



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SIXTH GENERAL ASSEMBLY

88TH LEGISLATIVE DAY

THURSDAY, FEBRUARY 25, 2010

11:53 O'CLOCK A.M.

SENATE
Daily Journal Index
88th Legislative Day

Action	Page(s)
Legislative Measure(s) Filed	3
Message from the House	6
Message from the President	3
Presentation of Senate Joint Resolution No. 108	27
Presentation of Senate Resolution No. 672	4
Presentation of Senate Resolution No. 673	5
Presentation of Senate Resolutions No'd. 667 - 671	4
Report from Assignments Committee	8
Resolutions Consent Calendar	26

Bill Number	Legislative Action	Page(s)
SB 2356	Tabled	26
SB 2358	Tabled	26
SB 2359	Tabled	26
SB 2360	Tabled	26
SB 2456	Second Reading	9
SB 2529	Second Reading	9
SB 2534	Second Reading	9
SB 2535	Second Reading	9
SB 2548	Second Reading	9
SB 2549	Second Reading	10
SB 2553	Second Reading	10
SB 2573	Second Reading	10
SB 2583	Second Reading	21
SB 2601	Second Reading	22
SB 2606	Second Reading	22
SB 2615	Second Reading	22
SB 2799	Second Reading	23
SB 2800	Second Reading	25
SB 2976	Second Reading	25
SB 3001	Second Reading	26
SB 3013	Second Reading	25
SB 3014	Second Reading	25
SB 3045	Second Reading	26
SB 3315	Second Reading	26
SB 3728	Second Reading	26
SJR 0108	Adopted	27
SR 0672	Committee on Assignments	4
SR 0673	Committee on Assignments	5
HB 4654	First Reading	7
HB 4758	First Reading	7
HB 4798	First Reading	7
HB 4807	First Reading	7
HB 4860	First Reading	7

The Senate met pursuant to adjournment.
 Senator Antonio Muñoz , Chicago, Illinois, presiding.
 Prayer by Pastor Gary Gilley, Southern View Chapel, Springfield, Illinois.
 Senator Jacobs led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, May 19, 2009, was being read when on motion of Senator Hutchinson, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Wednesday, May 20, 2009, was being read when on motion of Senator Hutchinson, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Thursday, May 21, 2009, was being read when on motion of Senator Hutchinson, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Friday, May 22, 2009, was being read when on motion of Senator Hutchinson, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Tuesday, May 26, 2009, was being read when on motion of Senator Hutchinson, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator Hutchinson moved that reading and approval of the Journal of Wednesday, February 24, 2010, be postponed, pending arrival of the printed Journal.
 The motion prevailed.

LEGISLATIVE MEASURES FILED

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

Senate Committee Amendment No. 1 to Senate Bill 2567
 Senate Committee Amendment No. 1 to Senate Bill 2981
 Senate Committee Amendment No. 1 to Senate Bill 3094
 Senate Committee Amendment No. 1 to Senate Bill 3096
 Senate Committee Amendment No. 1 to Senate Bill 3174
 Senate Committee Amendment No. 1 to Senate Bill 3522
 Senate Committee Amendment No. 1 to Senate Bill 3587
 Senate Committee Amendment No. 1 to Senate Bill 3622
 Senate Committee Amendment No. 1 to Senate Bill 3659
 Senate Committee Amendment No. 1 to Senate Bill 3705
 Senate Committee Amendment No. 1 to Senate Bill 3732

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT STATE OF ILLINOIS

JOHN J. CULLERTON
 SENATE PRESIDENT

327 STATE CAPITOL
 SPRINGFIELD, ILLINOIS 62706

February 25, 2010

[February 25, 2010]

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

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Antonio Muñoz to temporarily replace Senator Louis Viverito as a member of the Senate Committee on Assignments. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Committee on Assignments.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 667

Offered by Senator Demuzio and all Senators:
Mourns the death of Michael G. Lord of Pittsfield.

SENATE RESOLUTION NO. 668

Offered by Senator Link and all Senators:
Mourns the death of Anita M. Samuelson of Lake Villa.

SENATE RESOLUTION NO. 669

Offered by Senator Sandoval and all Senators:
Mourns the deaths of Byron Reed, Sallie Gist, Rayshawn Reed, Brian Reed, twins Elijah Gist and Elisha Gist, and Tiera Davidson of Cicero.

SENATE RESOLUTION NO. 670

Offered by Senator Haine and all Senators:
Mourns the death of Geraldine M. Deck of Dorsey.

SENATE RESOLUTION NO. 671

Offered by Senator Brady and all Senators:
Mourns the death of Michael Francis Sweeney of Bloomington.

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

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

SENATE RESOLUTION NO. 672

WHEREAS, The rising cost of utilities, including the cost of natural gas, poses an increased burden on the citizens and families of the State of Illinois; and

WHEREAS, The members of the Illinois Senate are deeply concerned about the impact of utility rate increases upon the citizens of this State; and

WHEREAS, The Citizens Utility Board is a non-profit, nonpartisan organization created by the
[February 25, 2010]

General Assembly in 1983 to represent the interests of residential utility customers across the State; and

WHEREAS, The Citizens Utility Board has filed to a petition for rehearing with the Illinois Commerce Commission related to a \$69.8 million increase for Peoples Gas and an extra \$13.8 million increase for North Shore Gas; and

WHEREAS, Both the Citizens Utility Board and the Illinois Attorney General's Office have objected to these increases, contending that the increased rates are excessive, unnecessary, and illegal; and

WHEREAS, According to the Citizens Utility Board, the rate increases will translate into a roughly \$50 to \$70 yearly increase in the average customer's bill; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Illinois Commerce Commission to reevaluate the rate increases for Peoples Gas and North Shore Gas; and be it further

RESOLVED, that a suitable copy of this resolution be delivered to the Illinois Commerce Commission.

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

SENATE RESOLUTION NO. 673

WHEREAS, Spartan Light Metal Products has been an industry leader in magnesium custom die castings for the past 4 decades; the company has been owned and operated as a family business since 1961 and employs over 600 people; and

WHEREAS, Spartan Light Metal Products provides die cast products from magnesium alloys that reduce weight and improve performance of products at competitive costs; and

WHEREAS, Magnesium die casting, such as Spartan Light Metal Products, are being greatly harmed by the tariffs (731-TA-1071 and 731-TA-1072) that have been placed on imported magnesium alloys by the United States International Trade Commission; these tariffs allow the nation's lone magnesium producer to set whatever price it chooses for raw magnesium, driving many die cast companies out of business; and

WHEREAS, The tariffs have created an advantage for foreign competitors, who can purchase magnesium at globally-competitive prices and export finished products to U.S. markets free of penalties; this practice replaces U.S. manufacturing jobs and could lead to bankruptcy for the industry; and

WHEREAS, The tariffs have also placed U.S. car manufacturers at a cost and weight disadvantage against foreign carmakers in meeting Corporate Average Fuel Economy requirements; as a result, about 60% of Spartan Light Metal Products' magnesium business for 2011 is disappearing at a time when the demand for magnesium products is growing; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the U.S. President and Congress to find a creative solution to protect the nation's lone magnesium producer without destroying the U.S. magnesium die casting industry; and be it further

RESOLVED, That we further urge the U.S. President and Congress to lift U.S. tariffs 731-TA-1071 and 731-TA-1072 on die cast magnesium alloys from China and Russia or to create a fair market by placing a similar tariff on imported assemblies and products made from die cast magnesium alloys; and be it further

RESOLVED, That suitable copies of this resolution be presented to the President of the United States

[February 25, 2010]

and the members of the Illinois congressional delegation.

MESSAGE 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 adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 101

WHEREAS, The Metropolitan Pier and Exposition Authority is a municipal corporation created by the General Assembly; and

WHEREAS, The Metropolitan Pier and Exposition Authority owns and manages McCormick Place and historic Navy Pier for the purposes of tourism, conventions, fairs, and expositions; McCormick Place and Navy Pier function as prominent economic engines for both the City of Chicago and the State; and

WHEREAS, The Metropolitan Pier and Exposition Authority is directed by a Board of Trustees appointed by the Governor of the State of Illinois and the Mayor of the City of Chicago; and

WHEREAS, The Metropolitan Pier and Exposition Authority has statutory authority to levy taxes for debt service through a Metropolitan Pier and Exposition Authority Retailers' Occupation Tax (1% food and beverage tax in a defined downtown district within the City of Chicago and O'Hare International Airport and Midway Airport), a 2.5% hotel tax imposed within the City of Chicago, a 6% auto rental tax imposed within Cook County, and a \$1 departure tax on public transportation at O'Hare International Airport and Midway Airport; and

WHEREAS, Since the 1980s, the State has provided dedicated backing through State use and occupation tax revenues for Metropolitan Pier and Exposition Authority debt service on its bonds in the amount of \$31.7 million annually; and

WHEREAS, Since September 11, 2001, the Metropolitan Pier and Exposition Authority tax collections have fallen short of annual debt service by an average of \$4.1 million dollars; and

WHEREAS, Reserves in the Metropolitan Pier and Exposition Authority Fund, which initially covered this annual tax revenue shortfall, have been depleted; and

WHEREAS, Additional distributions of State use and occupation tax revenues to the Authority to make up the Authority's shortfalls in its tax revenue collections have been necessary since Fiscal Year 2009; and

WHEREAS, The Metropolitan Pier and Exposition Authority, by its own projections, estimates that cumulative draws on the State use and occupation taxes through Fiscal Year 2027 may total \$804 million before the Authority's projected tax collections are sufficient for existing debt service; and

WHEREAS, Metropolitan Pier and Exposition Authority tax collection shortfalls have also ended the flow of surplus funds from which the repair and maintenance of existing Metropolitan Pier and Exposition facilities could be paid; and

WHEREAS, The economic downturn and competitive pressures within the convention industry continue to erode the Metropolitan Pier and Exposition Authority's operational profitability; and

WHEREAS, Trade shows formerly held at the Metropolitan Pier and Exposition Authority's convention center on a long-term basis continue their exodus to alternative venues in Nevada and

[February 25, 2010]

Florida; and

WHEREAS, The operational stability and profitability of the Metropolitan Pier and Exposition Authority is of genuine interest to the General Assembly and the people of the State; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there is created the Joint Committee on the Metropolitan Pier and Exposition Authority; and be it further

RESOLVED, That the Joint Committee shall consist of 16 members as follows: the President of the Senate and the Speaker of the House, who shall serve as co-chairs of the Committee; the Minority Leader of the Senate and Minority Leader of the House, who, if they so choose, may serve as co-vice chairs; 4 members of the General Assembly appointed by the President of the Senate; 4 members of the General Assembly appointed by the Speaker of the House of Representatives; 2 members of the General Assembly appointed by the Minority Leader of the Senate; and 2 members of the General Assembly appointed by the Minority Leader of the House of Representatives; and be it further

RESOLVED, That the Joint Committee shall meet at the call of the Speaker and President; and be it further

RESOLVED, That the Joint Committee shall examine and recommend ways to improve the Metropolitan Pier and Exposition Authority's operational stability and profitability; and be it further

RESOLVED, That the Joint Committee shall report its findings and recommendations to the General Assembly no later than April 30, 2010; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Board of Trustees of the Metropolitan Pier and Exposition Authority.

Adopted by the House, February 24, 2010.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 101 was referred to the Committee on Assignments.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 4654, sponsored by Senator Radogno, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4758, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4798, sponsored by Senator Demuzio, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4807, sponsored by Senator Millner, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4860, sponsored by Senator Bond, was taken up, read by title a first time and referred to the Committee on Assignments.

At the hour of 12:00 o'clock p.m., the Chair announced that the Senate stand at ease.

AT EASE

[February 25, 2010]

At the hour of 12:10 o'clock p.m., the Senate resumed consideration of business.
 Senator Muñoz, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its February 25, 2010 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Commerce: **SENATE BILL 3348.**

Criminal Law: **SENATE BILLS 3684, 3685, 3695, 3732, 3797, 3798, 3799 and 3803.**

Education: **SENATE BILL 3042.**

Energy: **SENATE BILL 107.**

Environment: **SENATE BILLS 3346, 3441 and 3611.**

Executive: **SENATE BILLS 2600, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, 2741, 2742, 2743, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, 2773, 2774, 2775, 2776, 2777, 2778, 2779, 2780, 2781, 2783, 2784, 2785, 2786, 2787, 2788, 2789, 2790, 2791, 2792, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3647, 3777, 3779, 3791, 3792, 3793, 3794, 3801, 3802, 3804, 3805, 3806, 3807 and 3808.**

Licensed Activities: **SENATE BILLS 2820 and 3769.**

Local Government: **SENATE BILLS 3592, 3749 and 3761.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its February 25, 2010 meeting, to which was referred **Senate Bills Numbered 655 and 692** on August 15, 2009, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **Senate Bills Numbered 655 and 692** were returned to the order of third reading.

Senator Clayborne, Chairperson of the Committee on Assignments, during its February 25, 2010 meeting, reported that the following Legislative Measure has been approved for consideration:

House Joint Resolution No. 101

The foregoing resolution was placed on the Secretary's Desk.

[February 25, 2010]

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Schoenberg, **Senate Bill No. 2456**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Forby, **Senate Bill No. 2529** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2529

AMENDMENT NO. 1. Amend Senate Bill 2529 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 4-7001 as follows:
(55 ILCS 5/4-7001) (from Ch. 34, par. 4-7001)

Sec. 4-7001. Coroner's fees. The fees of the coroner's office shall be as follows:

1. For a copy of a transcript of sworn testimony: \$5.00 ~~\$3.00~~ per page.
2. For a copy of an autopsy report (if not included in transcript): \$50.00 ~~\$30.00~~.
3. For a copy of the verdict of a coroner's jury: \$5.00.
4. For a copy of a toxicology report: \$25.00 ~~\$15.00~~.
5. For a print of or an electronic file containing a picture obtained by the coroner: actual cost or \$3.00, whichever is greater.
6. For each copy of miscellaneous reports, including artist's drawings but not including police reports: actual cost or \$25.00 ~~\$15.00~~, whichever is greater.
7. For a coroner's or medical examiner's permit to cremate a dead human body: \$50.00 ~~\$10.00~~. The coroner may waive, at his or her discretion, the permit fee if the coroner determines that the person is indigent and unable to pay the permit fee or under other special circumstances.

All of which fees shall be certified by the court; in the case of inmates of any State charitable or penal institution, the fees shall be paid by the operating department or commission, out of the State Treasury. The coroner shall file his or her claim in probate for his or her fees and he or she shall render assistance to the State's attorney in the collection of such fees out of the estate of the deceased. In counties of less than 1,000,000 population, the State's attorney shall collect such fees out of the estate of the deceased.

Except as otherwise provided in this Section, whenever the coroner is required by law to perform any of the duties of the office of the sheriff, the coroner is entitled to the like fees and compensation as are allowed by law to the sheriff for the performance of similar services.

Except as otherwise provided in this Section, whenever the coroner of any county is required to travel in the performance of his or her duties, he or she shall receive the same mileage fees as are authorized for the sheriff of such county.

All fees under this Section collected by or on behalf of the coroner's office shall be paid over to the county treasurer and deposited into a special account in the county treasury ~~the general fund of the county~~. Moneys in the special account shall be used solely for the purchase of electronic and forensic identification equipment or other related supplies and the operating expenses of the coroner's office.

(Source: P.A. 86-962; 86-1028.)

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

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

On motion of Senator Clayborne, **Senate Bill No. 2534**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **Senate Bill No. 2535**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 2548**, having been printed, was taken up, read by title a second time and ordered to a third reading.

[February 25, 2010]

On motion of Senator Garrett, **Senate Bill No. 2549** 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 2549

AMENDMENT NO. 1. Amend Senate Bill 2549 on page 8, line 23, by replacing "January" with "March".

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 Martinez, **Senate Bill No. 2553**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **Senate Bill No. 2573** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2573

AMENDMENT NO. 1. Amend Senate Bill 2573 by replacing everything after the enacting clause with the following:

"Section 5. The Weights and Measures Act is amended by changing Sections 2, 6, 7, 8, 8.1, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 23, 26, 30, 40, 41, 52, 54, 55, 56, and 56.1 as follows:

(225 ILCS 470/2) (from Ch. 147, par. 102)

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

"Person" means both singular and plural as the case demands, and includes individuals, partnerships, corporations, companies, societies and associations.

"Weights and measures" means all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliances and accessories associated with any or all such instruments and devices, including all grain moisture measuring devices, but does not include meters for the measurement of electricity, gas (natural or manufactured) or water operated in a public utility system. These electricity meters, gas meters, and water meters, and their appliances or accessories, and slo flo meters, are specifically excluded from the scope and applicability of this Act.

"Sell" and "sale" includes barter and exchange.

"Director" means the Director of Agriculture.

"Department" means the Department of Agriculture.

"Inspector" means an inspector of weights and measures of this State.

"Sealer" and "deputy sealer" mean, respectively, a sealer of weights and measures and a deputy sealer of weights and measures of a city.

"Intrastate commerce" means any and all commerce or trade that is commenced, conducted and completed wholly within the limits of this State, and the phrase "introduced into intrastate commerce" means the time and place at which the first sale and delivery being made either directly to the purchaser or to a carrier for shipment to the purchaser.

"Commodity in package form" means a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, excluding any auxiliary shipping container enclosing packages which individually conform to the requirements of this Act. An individual item or lot of any commodity not in package form as defined in this Section but on which there is marked a selling price based on an established price per unit of weight or of measure shall be deemed a commodity in package form.

"Consumer package" and "package of consumer commodity" mean any commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions, and which usually is consumed or expended in the course of such consumption or use.

"Nonconsumer package" and "package of nonconsumer commodity" mean any commodity in package

[February 25, 2010]

form other than a consumer package, and particularly a package designed solely for industrial or institutional use or for wholesale distribution only.

"Certificate of Conformance" means a document issued by the National Conference on Weights and Measures based on testing in participating laboratories that indicates that the weights and measures or weighing and measuring device conform with the requirements of National Institute of Standards and Technology's Handbooks 44, 105-1, 105-2, 105-3, ~~or 105-4~~ , or 105-8 and any subsequent revisions or supplements thereto.

"Prepackage inspection violation" means that the majority of the lots of prepackaged commodities inspected at a single location are found to have one or more packages below the maximum allowable variation as published in the National Institute of Standards and Technology Handbook 133 or the majority of the lots inspected at a single location are found to be below the stated net weight declaration on an average.

(Source: P.A. 92-676, eff. 7-16-02.)

(225 ILCS 470/6) (from Ch. 147, par. 106)

Sec. 6. The Director shall be, ex officio, the director of weights and measures for the State of Illinois. The Director may designate or appoint qualified persons to represent him in carrying out his responsibilities as set forth in this Act. There shall be State inspectors of weights and measures and necessary technical and clerical personnel, appointed by the Director ~~director~~ in compliance with regulations of the Department of Central Management Services to hold office during good behavior, and to constitute the weights and measures staff.

(Source: P.A. 82-789.)

(225 ILCS 470/7) (from Ch. 147, par. 107)

Sec. 7. The Director ~~director~~ shall maintain custody of the State standards of weight and measure and of other standards and equipment provided for by this Act and shall keep accurate records thereof. The Director ~~director~~ shall enforce the provisions of this Act, shall maintain general supervision of weights and measures offered for sale, sold or in use in this State, and shall submit an annual report to the Governor each January, summarizing all activities of his office.

(Source: Laws 1963, p. 3433.)

(225 ILCS 470/8) (from Ch. 147, par. 108)

Sec. 8. Regulations; issuance; contents. The Director shall from time to time issue reasonable regulations for enforcement of this Act that shall have the force and effect of law. In determining these regulations, he shall appoint, consult with, and be advised by committees representative of industries to be affected by the regulations. These regulations may include (1) standards of net weight, measure or count, and reasonable standards of fill, for any commodity in package form, (2) rules governing the technical and reporting procedures to be followed and the report and record forms and marks of approval and rejection to be used by inspectors of weights and measures in the discharge of their official duties, and (3) exemptions from the sealing or marking requirements of Section 14 of this Act with respect to weights and measures of such character or size that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question. These regulations shall include specifications, tolerances, and regulations for weights and measures, of the character of those specified in Section 10 of this Act, designed to eliminate from use (without prejudice to apparatus that conforms as closely as practicable to the official standards) such weights and measures as are (1) inaccurate, (2) of faulty construction (that is, not reasonably permanent in their adjustment or not capable of correct repetition of their indications), or (3) conducive to the perpetration of fraud. Specifications, tolerances, and regulations for commercial weighing and measuring devices recommended by the National Institute of Standards and Technology and published in National Institute of Standards and Technology Handbook 44 and supplements thereto or in any publication revising or superseding Handbook 44, shall be the specifications, tolerances, and regulations for commercial weighing and measuring devices of this State, except insofar as specifically modified, amended, or rejected by a regulation issued by the Director.

The National Institute of Standards and Technology Handbook 133 and its supplements, or any publication revising or superseding Handbook 133, shall be the method for checking the net contents of commodities in package form. The National Institute of Standards and Technology Handbooks 105-1, 105-2, 105-3, 105-4, 105-8, and their supplements, or any publication revising or superseding Handbooks 105-1, 105-2, 105-3, ~~and 105-4~~ , and 105-8 shall be specifications and tolerances for reference standards and field standards weights and measures.

For purposes of this Act, apparatus shall be deemed "correct" when it conforms to all applicable requirements promulgated as specified in this Section. Apparatus that does not conform to all applicable requirements shall be deemed "incorrect".

The Director is authorized to prescribe by regulation, after public hearings, container sizes for fluid

dairy products in addition to those sizes provided in Section 47 and container sizes for ice cream, frozen desserts, and similar items.

The Uniform Packaging and Labeling Regulation and the Uniform Regulation for the Method of Sale of Commodities in the National Institute of Standards and Technology Handbook 130, and any of its subsequent supplements or revisions, shall be the requirements and standards governing the packaging, labeling, and method of sale of commodities for this State, except insofar as specifically modified, amended, or rejected by regulation issued by the Director.

(Source: P.A. 88-600, eff. 9-1-94.)

(225 ILCS 470/8.1) (from Ch. 147, par. 108.1)

Sec. 8.1. Registration of servicepersons, service agents, and special sealers. No person, firm, or corporation shall sell, install, service, recondition or repair a weighing or measuring device used in trade or commerce without first obtaining a certificate of registration. Applications by individuals for a certificate of registration shall be made to the Department, shall be in writing on forms prescribed by the Department, and shall be accompanied by the required fee.

Each application shall provide such information that will enable the Department to pass on the qualifications of the applicant for the certificate of registration. The information requests shall include present residence, location of the business to be licensed under this Act, whether the applicant has had any previous registration under this Act or any federal, state, county, or local law, ordinance, or regulation relating to servicepersons and service Agencies, whether the applicant has ever had a registration suspended or revoked, whether the applicant has been convicted of a felony, and such other information as the Department deems necessary to determine if the applicant is qualified to receive a certificate of registration.

Before any certificate of registration is issued, the Department shall require the registrant to meet the following qualifications:

- (1) Has possession of or available for use weights and measures, standards, and testing equipment appropriate in design and adequate in amount to provide the services for which the person is requesting registration.
- (2) Passes a qualifying examination for each type of weighing or measuring device he intends to install, service, recondition, or repair.
- (3) Demonstrates a working knowledge of weighing and measuring devices for which he intends to be registered.
- (4) Has a working knowledge of all appropriate weights and measures laws and their rules and regulations.
- (5) Has available a current copy of National Institute of Standards and Technology Handbook 44.
- (6) Pays the prescribed registration fee for the type of registration:
 - (A) The annual fee for a Serviceperson Certificate of Registration shall be \$25.
 - (B) The annual fee for a Special Sealer Certificate of Registration shall be \$50.
 - (C) The annual fee for a Service Agency Certificate of Registration shall be \$50.

"Registrant" means any individual, partnership, corporation, agency, firm, or company registered by the Department who installs, services, repairs, or reconditions, for hire, award, commission, or any other payment of any kind, any commercial weighing or measuring device.

"Commercial weighing and measuring device" means any weight or measure or weighing or measuring device commercially used or employed (i) in establishing size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption which are purchased, offered, or submitted for sale, hire, or award, or (ii) in computing any basic charge or payment for services rendered, except as otherwise excluded by Section 2 of this Act, and shall also include any accessory attached to or used in connection with a commercial weighing or measuring device when the accessory is so designed or installed that its operation affects, or may affect, the accuracy of the device.

"Serviceperson" means any individual who sells, installs, services, repairs, or reconditions, for hire, award, commission, or any other payment of kind, a commercial weighing or measuring device.

"Service agency" means any individual, agency, firm, company, or corporation that, for hire, award, commission, or any other payment of any kind, sells, installs, services, repairs, or reconditions a commercial weighing or measuring device.

"Special sealer" means any serviceperson who is allowed to service only one service agency's liquid petroleum meters or liquid petroleum measuring devices.

Each registered service agency and serviceperson shall have report forms, known as "Placed in Service Reports". ~~An original and 2 copies of these~~ ~~These~~ forms shall be executed ~~and in triplicate~~, shall

[February 25, 2010]

include the assigned registration number (in the case where a registered serviceperson is representing a registered service agency both assigned registration numbers shall be included), and shall be signed by a registered serviceperson or by a registered serviceperson representing a registered service agency for each rejected or repaired device restored to service and for each newly installed device placed in service. Whenever a registered serviceperson or special sealer places into service a weighing or measuring device, there shall be affixed to the device indicator a decal provided by the Department that indicates the device accuracy.

Within 5 days after a device is restored to service or placed in service, the original of a properly executed "Placed in Service Report", together with any official rejection tag or seal removed from the device, shall be mailed to the Department. ~~A The duplicate~~ copy of the report shall be handed to the owner or operator of the device and ~~a the triplicate~~ copy of the report shall be retained by the service agency or serviceperson.

All field standards that are used for servicing and testing weights and measures devices for which competence is registered shall be submitted to the Director for initial and subsequent verification and calibration at least once every 2 years or as otherwise determined by the Director. When servicing commercial weighing or measuring devices, a registered serviceperson or registered service agency shall not use any field standards or testing equipment that have not been calibrated or verified by the Director. In lieu of submission of physical standards, the Director may accept calibration reports, verification reports, or both from any laboratory that is formally accredited or recognized. The Director shall maintain a list of organizations from which the Department will accept calibration reports. The Department shall retain the right to monitor periodically calibration results, to verify field standard compliance to specifications and tolerance when field standards are initially placed into service or at any intermediate point between calibration, or both.

~~A registered service agency and a registered serviceperson shall submit, at least once every 2 years to the Department for examination and certification, any standards and testing equipment that are used, or are to be used, in the performance of the service and testing functions with respect to weighing and measuring devices for which competence is registered. A registered serviceperson or agency shall not use in servicing commercial weighing and measuring devices any standards or testing equipment that have not been certified by the Department.~~

~~When a serviceperson's or service agency's weights and measures are carried to a National Institute of Standards and Technology approved out of state weights and measures laboratory for inspection and testing, the serviceperson or service agency shall be responsible for providing the Department a copy of the current certification of all weights and measures used in the repair, service, or testing of weighing or measuring devices within the State of Illinois.~~

~~All registered servicepersons placing into service scales in excess of 30,000 pounds shall have a minimum of 10,000 pounds of State approved certified test weights to accurately test a scale.~~

Persons working as apprentices are not subject to registration if they work with and under the supervision of a registered serviceperson.

The Director is authorized to promulgate, after public hearing, rules and regulations necessary to enforce the provisions of this Section.

For good cause and after a hearing upon reasonable notice, the Director may deny any application for registration or any application for renewal of registration, or may revoke or suspend the registration of any registrant.

The Director may publish from time to time as he deems appropriate, and may supply upon request, lists of registered servicepersons and registered service agencies.

All final administrative decisions of the Director under this Section shall be subject to judicial review under the Administrative Review Law. The term "administrative decision" is defined as in Section 1 of the Administrative Review Law.

(Source: P.A. 93-32, eff. 7-1-03.)

(225 ILCS 470/10) (from Ch. 147, par. 110)

Sec. 10. Inspection. Unless otherwise provided by law, the Director may inspect and test all weights and measures held, offered, or exposed for sale to ascertain if they are correct. ~~The Except as otherwise provided in Section 43,~~ the Director shall, within each period of 12 months or more frequently if necessary, inspect and test all law enforcement scales used to determine vehicle weights and all weights and measures commercially used (1) in determining the weight, measurement, or count of commodities or things sold or offered or exposed for sale on the basis of weight, measure, or count or (2) in computing the basic charge or payment for services rendered on the basis of weight, measure, or count to ascertain if they are correct. However, with respect to single-service devices (meaning those designed to be used commercially only once and then discarded) and devices uniformly mass-produced, as by means

of a mold or die, and not susceptible to individual adjustment, such tests may be made on representative samples of these devices. The lots of which such samples are representative shall be held to be correct or incorrect upon the basis of the results of the inspections and tests on the samples.
(Source: P.A. 88-600, eff. 9-1-94.)

(225 ILCS 470/11) (from Ch. 147, par. 111)

Sec. 11. The Director ~~director~~ shall investigate complaints received by him concerning violations of the provisions of this Act and shall conduct such investigations as he deems appropriate and advisable to develop information on prevailing procedures in commercial quantity determination and on possible violations of the provisions of this Act and to promote the general objective of accuracy in the determination and representation of quantity in commercial transactions.

(Source: Laws 1963, p. 3433.)

(225 ILCS 470/12) (from Ch. 147, par. 112)

Sec. 12. The Director ~~director~~ shall from time to time weigh or measure and inspect packages or amounts of commodities held, offered or exposed for sale or sold or in the process of delivery, to determine whether they contain the amounts represented and are being held, offered or exposed for sale or were sold in accordance with law. When such packages or amounts of commodities are thus determined not to contain the amounts represented or are found to be kept, offered or exposed for sale in violation of law, the Director ~~director~~ may restrain such offer, exposure or sale by order and may so mark or identify them to indicate the illegality thereof. In carrying out the provisions of this Section, the Director ~~director~~ may employ recognized sampling procedures under which the compliance of a given lot of packages will be determined on the basis of the result obtained on a sample selected from and representative of such lot. No person shall (1) sell, or keep, offer or expose for sale in intrastate commerce any package or amount of commodity that has been ordered off sale or marked or identified as provided in this Section unless and until such package or amount of commodity fully complies with all legal requirements, or (2) dispose of any package or amount of commodity that has been ordered off sale or marked or identified as provided in this Section and that does not comply with legal requirements in any manner except with the specific approval of the Director ~~director~~.

(Source: Laws 1963, p. 3433.)

(225 ILCS 470/13) (from Ch. 147, par. 113)

Sec. 13. The Director ~~director~~ may issue stop-use orders, stop-removal orders and removal orders with respect to weights and measures being or susceptible of being commercially used, and may issue stop-removal orders and removal orders with respect to packages or amounts of commodities kept, offered or exposed for sale or sold or in process of delivery, whenever in the course of his enforcement of the provisions of this Act he deems it necessary or expedient to issue such orders. No person shall use, remove or fail to remove from the premises specified any weight, measure or package or amount of commodity contrary to the terms of a stop-use order, stop-removal order or removal order issued pursuant to this Section.

(Source: Laws 1963, p. 3433.)

(225 ILCS 470/14) (from Ch. 147, par. 114)

Sec. 14. Upon inspection and test, the Director ~~director~~ shall approve for use and may seal or mark with appropriate devices such weights and measures as he finds to be "correct" and shall reject and mark or tag as "rejected" such weights and measures as he finds to be "incorrect" (but susceptible of satisfactory repair), as defined in Section 8 of this Act. Such sealing or marking is unnecessary with respect to such weights and measures as may be exempted therefrom by a regulation of the Director ~~director~~ issued pursuant to Section 8 of this Act. The Director ~~director~~ shall condemn and may seize and may destroy weights and measures found to be "incorrect" which, in his best judgment, are not susceptible of satisfactory repair. Weights and measures that have been rejected may be confiscated and destroyed by the Director ~~director~~ if not corrected pursuant to, or if used or disposed of contrary to, Section 22 of this Act.

(Source: Laws 1963, p. 3433.)

(225 ILCS 470/15) (from Ch. 147, par. 115)

Sec. 15. To enforce this Act and other Acts dealing with weights and measures and enforceable by him, the Director ~~director~~ is vested with special police powers, and may without formal warrant both arrest any violator of such Acts and seize for use as evidence incorrect or unsealed weights and measures or amounts or packages of commodity found to be used, retained, offered or exposed for sale or sold in violation of law. In performance of his official duties, the Director ~~director~~ may enter and go into or upon any structure or premises without formal warrant and may stop any person and require him to proceed, with or without any vehicle of which he may be in control, to a place specified by the Director ~~director~~.

(Source: Laws 1963, p. 3433.)

(225 ILCS 470/16) (from Ch. 147, par. 116)

Sec. 16. The powers and duties given to and imposed upon the ~~Director~~ ~~director~~ by Sections 9, 10, 11, 12, 13, 14, 15, 21 and 56 of this Act shall also be conferred upon the designated or appointed qualified persons, whenever they act under the instructions and at the direction of the ~~Director~~ ~~director~~.

(Source: P.A. 79-551.)

(225 ILCS 470/19) (from Ch. 147, par. 119)

Sec. 19. ~~Subject to the annual training provisions of Section 17, the~~ ~~The~~ sealer of a city, and each of his deputy sealers when acting under his instructions and at his direction, has the same powers and duties within the city for which appointed as are conferred upon the director by Sections 10, 11, 12, 13, 14, 15 and 56 of this Act. With respect to Section 10, in cities of less than 200,000 population, the powers and duties shall be strictly limited to weighing and measuring devices used in retail trade including, for example, weighing scales of a nominal capacity not greater than 400 pounds, retail liquid-measuring devices, taximeters, odometers, fabric-measuring devices and cordage-measuring devices.

The city inspector of weights and measures shall keep a complete record of all his official acts and shall submit an annual report to the council of the city, and an annual report (by January 15 ~~on July 1~~) under oath to the Director of Agriculture on blanks furnished by him, and any special reports that the Director of Agriculture may request. Failure of a city sealer of weights and measures and each of his or her deputy sealers to attend annual training workshops conducted by the Department or to provide an annual report to the Director or any other special report that the Director requests may invalidate the authority of a city sealer to enforce any provision of this Act or its regulations.

(Source: Laws 1963, p. 3433.)

(225 ILCS 470/20) (from Ch. 147, par. 120)

Sec. 20. The common or legislative council of each city for which a sealer has been appointed pursuant to Section 17 of this Act shall (1) procure at the expense of the city such standards of weight and measure and such additional equipment, to be used for the enforcement of the provisions of this Act in such city, as may be prescribed by the ~~Director~~ ~~director~~, (2) provide a suitable office for the sealer, and (3) make provision for the necessary clerical services, supplies and transportation and for defraying contingent expenses incident to the official activities of the sealer in carrying out the provisions of this Act. When the standards of weight and measure thus required to be provided by a city have been examined and approved by the ~~Director~~ ~~director~~, they shall be the official standards for such city. The sealer shall make or cause to be made at least annual comparisons between his field standards and appropriate standards of a higher order belonging to his city or to the State, in order to maintain such field standards in accurate condition.

(Source: Laws 1963, p. 3433.)

(225 ILCS 470/21) (from Ch. 147, par. 121)

Sec. 21. In cities for which sealers of weights and measures have been appointed pursuant to this Act, the ~~Director~~ ~~director~~ shall have concurrent authority to enforce the provisions of this Act. The legislative body of each such city may, by ordinance, prescribe the duties of the sealer and enact regulatory measures more restrictive than, but otherwise consistent with, the provisions of this Act.

(Source: Laws 1963, p. 3433.)

(225 ILCS 470/23) (from Ch. 147, par. 123)

Sec. 23. Commodities in liquid form shall be sold only by liquid measure or by weight, and, except as otherwise provided in this Act, commodities not in liquid form shall be sold only by weight, by measure of length or area, or by count. However, liquid commodities may be sold by weight and commodities not in liquid form may be sold by count only if such methods give accurate information as to the quantity of commodity sold.

The provisions of this Section do not apply (1) to commodities sold for immediate consumption upon the premises where sold, (2) to vegetables sold by the head or bunch, (3) to commodities in containers standardized by a law of this State or by Federal law, (4) to commodities in package form when there exists a general consumer usage to express the quantity in some other manner, (5) to concrete aggregates, concrete mixtures and loose solid materials such as earth, soil, gravel, crushed stone and the like, when sold by cubic measure, or (6) to unprocessed vegetable and animal fertilizer sold by cubic measure. The ~~Director~~ ~~director~~ may issue such reasonable regulations as are necessary to assure that amounts of commodity sold are determined in accordance with good commercial practice and are so determined and represented as to be accurate and informative to all parties at interest.

(Source: Laws 1963, p. 3433.)

(225 ILCS 470/26) (from Ch. 147, par. 126)

Sec. 26. No commodity in package form shall be so wrapped, nor shall it be in a container so made,

[February 25, 2010]

formed or filled, as to mislead the purchaser as to the quantity of the contents of the package, and the contents of a container shall not fall below such reasonable standard of fill as may have been prescribed for the commodity in question by the ~~Director~~ ~~director~~.

(Source: Laws 1963, p. 3433.)

(225 ILCS 470/30) (from Ch. 147, par. 130)

Sec. 30. National Institute of Standards and Technology requirements and specifications. Each type of new weight and measure or weighing and measuring device manufactured, offered, or exposed for sale or sold or given away for the use in trade or commerce, or used in trade and commerce in this State, shall conform with the requirements and specifications in the National Institute of Standards and Technology Handbook 44, 105-1, 105-2, 105-3, ~~or 105-4~~ , or 105-8 and any of their revisions or supplements. A Certificate of Conformance must be issued prior to the use of such new weight and measure or weighing and measuring device for commercial or law enforcement purposes. Pending the issuance of a Certificate of Conformance, the Department may permit such new weight and measure or weighing and measuring device to be used, provided it meets the specifications and tolerances for that particular weight and measure or weighing and measuring device as set forth in the National Institute of Standards and Technology Handbook 44, 105-1, 105-2, 105-3, ~~or 105-4~~ or 105-8.

(Source: P.A. 92-676, eff. 7-16-02.)

(225 ILCS 470/40) (from Ch. 147, par. 140)

Sec. 40. Inspection fee; Weights and Measures Fund. ~~The~~ ~~Except as otherwise provided in Section 43,~~ ~~the~~ Director and each sealer shall collect and receive from the user of weights and measures a commercial weighing or measuring device inspection fee. For the use of its Metrology Laboratory, the testings of weights and measures and such other inspection and services performed, the Department shall set a fee, the amount of which shall be according to a Schedule of Weights and Measures Inspection Fees established and published by the Director. The fees so collected and received by the State shall be deposited into a special fund to be known as the Weights and Measures Fund. All weights and measures inspection fees, metrology fees, weights and measures registrations, and weights and measures penalties collected by the Department under this Act shall be deposited into the Weights and Measures Fund. The amount annually collected shall be used by the Department for activities related to the enforcement of this Act and the Motor Fuel and Petroleum Standards Act, and for the State's share of the costs of the Field Automation Information Management project. No person shall be required to pay more than 2 inspection fees for any one weighing or measuring device in any one year when found to be accurate. When an inspection is made upon a weighing or measuring device because of a complaint by a person other than the owner of such weighing or measuring device, and the device is found accurate as set forth in Section 8 of this Act, no inspection fee shall be paid by the complainant. Any time a weighing or measuring device is found to be inaccurate, the user shall pay the inspection fee.

If any person fails or refuses to pay a fee authorized by this Section, the Department may prohibit that person from using commercial weighing and measuring devices. In addition to prohibiting the use of the device, the Department may also recover interest at the rate of 1% per month from the time the payment is owed to the Department until the time the Department recovers the fee.

(Source: P.A. 92-676, eff. 7-16-02; 93-198, eff. 1-1-04.)

(225 ILCS 470/41) (from Ch. 147, par. 141)

Sec. 41. No person shall operate, upon the streets or highways of this State any vehicle tank used for commercial purposes unless such tank either is equipped with a meter or other device for measuring deliveries from the tank or has been calibrated for capacity and sealed by the ~~Director~~ ~~director~~. When a vehicle tank has been calibrated for capacity by the ~~Director~~ ~~director~~, he shall issue to the owner or operator a certificate of calibration in which is shown the calibrated capacity of each compartment. A copy of this certificate shall accompany the vehicle tank at all times or kept on file available for examination either at the plant out of which the vehicle tank is operated or at a regional or principal Illinois office of the owner of the vehicle tank. Each compartment of a vehicle tank shall be marked with a statement of its capacity as defined by its indicator, located in a conspicuous place in letters and figures not less than one inch in height. Enforcement of this Section is reserved to the ~~Director~~ ~~director~~ or to the sealer in a city having a population of 200,000 or greater according to the latest official United States census.

(Source: Laws 1963, p. 3433.)

(225 ILCS 470/52) (from Ch. 147, par. 152)

Sec. 52. The ~~Director~~ ~~director~~ may by regulation establish a standard weight per bushel for any agricultural commodity, and any such weight per bushel shall prevail when such commodity is contracted for, bought or sold, if no special contract or written and signed agreement exists to the contrary.

(Source: Laws 1963, p. 3433.)

(225 ILCS 470/54) (from Ch. 147, par. 154)

Sec. 54. A person who in any way hinders or obstructs the ~~Director~~ ~~director~~, his authorized representative, any one of the inspectors or a sealer, deputy sealer or special sealer, in the performance of his official duties is guilty of a Class B misdemeanor.

(Source: P.A. 79-551.)

(225 ILCS 470/55) (from Ch. 147, par. 155)

Sec. 55. A person who in any way impersonates the ~~Director~~ ~~director~~, his authorized representative, any one of the inspectors or a sealer, deputy sealer or special sealer, by the use of his seal or a counterfeit of his seal or in any other manner, is guilty of a Class A misdemeanor.

(Source: P.A. 79-551.)

(225 ILCS 470/56) (from Ch. 147, par. 156)

Sec. 56.

(1) A person who, by himself or herself or by his or her employee or agent or as the employee or agent of another person, performs any of the acts enumerated in subparagraphs (A) through (J) of this Section is guilty of a business offense and shall be fined not less than ~~\$1,000~~ ~~\$500~~ for the first offense; not less than \$1,500 on a second offense; and not less than \$2,500 for a third offense.

(A) Use or possess for the purpose of using for any commercial purpose specified in

Section 10 of this Act, sell, offer, or expose for sale or hire, or possess for the purpose of selling or hiring, an incorrect weight or measure or any device or instrument used to or calculated to falsify any weight or measure.

(B) Use or possess for the purpose of current use for any commercial purpose specified in Section 10 of this Act, a weight or measure without a seal or mark as required by Section 14 ~~or Section 43~~, unless such weight or measure has been exempted from testing by the provisions of Section 10, or by a regulation of the ~~Director~~ ~~director~~ issued under the authority of Section 8, of this Act.

(C) Dispose of any rejected or condemned weight or measure in a manner contrary to law or regulation.

(D) Remove from any weight or measure, contrary to law or regulation, any tag, seal or mark placed thereon by the appropriate authority.

(E) Sell or offer or expose for sale less than the quantity he or she represents of any commodity, thing or service.

(F) Take more than the quantity he represents of any commodity, thing or service, when, as buyer, he or she furnishes the weight or measure by means of which the amount of the commodity, thing or service is determined.

(G) Retain for the purpose of sale, advertise, or offer or expose for sale, or sell, any commodity, thing or service in a condition or manner contrary to law or regulation.

(H) Use in retail trade, except in preparation of packages put up in advance of sale and of medical prescriptions, a weight or measure that is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from a position which may reasonably be assumed by a customer.

(I) By himself or herself or by the person's agent, or as servant or agent of another person, fail to disclose to the Department of Agriculture any knowledge of information relating to, or observation of, any device or instrument added to or modifying any weight or measure for the purpose of selling, or offering or exposing for sale, less than the quantity represented of a commodity or calculated to falsify the weight or measure, if the person is an owner or employee of an entity involved in the installation, repair, sale, or inspection of weighing or measuring devices.

(J) Violate a provision of this Act or of the regulations promulgated pursuant to this Act for which a specific penalty has not been prescribed.

(2) A person who, by himself or herself or by the person's servant or agent, or as a servant or agent of another person, performs any of the following acts is guilty of a Class 3 felony and subject to a fine of not less than \$1,000.00 or not more than \$10,000.00 or the total amount of any money gained for each day on which a violation has been found, whichever is greater, or by imprisonment, or both:

(A) Adds to or modifies a commercial weight or measure by the addition of a device or instrument that would allow the sale, or the offering or exposure for sale, of less than the quantity represented of a commodity or falsification of the weight or measure.

(B) Commits as a fourth or subsequent offense any of the acts listed in subsection (1) of this Section, violates a written notice from the Department, or removes a Department seal.

(Source: P.A. 85-436.)

(225 ILCS 470/56.1) (from Ch. 147, par. 156.1)

Sec. 56.1. Administrative penalties; judicial review. When an administrative hearing is held, the hearing officer, upon determination of any violation of any Section of this Act shall ~~56(1), shall refer the violation to the States Attorney's office in the county which the business is conducted for prosecution or~~ levy the following administrative monetary penalties:

(A) A penalty of ~~\$500~~ \$100 for a first violation.

(B) A penalty of ~~\$1,500~~ \$750 for a second violation at the same location within 2 years of the first violation.

(C) A penalty of ~~\$2,500~~ \$1,500 for a third or subsequent violation at the same location within 2 years of the second violation.

The penalty so levied shall be collected by the Department. Any penalty not paid within 60 days of notice from the Department shall be submitted to the Attorney General's office for collection.

All final administrative decisions of the Department are subject to judicial review under the Administrative Review Law. The term "administrative decision" is defined as in Section 4-101 of the Code of Civil Procedure.

(Source: P.A. 88-600, eff. 9-1-94.)

Section 10. The Soil Conservation Domestic Allotment Act is amended by changing Sections 3 and 7 as follows:

(505 ILCS 125/3) (from Ch. 5, par. 138c)

Sec. 3. The Department is hereby authorized and ~~empowered~~ and ~~may, at its discretion, directed to~~ formulate and submit to the Secretary of Agriculture, in conformity with the provisions of said Soil Conservation and Domestic Allotment Act, a State plan ~~for each year, beginning with the year 1953. It shall be the purpose of each such plan and each such plan shall be~~ designed to promote such utilization of land and such farming practices as the Department finds will tend, in conjunction with the operation of such other plans as may be approved for other states by the Secretary of Agriculture, to preserve and improve soil fertility; to promote the economic use and conservation of land; to diminish exploitation and wasteful and unscientific use of natural soil resources; to protect rivers and waterways against the results of soil erosion and aid in flood control; and to re-establish and maintain the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms, as defined in subsection (a) of Section 7 of the Soil Conservation and Domestic Allotment Act. Each such plan may ~~shall~~ provide for adjustments and utilization of land, and in farming practices through agreements with producers or through other voluntary methods, and for benefit payments in connection therewith, and for such methods of administration not in conflict with any law of the State, and for such reports as the Secretary of Agriculture finds necessary for the effective administration of the plan, and for ascertaining whether the plan is being carried out according to its terms.

(Source: Laws 1951, p. 1680.)

(505 ILCS 125/7) (from Ch. 5, par. 138g)

Sec. 7. The Department shall have no authority to incur any obligation or liability against the State of Illinois under this Act for the expenditure of funds other than the expenditure of funds payable from the Soil Conservation Fund, pursuant to appropriations made therefor ~~therefor~~.

(Source: Laws 1951, p. 1680.)

(505 ILCS 125/6 rep.)

Section 15. The Soil Conservation Domestic Allotment Act is amended by repealing Section 6.

Section 20. The Motor Fuel and Petroleum Standards Act is amended by changing Sections 3, 4, 4.1, 7, and 7.1 as follows:

(815 ILCS 370/3) (from Ch. 5, par. 1703)

Sec. 3. As used in this Act, unless the context otherwise requires:

(1) "ASTM" means ASTM International ~~the American Society for Testing and Materials~~, an international, nonprofit, technical, scientific and educational society devoted to the promotion of knowledge of the materials of engineering, and the standardization of specifications and methods of testing.

(2) "Motor Fuel" shall have the meaning ascribed to that term in Section 1.1 of the "Motor Fuel Tax Law", as now or hereafter amended.

(3) "Petroleum" means all illuminating oils, heating oils, LP gas, kerosene, gasoline, diesel and all volatile and inflammable liquids produced, blended or compounded for the purpose of, or which are suitable or practicable for, operating motor vehicles.

(4) "Department" means the Illinois Department of Agriculture.

[February 25, 2010]

(5) "Person" means an individual, a corporation, company, society, association, partnership or governmental entity.

(6) "Distributor" shall have the meaning ascribed to that term in Section 1.2 of the "Motor Fuel Tax Law", as now or hereafter amended, and any person who either produces, refines, blends, transports, compounds or manufactures petroleum in this State for the purposes of resale.

(7) "Director" means the Director of the Illinois Department of Agriculture or authorized designee.

(8) "Retailer" shall have the meaning ascribed to that term in Section 2 of the "Use Tax Act", as now or hereafter amended and any person engaged in the business of selling petroleum directly to the ultimate consumer.

(9) "Co-solvent" means an alcohol that is miscible with methanol and has a molecular weight equal to or greater than that of butanol.

(Source: P.A. 86-232.)

(815 ILCS 370/4) (from Ch. 5, par. 1704)

Sec. 4. ASTM standards.

(a) All motor fuel and petroleum sold or offered for sale in the State of Illinois shall conform to the standards of this Act. The standards set forth in the Annual Book of ASTM Standards (~~ASTM American Society for Testing and Materials~~ Section 5, Volumes 05.01, 05.02, 05.03, 05.04 and 05.05 and supplements thereto, and revisions thereof are adopted unless modified or rejected by a regulation adopted by the Department. In addition, any advertised or labeled declarations regarding the quality of a motor fuel which are more stringent than ASTM standards shall be met.

(a-5) The quality of gasoline-oxygenate blends sold or offered for sale in this State shall meet the standards set forth in Section ~~2.1.3~~ ~~2-1.1-1~~ or ~~Section 2-1.1-2~~ of the Uniform Engine Fuels, ~~Petroleum Products~~, and Automotive Lubricants Regulation as provided under the National Institute of Standards and Technology Handbook 130, and any of its subsequent supplements or revisions, except as specifically modified, amended, or rejected by regulation issued by the Director.

(b) Minimum Automotive Gasoline Octane Requirements.

All leaded and unleaded gasoline sold in this State shall meet or exceed the following minimum octane numbers:

Regular Grade 87

Midgrade or Plus 89

Premium or Super Grade ~~91~~ ~~90~~

An octane number is determined by adding the research octane number to the motor octane number and dividing by 2. (RON + MON)/2. In addition, the motor octane number shall not be less than 82.0. All gasoline products sold at retail shall have an octane number displayed.

(c) Each seller of a motor fuel shall notify the purchaser of the type and quantity of motor fuel purchased. For gasoline, the type shall indicate the octane number. This information shall appear on the bill of lading, manifest, or delivery ticket for the fuel. This subsection does not apply to sales at retail.

(d) All gasoline products shall meet the most recently adopted ASTM standards for spark-ignition motor fuel, and those standards adopted under the provisions of the federal Clean Air Act by the U. S. Environmental Protection Agency shall be the standards of this State in those areas in which the federal Clean Air Act fuel standards apply.

(e) All biodiesel with a numerical value of ~~B99~~ or above ~~B100~~ that is sold or offered for sale in the State of Illinois shall conform to the ASTM D6751 Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels. For the purposes of this subsection (e), "Biodiesel" means a fuel that (i) is comprised of mono-alkyl esters of long-chain fatty acids derived from vegetable oils or animal fats and (ii) meets the requirements of the ASTM D6751 standards ~~shall have the same meaning ascribed to it as in the Illinois Renewable Fuels Development Program Act.~~

(Source: P.A. 96-528, eff. 1-1-10.)

(815 ILCS 370/4.1) (from Ch. 5, par. 1704.1)

Sec. 4.1. (a) Upon any retail motor fuel dispensing device which is used to dispense a motor fuel containing at least 1% by volume of ethanol, of methanol, or of a combination thereof, there shall be displayed a label which identifies the maximum percentage by volume, to the nearest whole percent, of ethanol, of methanol, and of co-solvent contained in the motor fuel. Such labelling shall be done in contrasting colors with block letters at least 1/2 inch in height and 1/4 inch in width, and not more than one inch in height and 1/2 inch in width, and shall be visible to customers. The label shall be located on the front or sides of the dispenser and within the top 30 percent of the height of the dispenser. On a dual-faced dispenser, the label shall be affixed on each front or each side in accordance with these requirements. Devices used to dispense only motor fuels which contain a total of less than 1% by volume of methanol and ethanol need not be so labelled.

(a-5) (Blank).

(a-10) ~~(Blank)~~. Upon any retail motor fuel dispensing device that is used to dispense a motor fuel containing biodiesel or biodiesel blends, the biodiesel and biodiesel blends shall be identified by the capital letter "B" followed by the numerical value representing the volume percentage of biodiesel fuel, such as B10, B20, or B100, as follows:

(1) Upon any retail motor fuel dispensing device that is used to dispense a motor fuel containing between 5% and up to and including 20% of biodiesel, there shall be displayed on each retail dispenser:

(a) the capital letter "B" followed by the numerical value representing the maximum volume percentage of biodiesel fuel and ending with "biodiesel blend", such as B10 biodiesel fuel blend or B20 biodiesel fuel blend; or

(b) the phrase "biodiesel blend between 5% and 20%" or similar words.

(2) Upon any retail motor fuel dispensing device that is used to dispense a motor fuel containing more than 20% of biodiesel, there shall be displayed on each retail dispenser the capital letter "B" followed by the numerical value representing the volume percentage of biodiesel fuel and ending with either "biodiesel" or "biodiesel blend", such as B100 biodiesel or B60 biodiesel blend.

(3) The label shall be done in contrasting colors with block letters at least 1/2 inch in height and 1/4 inch in width, and not more than one inch in height and 1/2 inch in width, and shall be visible to customers. The label shall be located on the front or sides of the dispenser and within the top 30% of the height of the dispenser. On a dual faced dispenser, the label shall be affixed on each front or each side in accordance with these requirements. Devices used to dispense only motor fuels that contain a total of 5% or less by volume of biodiesel need not be labeled.

(b) Each seller of a motor fuel which contains methanol, ethanol, or biodiesel shall notify the purchaser thereof of the percentage by volume of ethanol, of methanol, of biodiesel, and of co-solvent which have been added to such motor fuel, and this information shall appear on the bill of lading, manifest or delivery ticket for such motor fuel. However, this subsection (b) shall not apply to sales at retail.

(c) No motor fuel, whether or not it contains any lead or lead compounds, may contain more ethanol or methanol than is permitted, or contain less co-solvent than is required, by the United States Environmental Protection Agency for unleaded motor fuels under Section 211(f) of the federal Clean Air Act.

(d) All motor fuel sold or offered for sale by the distributor shall contain the percentage and type of alcohol as stated on the bill of lading, manifest or delivery ticket.

(e) (Blank).

(f) Nothing in this Section shall be construed to require or impose an obligation upon the owner or operator of a retail motor fuel dispensing station, facility, or device to perform a test on or measurement of a shipment of motor fuel received to determine the specific content of ethanol, methanol, or biodiesel.

(Source: P.A. 95-381, eff. 7-1-08.)

(815 ILCS 370/7) (from Ch. 5, par. 1707)

Sec. 7. Administrative hearing and penalties. When an administrative hearing is held, the hearing officer, upon determination of a violation of this Act or rules, other than violation of subsection (b) of Section 7.1, shall:

(a) Levy the following administrative monetary penalties:

(1) ~~\$500~~ ~~\$100~~ for a first violation;

(2) ~~\$1,500~~ ~~\$750~~ for a second violation within 2 years of the first violation; and

(3) ~~\$2,500~~ ~~\$1500~~ for a third or subsequent violation within 2 years of the second violation; or

(b) ~~(Blank)~~. ~~refer the violations to the States Attorney's Office in the county where the violation occurred for prosecution.~~

Any penalty levied shall be collected by the Department and paid into the Motor Fuel and Petroleum Standards Fund. Monetary penalties not paid within 60 days of notice from the Department shall be submitted to the Attorney General's Office for collection.

All decisions and actions of the Department are subject to the Illinois Administrative Procedure Act and the Department's Administrative Rules which pertain to administrative hearings, petitions, proceedings, contested cases, declaratory rulings and availability of Department files for public access.

All final administrative decisions of the Department shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined in Section 3-101 of the Code of Civil Procedure.

(Source: P.A. 88-582, eff. 1-1-95.)

(815 ILCS 370/7.1)

[February 25, 2010]

Sec. 7.1. Fuel rating ~~Octane~~ display standards; administrative penalty.

(a) Every retailer of motor fuel must display the octane number or fuel rating of the fuel being dispensed on each motor fuel device that is dispensing a motor fuel gasoline product. The octane number or fuel rating shall be displayed on the fuel dispensing device in a manner consistent with regulations promulgated by the Federal Trade Commission in 16 CFR part 306. It is a violation of this Section. (1) See: to display an octane number that is greater than the octane number of the gasoline being dispensed, (2) to display a fuel rating that is not consistent with the percentage by volume of the principal component of the alternative liquid automotive fuel being dispensed, or (3) to display a fuel rating that is not consistent with the percentage of biodiesel or biomass-based diesel of the biodiesel blend being dispensed.

(b) A hearing officer that, after an administrative hearing held in accordance with the provisions of Section 7, determines that a violation of this Section has been committed shall impose a monetary penalty in accordance with the following schedule:

(1) For a first time violation if the actual octane number is found by the petroleum laboratory to be lower than the posted octane number by:

- (A) at least 0.6 ~~0.8~~, but not more than 1.5 ~~2.0~~ octane numbers, ~~\$500~~ \$100;
- (B) (blank) at least 2.1, but not more than 3.0 octane numbers, ~~\$200~~;
- (C) (blank) at least 3.1, but not more than 4.0 octane numbers, ~~\$300~~;
- (D) (blank) at least 4.1, but not more than 5.0 octane numbers, ~~\$400~~;
- (E) (blank) at least 5.1, but not more than 6.0 octane numbers, ~~\$500~~;
- (F) more than 1.5 ~~6.0~~ octane numbers, ~~\$1,000~~.

(2) For a second violation, at the same location under the same ownership, within 2 years of the first violation if the actual octane number is found by the petroleum testing laboratory to be lower than the posted octane number by:

- (A) at least 0.6 ~~0.8~~, but not more than 1.5 ~~2.0~~ octane numbers, ~~\$1,000~~ \$200;
- (B) (blank) at least 2.1, but not more than 3.0 octane numbers, ~~\$400~~;
- (C) (blank) at least 3.1, but not more than 4.0 octane numbers, ~~\$600~~;
- (D) (blank) at least 4.1, but not more than 5.0 octane numbers, ~~\$800~~;
- (E) (blank) at least 5.1, but not more than 6.0 octane numbers, ~~\$1,000~~;
- (F) more than 1.5 ~~6.0~~ octane numbers, ~~\$2,000~~.

(3) For a third or subsequent violation, at the same location under the same ownership, within 2 years of the second violation if the actual octane number is found by the petroleum testing laboratory to be lower than the posted octane number by:

- (A) at least 0.6 ~~0.8~~, but not more than 1.5 ~~2.0~~ octane numbers, ~~\$2,000~~ \$400;
- (B) (blank) at least 2.1, but not more than 3.0 octane numbers, ~~\$800~~;
- (C) (blank) at least 3.1, but not more than 4.0 octane numbers, ~~\$1,200~~;
- (D) (blank) at least 4.1, but not more than 5.0 octane numbers, ~~\$1,600~~;
- (E) (blank) at least 5.1, but not more than 6.0 octane numbers, ~~\$2,000~~;
- (F) more than 1.5 ~~6.0~~ octane numbers, ~~\$4,000~~.

(c) Any penalty levied under this Section shall be collected and deposited in the manner provided for penalties collected under Section 7. Actions and decisions of the Department under this Section are subject to the administrative procedures and review authorized under Section 7.

(Source: P.A. 88-582, eff. 1-1-95.)

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

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

On motion of Senator Delgado, **Senate Bill No. 2583** 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 2583

AMENDMENT NO. 1. Amend Senate Bill 2583 on page 3, by replacing line 4 with the following:

"(b) Subject to appropriation, a ~~within 6 months after the~~"; and

[February 25, 2010]

on page 3, by replacing lines 22 and 23 with the following:

"by the Governor; the Director of Public Health, who shall serve as Chair; the Secretary of Human".

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 Trotter, **Senate Bill No. 2601** 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 2601

AMENDMENT NO. 1. Amend Senate Bill 2601 as follows:

on page 3, line 7, by replacing "upon admission" with "within 10 days of admission"; and

on page 3, line 11, by inserting after "₂" the following:

"Nothing in this subsection (c) shall apply to a nursing facility licensed or regulated by the Illinois Department of Veterans' Affairs."

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 Raoul, **Senate Bill No. 2606**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Forby, **Senate Bill No. 2615** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2615

AMENDMENT NO. 1. Amend Senate Bill 2615 as follows:

on page 1, line 5, after "3-33.2", by inserting "and by adding Section 3-33.7"; and

on page 3, immediately below line 23, by inserting the following:

"(110 ILCS 805/3-33.7 new)

Sec. 3-33.7. Establishment of lines of credit. The board may establish a line of credit with a bank or other financial institution in an amount not to exceed the following:

(1) if anticipating State revenues due in the current fiscal year, 85% of the amount or amounts of the revenues due in the current fiscal year, as certified by the President/CEO of the State Board or other official in a position to provide assurances as to the amounts; and

(2) if anticipating State revenues expected to be due in the next subsequent fiscal year, 50% of the amount or amounts of the revenues due in the current fiscal year, as certified by the President/CEO of the State Board or other official in a position to provide assurances as to the amounts.

All moneys so borrowed shall be repaid exclusively from the anticipated revenues within 60 days after the revenues have been received. Borrowing authorized under subdivisions (1) and (2) of this Section shall bear interest at a rate not to exceed the maximum rate authorized by the Bond Authorization Act, from the date of issuance until paid.

Prior to establishing a line of credit under this Section, the board shall authorize, by resolution, the line of credit. The resolution shall set forth facts demonstrating the need for the line of credit, state the amount to be borrowed, establish a maximum interest rate limit not to exceed that set forth in this Section, and provide a date by which the borrowed funds must be repaid. The resolution shall direct the relevant officials to make arrangements to set apart and hold the revenue, as received, that will be used to repay the borrowing. In addition, the resolution may authorize the relevant officials to make partial repayments of the borrowing as the revenues become available and may contain any other terms.

[February 25, 2010]

restrictions, or limitations not inconsistent with the provisions of this Section."

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 Martinez, **Senate Bill No. 2799** 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 2799

AMENDMENT NO. 1. Amend Senate Bill 2799 by replacing everything after the enacting clause with the following:

"Section 5. The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 is amended by changing Sections 1-4, 3-1, 3A-1, and 4-1 as follows:

(225 ILCS 410/1-4) (from Ch. 111, par. 1701-4)

(Section scheduled to be repealed on January 1, 2016)

Sec. 1-4. Definitions. In this Act the following words shall have the following meanings:

"Board" means the Barber, Cosmetology, Esthetics, and Nail Technology Board.

"Department" means the Department of Professional Regulation.

"Director" means the Director of Professional Regulation.

"Licensed barber" means an individual licensed by the Department to practice barbering as defined in this Act and whose license is in good standing.

"Licensed barber clinic teacher" means an individual licensed by the Department to practice barbering, as defined in this Act, and to provide clinical instruction in the practice of barbering in an approved school of barbering.

"Licensed cosmetologist" means an individual licensed by the Department to practice cosmetology, nail technology, and esthetics as defined in this Act and whose license is in good standing.

"Licensed esthetician" means an individual licensed by the Department to practice esthetics as defined in this Act and whose license is in good standing.

"Licensed nail technician" means any individual licensed by the Department to practice nail technology as defined in this Act and whose license is in good standing.

"Licensed barber teacher" means an individual licensed by the Department to practice barbering as defined in this Act and to provide instruction in the theory and practice of barbering to students in an approved barber school.

"Licensed cosmetology teacher" means an individual licensed by the Department to practice cosmetology, esthetics, and nail technology as defined in this Act and to provide instruction in the theory and practice of cosmetology, esthetics, and nail technology to students in an approved cosmetology, esthetics, or nail technology school.

"Licensed cosmetology clinic teacher" means an individual licensed by the Department to practice cosmetology, esthetics, and nail technology as defined in this Act and to provide clinical instruction in the practice of cosmetology, esthetics, and nail technology in an approved school of cosmetology, esthetics, or nail technology.

"Licensed esthetics teacher" means an individual licensed by the Department to practice esthetics as defined in this Act and to provide instruction in the theory and practice of esthetics to students in an approved cosmetology or esthetics school.

"Licensed esthetics clinic teacher" means an individual licensed by the Department to practice esthetics as defined in this Act and to provide clinical instruction in the practice of esthetics in an approved school of cosmetology or an approved school of esthetics.

"Licensed nail technology teacher" means an individual licensed by the Department to practice nail technology and to provide instruction in the theory and practice of nail technology to students in an approved nail technology school or cosmetology school.

"Licensed nail technology clinic teacher" means an individual licensed by the Department to practice nail technology as defined in this Act and to provide clinical instruction in the practice of nail technology in an approved school of cosmetology or an approved school of nail technology.

"Enrollment" is the date upon which the student signs an enrollment agreement or student contract.

"Enrollment agreement" or "student contract" is any agreement, instrument, or contract however named, which creates or evidences an obligation binding a student to purchase a course of instruction

[February 25, 2010]

from a school.

"Enrollment time" means the maximum number of hours a student could have attended class, whether or not the student did in fact attend all those hours.

"Elapsed enrollment time" means the enrollment time elapsed between the actual starting date and the date of the student's last day of physical attendance in the school.

"Threading" means any technique that results in the removal of superfluous hair from the body by twisting thread around unwanted hair and then pulling it from the skin; and may also include the incidental trimming of eyebrow hair.

(Source: P.A. 94-451, eff. 12-31-05; 94-871, eff. 6-16-06.)

(225 ILCS 410/3-1) (from Ch. 111, par. 1703-1)

(Section scheduled to be repealed on January 1, 2016)

Sec. 3-1. Cosmetology defined. Any one or any combination of the following practices constitutes the practice of cosmetology when done for cosmetic or beautifying purposes and not for the treatment of disease or of muscular or nervous disorder: arranging, braiding, dressing, cutting, trimming, curling, waving, chemical restructuring, shaping, singeing, bleaching, coloring or similar work, upon the hair of the head or any cranial prosthesis; cutting or trimming facial hair of any person; any practice of manicuring, pedicuring, decorating nails, applying sculptured nails or otherwise artificial nails by hand or with mechanical or electrical apparatus or appliances, or in any way caring for the nails or the skin of the hands or feet including massaging the hands, arms, elbows, feet, lower legs, and knees of another person for other than the treatment of medical disorders; any practice of epilation or depilation of any person; any practice for the purpose of cleansing, massaging or toning the skin of the scalp; beautifying, massaging, cleansing, exfoliating, or stimulating the stratum corneum of the epidermis by the use of cosmetic preparations, body treatments, body wraps, the use of hydrotherapy, or any device, electrical, mechanical, or otherwise; applying make-up or eyelashes to any person or lightening hair on the body and removing superfluous hair from the body of any person by the use of depilatories, waxing, threading, or tweezers. The term "cosmetology" does not include the services provided by an electrologist. Nail technology is the practice and the study of cosmetology only to the extent of manicuring, pedicuring, decorating, and applying sculptured or otherwise artificial nails, or in any way caring for the nail or the skin of the hands or feet including massaging the hands, arms, elbows, feet, lower legs, and knees. Cosmetologists are prohibited from using any technique, product, or practice intended to affect the living layers of the skin. The term cosmetology includes rendering advice on what is cosmetically appealing, but no person licensed under this Act shall render advice on what is appropriate medical treatment for diseases of the skin. Purveyors of cosmetics may demonstrate such cosmetic products in conjunction with any sales promotion and shall not be required to hold a license under this Act. Nothing in this Act shall be construed to prohibit the shampooing of hair by persons employed for that purpose and who perform that task under the direct supervision of a licensed cosmetologist or licensed cosmetology teacher.

(Source: P.A. 94-451, eff. 12-31-05.)

(225 ILCS 410/3A-1) (from Ch. 111, par. 1703A-1)

(Section scheduled to be repealed on January 1, 2016)

Sec. 3A-1. Esthetics defined.

(A) Any one or combination of the following practices, when done for cosmetic or beautifying purposes and not for the treatment of disease or of a muscular or nervous disorder, constitutes the practice of esthetics:

1. Beautifying, massaging, cleansing, exfoliating, or stimulating the stratum corneum of the epidermis by the use of cosmetic preparations, body treatments, body wraps, hydrotherapy, or any device, electrical, mechanical, or otherwise, for the care of the skin;
2. Applying make-up or eyelashes to any person or lightening hair on the body except the scalp; and
3. Removing superfluous hair from the body of any person.

However, esthetics does not include the services provided by a cosmetologist or electrologist. Estheticians are prohibited from using techniques, products, and practices intended to affect the living layers of the skin. The term esthetics includes rendering advice on what is cosmetically appealing, but no person licensed under this Act shall render advice on what is appropriate medical treatment for diseases of the skin.

(B) "Esthetician" means any person who, with hands or mechanical or electrical apparatus or appliances, engages only in the use of cosmetic preparations, body treatments, body wraps, hydrotherapy, makeups, antiseptics, tonics, lotions, creams or other preparations or in the practice of massaging, cleansing, exfoliating the stratum corneum of the epidermis, stimulating, manipulating,

[February 25, 2010]

beautifying, grooming, threading, or similar work on the face, neck, arms and hands or body in a superficial mode, and not for the treatment of medical disorders.

(Source: P.A. 94-451, eff. 12-31-05.)

(225 ILCS 410/4-1) (from Ch. 111, par. 1704-1)

(Section scheduled to be repealed on January 1, 2016)

Sec. 4-1. Powers and duties of Department. The Department shall exercise, subject to the provisions of this Act, the following functions, powers and duties:

(1) To cause to be conducted examinations to ascertain the qualifications and fitness of applicants for licensure as cosmetologists, estheticians, nail technicians, or barbers and as cosmetology, esthetics, nail technology, or barbering teachers.

(2) To determine the qualifications for licensure as a cosmetologist, esthetician, nail technician, or barber or cosmetology, esthetics, nail technology, or barber teacher or cosmetology, esthetics, or nail technology clinic teachers for persons currently licensed as cosmetologists, estheticians, nail technicians, or barbers or cosmetology, esthetics, nail technology, or barber teachers or cosmetology, esthetics, or nail technology clinic teachers outside the State of Illinois or the continental U.S.

(3) To prescribe rules for:

(i) The method of examination of candidates for licensure as a cosmetologist, esthetician, nail technician, or barber or cosmetology, esthetics, nail technology, or barbering teacher.

(ii) Minimum standards as to what constitutes an approved school of cosmetology, esthetics, nail technology, or barbering.

(4) To conduct investigations or hearings on proceedings to determine disciplinary action.

(5) To prescribe reasonable rules governing the sanitary regulation and inspection of cosmetology, esthetics, nail technology, or barbering schools, salons, or shops.

(6) To prescribe reasonable rules for the method of renewal for each license as a cosmetologist, esthetician, nail technician, or barber or cosmetology, esthetics, nail technology, or barbering teacher or cosmetology, esthetics, or nail technology clinic teacher.

(7) To prescribe reasonable rules for the method of registration, the issuance, fees, renewal and discipline of a certificate of registration for the ownership or operation of cosmetology, esthetics, and nail technology salons and barber shops.

(8) To adopt rules concerning sanitation requirements, requirements for education on sanitation, and any other health concerns associated with threading.

(Source: P.A. 94-451, eff. 12-31-05.)

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

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

On motion of Senator Martinez, **Senate Bill No. 2800**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **Senate Bill No. 2976**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 3013**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 3014** 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 3014

AMENDMENT NO. 1. Amend Senate Bill 3014 on page 2, line 24, after "principal", by inserting "or assistant principal"; and

on page 5, by replacing line 1 with the following:

"acceptance of a multi-year contract, the principal, assistant principal, or"; and

on page 5, by replacing lines 10 through 12 with the following:

"Section. No principal or assistant principal ~~who has completed 2 or more years of administrative service in the school district~~ may be reclassified by demotion or reduction in rank"; and

on page 5, line 19, after "principal", by inserting "or assistant principal"; and

on page 8, line 19, by replacing "a" with "an assistant"; and

on page 8, immediately below line 24, by inserting the following:

"On and after September 1, 2012, the evaluation must, in addition to the requirements in items (1), (2), and (3) of this subsection (c-5), provide for the use of data and indicators on student growth as a significant factor in rating performance."

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. 3045**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 3315**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **Senate Bill No. 3728**, having been printed, was taken up, read by title a second time and ordered to a third reading.

SENATE BILLS TABLED

Senator Dillard moved that **Senate Bills Numbered 2356, 2358, 2359 and 2360** be ordered to lie on the table.

The motion to table prevailed.

READING BILL OF THE SENATE A SECOND TIME

On motion of Senator Garrett, **Senate Bill No. 3001**, having been printed, was taken up, read by title a second time and ordered to a third reading.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 653

Offered by Senator Demuzio and all Senators:

Mourns the death of Sheryl Ann Beal of Waggoner.

SENATE RESOLUTION NO. 654

Offered by Senator Bomke and all Senators:

Mourns the death of Robert "Bob" Waldmire.

SENATE RESOLUTION NO. 655

Offered by Senator Bomke and all Senators:

Mourns the death of Lois Deane Tippin of Springfield.

SENATE RESOLUTION NO. 656

Offered by Senator Lightford and all Senators:

Mourns the death of Jeffrey H. Steadman, Sr., of Lombard.

[February 25, 2010]

SENATE RESOLUTION NO. 657

Offered by Senators Cullerton – Radogno and all Senators:
Mourns the death of Arthur R. Sullivan, Jr.

SENATE RESOLUTION NO. 658

Offered by Senator Forby and all Senators:
Mourns the death of Kathy R. McFadden of Marion.

SENATE RESOLUTION NO. 660

Offered by Senator Murphy and all Senators:
Mourns the death of Amanda Jean Prucnell.

SENATE RESOLUTION NO. 661

Offered by Senator Murphy and all Senators:
Mourns the death of Aida M. Guss (nee, Capozzoli) of Palatine.

SENATE RESOLUTION NO. 663

Offered by Senator Hunter and all Senators:
Mourns the death of Malika S. Hasan.

SENATE RESOLUTION NO. 664

Offered by Senator Bond and all Senators:
Mourns the death of John J. “Jack” Thelen of Antioch.

SENATE RESOLUTION NO. 667

Offered by Senator Demuzio and all Senators:
Mourns the death of Michael G. Lord of Pittsfield.

SENATE RESOLUTION NO. 668

Offered by Senator Link and all Senators:
Mourns the death of Anita M. Samuelson of Lake Villa.

SENATE RESOLUTION NO. 669

Offered by Senator Sandoval and all Senators:
Mourns the deaths of Byron Reed, Sallie Gist, Rayshawn Reed, Brian Reed, twins Elijah Gist and Elisha Gist, and Tiera Davidson of Cicero.

SENATE RESOLUTION NO. 670

Offered by Senator Haine and all Senators:
Mourns the death of Geraldine M. Deck of Dorsey.

SENATE RESOLUTION NO. 671

Offered by Senator Brady and all Senators:
Mourns the death of Michael Francis Sweeney of Bloomington.

The Chair moved the adoption of the Resolutions Consent Calendar. The motion prevailed, and the resolutions were adopted.

PRESENTATION OF RESOLUTION

Senator Trotter offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE JOINT RESOLUTION NO. 108

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Thursday, February 25, 2010, the Senate stands adjourned until Tuesday, March 02, 2010 at 12:30 p.m.; and the House of Representatives stands adjourned until Tuesday, March 02, 2010, at 12:00 o'clock noon.

The motion prevailed.

And the resolution was adopted.

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

At the hour of 12:32 o'clock p.m., pursuant to **Senate Joint Resolution No. 108**, the Chair announced the Senate stand adjourned until Tuesday, March 2, 2010, at 12:30 o'clock p.m.