423,200
Total....$34,710,400

MENARD CORRECTIONAL CENTER

For Personal Services....49,389,500 ~~47,989,500~~
For Student, Member and Inmate
Compensation....333,700
For State Contributions to State
Employees' Retirement System....8,479,200
For State Contributions to
Social Security....3,645,000
For Contractual Services....9,038,300
For Travel....34,000

For Travel and Allowances for Committed, Paroled and Discharged Prisoners....17,000
For Commodities....4,931,100
For Printing....32,100
For Equipment....47,000
For Telecommunications Services....169,700
For Operation of Auto Equipment....193,000
Total....$76,256,900

PINCKNEYVILLE CORRECTIONAL CENTER

For Personal Services....25,625,200
For Student, Member and Inmate Compensation....235,800
For State Contributions to State Employees' Retirement System....4,527,800
For State Contributions to Social Security....1,946,300
For Contractual Services....7,520,900
For Travel....19,600
For Travel and Allowances for Committed, Paroled and Discharged Prisoners....17,500
For Commodities....2,372,400
For Printing....21,900
For Equipment....26,400
For Telecommunications Services....74,500
For Operation of Auto Equipment....177,300
Total....$43,285,000

PONTIAC CORRECTIONAL CENTER

For Personal Services....37,894,800
For Student, Member and Inmate Compensation....212,500
For State Contributions to State Employees' Retirement System....6,743,800
For State Contributions to Social Security....2,899,000
For Contractual Services....8,059,800
For Travel....36,200
For Travel and Allowances for Committed, Paroled and Discharged Prisoners....7,500
For Commodities....2,616,400
For Printing....22,700
For Equipment....40,000
For Telecommunications Services....200,600
For Operation of Auto Equipment....137,700
Total....$58,871,000

ROBINSON CORRECTIONAL CENTER

For Personal Services....16,390,500 ~~16,115,500~~
For Student, Member and Inmate Compensation....233,700
For State Contributions to State Employees' Retirement System....2,868,000
For State Contribution to Social Security....1,232,800
For Contractual Services....4,184,800
For Travel....18,300
For Travel and Allowances for Committed, Paroled and Discharged Prisoners....4,300
For Commodities....1,409,300
For Printing....11,500

For Equipment 30,800
For Telecommunications Services 45,000
For Operation of Automotive Equipment 122,500
Total $26,276,500

SHAWNEE CORRECTIONAL CENTER

For Personal Services ..... 21,800,800 ~~21,750,800~~
For Student, Member and Inmate Compensation 368,400
For State Contributions to State Employees' Retirement System 3,870,800
For State Contributions to Social Security 1,663,900
For Contractual Services 5,857,700
For Travel 14,000
For Travel and Allowances for Committed, Paroled and Discharged Prisoners 74,900
For Commodities 2,418,500
For Printing 17,000
For Equipment 22,200
For Telecommunications Services 142,100
For Operation of Auto Equipment 120,500
Total $36,459,800

SHERIDAN CORRECTIONAL CENTER

For Personal Services ..... 19,287,500 ~~19,487,500~~
For Student, Member and Inmate Compensation 183,300
For State Contributions to State Employees' Retirement System 3,443,300
For State Contributions to Social Security 1,479,200
For Contractual Services 20,789,300
For Travel 14,400
For Travel and Allowances for Committed, Paroled and Discharged Prisoners 7,800
For Commodities 1,866,100
For Printing 15,000
For Equipment 28,500
For Telecommunications Services 98,400
For Operation of Auto Equipment 98,700
Total $48,058,600

TAMMS CORRECTIONAL CENTER

For Personal Services ..... 18,042,700 ~~18,667,700~~
For Student, Member and Inmate Compensation 103,300
For State Contributions to State Employees' Retirement System 3,298,400
For State Contributions to Social Security 1,417,900
For Contractual Services 4,799,200
For Travel 20,100
For Travel and Allowance for Committed, Paroled and Discharged Prisoners 0
For Commodities 878,600
For Printing 13,600
For Equipment 31,200
For Telecommunications Services 115,300
For Operation of Auto Equipment 86,100
Total $29,955,500

STATEVILLE CORRECTIONAL CENTER

For Personal Services ..... 73,118,300 ~~73,093,300~~
For Student, Member and Inmate Compensation 236,300
For State Contributions to State Employees' Retirement System 12,748,400
For State Contributions to Social Security 5,591,700
For Contractual Services 15,986,300
For Travel 166,600
For Travel and Allowances for Committed, Paroled and Discharged Prisoners 24,000
For Commodities 5,643,100
For Printing 91,500
For Equipment 58,800
For Telecommunications Services 246,000
For Operation of Auto Equipment 657,900
Total $114,543,900

TAYLORVILLE CORRECTIONAL CENTER

For Personal Services ..... 14,955,200 ~~15,055,200~~
For Student, Member and Inmate Compensation 241,700
For State Contributions to State Employees' Retirement System 2,660,200
For State Contribution to Social Security 1,143,500
For Contractual Services 4,958,000
For Travel 5,100
For Travel and Allowance for Committed, Paroled and Discharged Prisoners 12,200
For Commodities 1,309,700
For Printing 13,100
For Equipment 19,200
For Telecommunications Services 56,300
For Operation of Automotive Equipment 67,200
Total $25,964,100

VANDALIA CORRECTIONAL CENTER

For Personal Services ..... 21,856,700 ~~22,956,700~~
For Student, Member and Inmate Compensation 346,400
For State Contributions to State Employees' Retirement System 4,056,200
For State Contributions to Social Security 1,743,600
For Contractual Services 3,937,900
For Travel 10,600
For Travel and Allowances for Committed, Paroled and Discharged Prisoners 21,500
For Commodities 2,044,600
For Printing 16,000
For Equipment 28,900
For Telecommunications Services 121,500
For Operation of Auto Equipment 136,900
Total $36,065,300

THOMSON CORRECTIONAL CENTER

For Personal Services 6,328,700
For Student, Member and Inmate Compensation 76,000
For State Contributions to State Employees' Retirement System 1,126,300

For State Contributions to Social Security 484,100
For Contractual Services 1,633,600
For Travel 10,900
For Travel and Allowances for Committed, Paroled and Discharged Prisoners 5,100
For Commodities 585,100
For Printing 11,700
For Equipment 73,300
For Telecommunications Services 95,600
For Operation of Auto Equipment 101,400
Total $10,531,800

VIENNA CORRECTIONAL CENTER

For Personal Services ..... 21,162,100 ~~21,762,100~~
For Student, Member and Inmate Compensation 234,500
For State Contributions to State Employees' Retirement System 3,872,800
For State Contributions to Social Security 1,664,800
For Contractual Services 3,252,300
For Travel 5,700
For Travel and Allowances for Committed, Paroled and Discharged Prisoners 67,000
For Commodities 2,434,200
For Printing 15,300
For Equipment 28,000
For Telecommunications Services 69,000
For Operation of Auto Equipment 131,100
Total $33,536,800

WESTERN ILLINOIS CORRECTIONAL CENTER

For Personal Services 22,619,900
For Student, Member and Inmate Compensation 300,200
For State Contributions to State Employees' Retirement System 4,025,500
For State Contributions to Social Security 1,730,400
For Contractual Services 5,436,000
For Travel 17,200
For Travel and Allowances for Committed, Paroled and Discharged Prisoners 38,000
For Commodities 2,102,300
For Printing 20,100
For Equipment 14,000
For Telecommunications Services 83,500
For Operation of Auto Equipment 143,900
Total $36,531,000

Section 50. "An Act concerning appropriations", Public Acts 95-734, approved July 9, 2008, as vetoed, reduced and restored, is amended by changing Section 280 to Article 12 as follows:

(P.A. 95-734, Art. 12, Sec. 280)

Sec. 280. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the objects and purposes hereinafter named:

COMMUNITY HEALTH

GRANTS-IN-AID

Payable from the General Revenue Fund:

For Grants to Provide Assistance to Sexual Assault Victims and for Sexual Assault Prevention Activities 5,810,800
For Grants for Programs to Reduce Infant Mortality and to Provide Case Management and Outreach Services 44,725,900
For Grants for After School Youth Support Programs 18,732,500
For Grants for the Intensive Prenatal Performance Project 5,047,000
For the Chicagoland Memory Bridge Initiative 750,000
For Grants to Family Planning Programs For Contraceptive Services 765,800
For Costs Associated with the Domestic Violence Shelters and Services Program 21,591,000
For Costs Associated with Teen Parent Services 7,020,600
For Grants and Administrative Expenses Related to the Healthy Families Program 11,247,800
For grants for School Based Health Center Expansions 0
For a grant to the Chicago Area Project 1,960,000
Total $126,718,600

Payable from the Diabetes Research Checkoff Fund:
For diabetes research 100,000

Payable from the Federal National Community Services Grant Fund:
For Payment for Community Activities, Including Prior Years' Costs 12,969,900

Payable from the Sexual Assault Services Fund:
For Grants Related to the Sexual Assault Services Program 100,000

Payable from the Special Purposes Trust Fund:
For Community Grants 5,698,100
For Costs Associated with Family Violence Prevention Services 4,977,500

Payable from the Domestic Violence Abuser Services Fund:
For Domestic Violence Abuser Services 100,000

Payable from the DHS Federal Projects Fund:
For Grants for Public Health Programs 2,830,000
For Grants for Maternal and Child Health Special Projects of Regional and National Significance 2,300,000
For Grants for Family Planning Programs Pursuant to Title X of the Public Health Service Act 8,000,000
For Grants for the Federal Healthy Start Program 4,000,000

Payable from the DHS State Projects Fund:
For Grants to Establish Health Care Systems for DCFS Wards 2,361,400

Payable from the USDA Women, Infants and Children Fund:
For Grants to Public and Private Agencies for Costs of Administering the USDA Women, Infants, and Children (WIC) Nutrition Program 52,000,000
For Grants for the Federal

Commodity Supplemental Food Program 1,400,000
For Grants for Free Distribution of Food Supplies and for grants for Nutrition Program Food Centers under the USDA Women, Infants, and Children (WIC) Nutrition Program ..... 251,000,000 ~~226,000,000~~
For Grants for USDA Farmer's Market Nutrition Program 1,500,000
Payable from Tobacco Settlement Recovery Fund:
For a Grant to the Coalition for Technical Assistance and Training 250,000
For all costs associated with Children's Health Programs, including grants, contracts, equipment, vehicles and administrative expenses 2,118,500
Payable from Domestic Violence Shelter and Service Fund:
For Domestic Violence Shelters and Services Program 952,200
Payable from the Maternal and Child Health Services Block Grant Fund:
For Grants to the Chicago Department of Health for Maternal and Child Health Services 5,000,000
For Grants for Maternal and Child Health Programs, Including Programs Appropriated Elsewhere in this Section 8,465,200
For Grants to the Board of Trustees of the University of Illinois, Division of Specialized Care for Children 7,800,000
For Grants for an Abstinence Education Program including operating and administrative costs 2,500,000
Payable from the Preventive Health and Health Services Block Grant Fund:
For Grants to Provide Assistance to Sexual Assault Victims and for Sexual Assault Prevention Activities 500,000
For Grants for Rape Prevention Education Programs, including operating and administrative costs 1,000,000

Section 55. "AN ACT Concerning appropriations", Public Act 95-734, approved July 9, 2008, as vetoed, reduced and restored, is amended by changing Section 100 of Article 3 as follows:

(P.A. 95-734, Art. 3, Sec. 100)

Sec. 100. The following named amounts, or so much thereof as may be necessary, respectively are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF COMMUNITY DEVELOPMENT
GRANTS-IN-AID

Payable from the General Revenue Fund:
For the Northeast DuPage Special Recreation Association 250,000
For a Grant Associated with the United Business Association of Midway 0
For a Grant Associated with the Brainerd Development Corp. 0
For Administrative and Grant Expenses Relating to Research, Planning, Technical Assistance, Technological Assistance and Other Financial Assistance to Assist

Businesses, Communities, Regions and
Other Economic Development Purposes,
including prior year costs.....682,000
For Grants associated with the
Guaranteed Job Opportunity Act.....250,000
For Grants, Contracts and Administrative
Expenses Associated with the
African American Family Commission.....250,000
Total $2,017,000
Payable from the Agricultural Premium Fund:
For the Ordinary and Contingent Expenses
of the Rural Affairs Institute at
Western Illinois University 160,000
Payable from the Federal Moderate Rehabilitation
Housing Fund:
For Housing Assistance Payments
Including Reimbursement of Prior
Year Costs.....1,450,000
Payable from the Community Services
Block Grant Fund:
For Grants to Eligible Recipients
as Defined in the Community
Services Block Grant Act, including
prior year costs 50,000,000
Payable from the Community Development
Small Cities Block Grant Fund:
For Grants to Local Units of Government
or Other Eligible Recipients as Defined
in the Community Development Act
of 1974, as amended, for Illinois
Cities with Populations Under 50,000,
Including Reimbursements for Costs
in Prior Years..... 100,000,000 ~~80,000,000~~

ARTICLE 2

Section 1. The following appropriations in this Article 2 are in addition to all other amounts previously appropriated to the Office of the State Comptroller for fiscal year 2009 for the stated purposes and from the stated funds. The following appropriations are for fiscal year 2009.

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Office of the State Comptroller for the fiscal year ending June 30, 2009:

For Official Court Reporting.....3,633,750
For State Contributions to the State
Employees' Retirement System.....760,000
For State Contributions to Social
Security.....356,250

Section 99. Effective date. This Act takes effect immediately.".

Senator Trotter moved that the foregoing amendment be ordered to lie on the table.
The motion to table prevailed.
There being no further amendments, the bill was ordered to a third reading.

At the hour of 6:13 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 7:01 o'clock p.m., the Senate resumed consideration of business.
Senator Harmon, presiding.

REPORT FROM STANDING COMMITTEE

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred **House Bill No. 289,** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

MESSAGES FROM THE HOUSE

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

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

HOUSE BILL NO. 19
A bill for AN ACT concerning education.
HOUSE BILL NO. 2455
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 3634
A bill for AN ACT concerning employment.
Passed the House, March 31, 2009.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 19, 2455 and 3634** were taken up, ordered printed and placed on first reading.

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

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

HOUSE BILL NO. 83
A bill for AN ACT concerning appropriations.
HOUSE BILL NO. 746
A bill for AN ACT concerning public aid.
HOUSE BILL NO. 2314
A bill for AN ACT concerning appropriations.
HOUSE BILL NO. 2544
A bill for AN ACT concerning liquor.
Passed the House, March 31, 2009.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 83, 746, 2314 and 2544** were taken up, ordered printed and placed on first reading.

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

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

HOUSE BILL NO. 261

A bill for AN ACT concerning gaming.

HOUSE BILL NO. 2369

A bill for AN ACT concerning finance.

HOUSE BILL NO. 3795

A bill for AN ACT concerning criminal law.

Passed the House, March 31, 2009.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 261, 2369 and 3795** were taken up, ordered printed and placed on first reading.

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

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

HOUSE BILL NO. 466

A bill for AN ACT concerning local government.

HOUSE BILL NO. 770

A bill for AN ACT concerning finance.

HOUSE BILL NO. 962

A bill for AN ACT making appropriations.

HOUSE BILL NO. 3721

A bill for AN ACT concerning transportation.

HOUSE BILL NO. 4206

A bill for AN ACT concerning State government.

Passed the House, March 31, 2009.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 466, 770, 962, 3721 and 4206** were taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 466, sponsored by Senator Frerichs, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 770, sponsored by Senator J. Jones, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 962, sponsored by Senator Kotowski, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2314, sponsored by Senator Wilhelmi, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2544, sponsored by Senator Risinger, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3634, sponsored by Senator Lightford, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3721, sponsored by Senator Radogno, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4206, sponsored by Senator Bivins, was taken up, read by title a first time and referred to the Committee on Assignments.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Cullerton, **House Bill No. 289** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 289

AMENDMENT NO. __1__. Amend House Bill 289 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois State Auditing Act is amended by changing Section 1-6 as follows:
(30 ILCS 5/1-6) (from Ch. 15, par. 301-6)
Sec. 1-6. "Office of Auditor General" means, as the ~~the~~ context may require, the Auditor General, any Deputy Auditor General and all employees and agents of the Auditor General, the equipment and facilities maintained by the Auditor General, and the records, files and work product of the Auditor General and those responsible to him.
(Source: P.A. 88-504.)".

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

At the hour of 7:06 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, April 1, 2009, at 9:00 o'clock a.m.