STATE OF ILLINOIS

HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-THIRD GENERAL ASSEMBLY

56TH LEGISLATIVE DAY

FRIDAY, MAY 9, 2003

10:00 O'CLOCK A.M.

NO. 56

HOUSE OF REPRESENTATIVES
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The House met pursuant to adjournment.
Speaker Madigan in the chair.
Prayer by Pastor Robert Atkins of the Trinity United Methodist Church in Wilmette.
Representative Coulson led the House in the Pledge of Allegiance.
By direction of the Speaker, a roll call was taken to ascertain the attendance of Members, as follows:
114 present. (ROLL CALL 1)

By unanimous consent, Representatives Black, Fritchey, Jones and Scully were excused from attendance.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Brady replaced Representative McAuliffe in the Committee on Registration & Regulation on May 8, 2003.
Representative Eddy replaced Representative Moffitt in the Committee on Transportation & Motor Vehicles on May 8, 2003.
Representative Churchill replaced Representative Osmond in the Committee on Elections & Campaign Reform on May 8, 2003.
Representative Rose replaced Representative Watson in the Committee on Local Government on May 8, 2003.
Representative Krause replaced Representative Hassert in the Committee on Executive on May 8, 2003.
Representative Winters replaced Representative Watson in the Committee on Transportation & Motor Vehicles on May 8, 2003.
Representative Mautino replaced Representative Granberg in the Committee on Public Utilities on May 6, 2003.
Representative Will Davis replaced Representative Giles in the Committee on Public Utilities on May 6, 2003.
Representative Colvin replaced Representative Collins in the Committee on Judiciary II - Criminal Law on May 7, 2003.
Representative Morrow replaced Representative Howard in the Committee on Judiciary II - Criminal Law on May 7, 2003.
Representative Jones replaced Representative Mendoza in the Committee on Consumer Protection on May 8, 2003.
Representative Soto replaced Representative Steve Davis in the Committee on Financial Institutions on May 8, 2003.
Representative Scully replaced Representative Osterman in the Committee on Elections & Campaign Reform on May 8, 2003.
Representative Holbrook replaced Representative Currie in the Committee on Revenue on May 8, 2003.
Representative Bradley replaced Representative Grunloh in the Committee on Local Government on May 8, 2003.
Representative Yarbrough replaced Representative Flider in the Committee on Local Government on May 8, 2003.
Representative McCarthy replaced Representative Fritchey in the Committee on Registration & Regulation on May 8, 2003.
Representative Joseph Lyons replaced Representative Hannig in the Committee on Rules on May 8, 2003.

LETTER OF TRANSMITTAL

May 9, 2003

Anthony D. Rossi

Chief Clerk of the House
402 State House
Springfield, IL 62706

Dear Clerk Rossi:

Please be advised that I am extending the Committee and/or Third Reading Deadline to May 31, 2003 for the following Senate Bill:

Senate Bill 726

If you have any questions, please contact my Chief of Staff, Tim Mapes, at 782-6360.

With kindest personal regards, I remain.

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

REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to SENATE BILL 1668.

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

Y Currie,Barbara(D), Chairperson
A Hannig,Gary(D)
A Turner,Arthur(D)
Y Black,William(R) (Schmitz)
Y Hassert,Brent(R), Republican Spokesperson

COMMITTEE ON RULES REFERRALS

Representative Currie, Chairperson of the Committee on Rules, reported the following legislative measures and/or joint action motions have been assigned as follows:

Transportation & Motor Vehicles: SENATE BILL 726.

MOTION SUBMITTED

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

MOTION

I move to concur with Senate Amendment No. 2 to HOUSE BILL 536.

MESSAGES FROM THE SENATE

A message from the Senate by

Ms. Hawker, Secretary:

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

HOUSE BILL 184

A bill for AN ACT in relation to animals.

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

Senate Amendment No. 1 to HOUSE BILL NO. 184

Passed the Senate, as amended, May 9, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 184 on page 23, by replacing lines 12 through 15 with "owner, may ~~pursue and~~ kill such dog"; and
on page 27, by deleting lines 11 through 13.

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 184 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

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

HOUSE BILL 120

A bill for AN ACT in relation to fire protection.

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

Senate Amendment No. 1 to HOUSE BILL NO. 120

Passed the Senate, as amended, May 9, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 120 on page 1, by replacing line 29 with the following:
"adding Sections 11-5-7.2 and 11-6-1.1 as follows:
(65 ILCS 5/11-5-7.2 new)
Sec. 11-5-7.2. Emergency medical services outside corporate limits. A municipality may choose to provide emergency medical services on property outside its corporate limits. The corporate authorities of each municipality may fix, charge, and collect emergency medical service fees not exceeding the actual cost of the service for all emergency medical services rendered by the municipality against persons, businesses, and other entities that are not residents of the municipality. An additional charge may be levied to reimburse the municipality for extraordinary expenses of materials used in rendering the services. Nothing in this Section shall impact any agreement entered into by a municipality and persons, businesses, and other entities that are not residents of the municipality. Nothing in this Section shall require a municipality to supply any emergency medical services on property located outside the corporate limits of the municipality.".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 120 was placed on the Calendar on the order of Concurrence.

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

HOUSE BILL 536

A bill for AN ACT in relation to violence against women.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 2 to HOUSE BILL NO. 536
Passed the Senate, as amended, May 9, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 536 on page 2, by replacing lines 25 through 30 with the following:
"Section 20. Limitation. An action based on gender-related violence as defined in paragraph (1) or (2) of Section 5 must be commenced within 7 years after the cause of action accrued, except that if the person entitled to bring the action was a minor at the time the cause of action accrued, the action must be commenced within 7 years after the person reaches the age of 18. An action based on gender-related violence as defined in paragraph (3) of Section 5 must be commenced within 2 years after the cause of action accrued, except that if the person entitled to bring the action was a minor at the time the cause of action accrued, the action must be commenced within 2 years after the person reaches the age of 18.".

The foregoing message from the Senate reporting Senate Amendment No. 2 to HOUSE BILL 536 was placed on the Calendar on the order of Concurrence.

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

HOUSE BILL 538

A bill for AN ACT in relation to criminal law.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 538
Passed the Senate, as amended, May 9, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 538, on page 1, by deleting lines 4 through 24.

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 538 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

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

HOUSE BILL 553

A bill for AN ACT concerning juveniles.

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

Senate Amendment No. 1 to HOUSE BILL NO. 553

Passed the Senate, as amended, May 9, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 553 by replacing everything after the enacting clause with the following:

"Section 5. The Juvenile Court Act of 1987 is amended by changing Section 5-810 as follows:

(705 ILCS 405/5-810)

Sec. 5-810. Extended jurisdiction juvenile prosecutions. (1) (a) If the State's Attorney files a petition, at any time prior to commencement of the minor's trial, to designate the proceeding as an extended jurisdiction juvenile prosecution and the petition alleges the commission by a minor 13 years of age or older of any offense which would be a felony if committed by an adult, and, if the juvenile judge assigned to hear and determine petitions to designate the proceeding as an extended jurisdiction juvenile prosecution determines that there is probable cause to believe that the allegations in the petition and motion are true, there is a rebuttable presumption that the proceeding shall be designated as an extended jurisdiction juvenile proceeding.

(b) The judge shall enter an order designating the proceeding as an extended jurisdiction juvenile proceeding unless the judge makes a finding based on clear and convincing evidence that sentencing under the Chapter V of the Unified Code of Corrections would not be appropriate for the minor based on an evaluation of the following factors:

(i) The seriousness of the alleged offense;

(ii) The minor's history of delinquency;

(iii) The age of the minor;

(iv) The culpability of the minor in committing the alleged offense;

(v) Whether the offense was committed in an aggressive or premeditated manner;

(vi) Whether the minor used or possessed a deadly weapon when committing the alleged offense.

In considering these factors, the court shall give greater weight to the seriousness of the alleged offense and the minor's prior record of delinquency than to other factors listed in this subsection.

(2) Procedures for extended jurisdiction juvenile prosecutions. ~~(a)~~ The State's Attorney may file a written motion for a proceeding to be designated as an extended juvenile jurisdiction prior to commencement of trial. Notice of the motion shall be in compliance with Section 5-530. When the State's Attorney files a written motion that a proceeding be designated an extended jurisdiction juvenile prosecution, the court shall commence a hearing within 30 days of the filing of the motion for designation, unless good cause is shown by the prosecution or the minor as to why the hearing could not be held within this time period. If the court finds good cause has been demonstrated, then the hearing shall be held within 60 days of the filing of the motion. The hearings shall be open to the public unless the judge finds that the hearing should be closed for the protection of any party, victim or witness. If the Juvenile Judge assigned to hear and determine a motion to designate an extended jurisdiction juvenile prosecution determines that there is probable cause to believe that the allegations in the petition and motion are true the court shall grant the motion for designation. Information used by the court in its findings or stated in or offered in connection with this Section may be by way of proffer based on reliable information offered by the State or the minor. All evidence shall be admissible if it is relevant and reliable regardless of whether it would be admissible under the rules of evidence.

(3) Trial. A minor who is subject of an extended jurisdiction juvenile prosecution has the right to trial by jury. Any trial under this Section shall be open to the public.

(4) Sentencing. If an extended jurisdiction juvenile prosecution under subsections (1) results in a guilty plea, a verdict of guilty, or a finding of guilt, the court shall impose the following:

(i) one or more juvenile sentences under Section 5-710; and

(ii) an adult criminal sentence in accordance with the provisions of Chapter V of the Unified Code of Corrections, the execution of which shall be stayed on the condition that the offender not violate the provisions of the juvenile sentence.

Any sentencing hearing under this Section shall be open to the public.

(5) If, after an extended jurisdiction juvenile prosecution trial, a minor is convicted of a lesser-included offense or of an offense that the State's Attorney did not designate as an extended jurisdiction juvenile prosecution, the State's Attorney may file a written motion, within 10 days of the finding of guilt, that the minor be sentenced as an extended jurisdiction juvenile prosecution offender. The court shall rule on this motion using the factors found in paragraph (1) (b) of this Section ~~5-805~~. If the court denies the State's Attorney's motion for sentencing under the extended jurisdiction juvenile prosecution provision, the court shall proceed to sentence the minor under Section 5-710.

(6) When it appears that a minor convicted in an extended jurisdiction juvenile prosecution under subsection (1) has violated the conditions of his or her sentence, or is alleged to have committed a new offense upon the filing of a petition to revoke the stay, the court may, without notice, issue a warrant for the arrest of the minor. After a hearing, if the court finds by a preponderance of the evidence that the minor committed a new offense, the court shall order execution of the previously imposed adult criminal sentence. After a hearing, if the court finds by a preponderance of the evidence that the minor committed a violation of his or her sentence other than by a new offense, the court may order execution of the previously imposed adult criminal sentence or may continue him or her on the existing juvenile sentence with or without modifying or enlarging the conditions. Upon revocation of the stay of the adult criminal sentence and imposition of that sentence, the minor's extended jurisdiction juvenile status shall be terminated. The on-going jurisdiction over the minor's case shall be assumed by the adult criminal court and juvenile court jurisdiction shall be terminated and a report of the imposition of the adult sentence shall be sent to the Department of State Police.

(7) Upon successful completion of the juvenile sentence the court shall vacate the adult criminal sentence.

(8) Nothing in this Section precludes the State from filing a motion for transfer under Section 5-805.
(Source: P.A. 90-590, eff. 1-1-99.)

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

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 553 was placed on the Calendar on the order of Concurrence.

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

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

HOUSE BILL 556

A bill for AN ACT in relation to children and families.

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

Senate Amendment No. 1 to HOUSE BILL NO. 556

Passed the Senate, as amended, May 9, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 556 by replacing the title with the following:

"AN ACT in relation to minors."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Children and Family Services Act is amended by adding Section 4b as follows:
(20 ILCS 505/4b new)

Sec. 4b. Youth transitional housing programs. The Department may license youth transitional housing programs to provide services, shelter, or housing to homeless minors who are at least 16 years of age but less than 18 years of age and who are granted partial emancipation under the Emancipation of Minors Act. The Department shall adopt rules governing the licensure of those programs.

Section 10. The Emancipation of Mature Minors Act is amended by changing Sections 1, 2, 4, 5, 7, 8, 9, and 10 and by adding Sections 3-2.5 and 3-2.10 as follows:
(750 ILCS 30/1) (from Ch. 40, par. 2201)

Sec. 1. Short title. This Act ~~shall be known and~~ may be cited as the Emancipation of ~~Mature~~ Minors Act. (Source: P.A. 81-833.)
(750 ILCS 30/2) (from Ch. 40, par. 2202)

Sec. 2. Purpose and policy. The purpose of this Act is to provide a means by which a mature minor who has demonstrated the ability and capacity to manage his own affairs and to live wholly or partially independent of his parents or guardian, may obtain the legal status of an emancipated person with power to enter into valid legal contracts. This Act is also intended (i) to provide a means by which a homeless minor who is seeking assistance may have the authority to consent, independent of his or her parents or guardian, to receive shelter, housing, and services provided by a licensed agency that has the ability and willingness to serve the homeless minor and (ii) to do so without requiring the delay or difficulty of first holding a hearing.

This Act is not intended to interfere with the integrity of the family or the rights of parents and their children. No order of complete or partial emancipation may be entered under this Act if there is any objection by the minor, his parents or guardian. No petition may be filed for the partial emancipation of a homeless minor unless appropriate attempts have been made to reunify the homeless minor with his or her family through the services of a Comprehensive Community Based Youth Services Agency. This Act does not limit or exclude any other means either in statute or case law by which a minor may become emancipated. (Source: P.A. 81-833.)
(750 ILCS 30/3-2.5 new)

Sec. 3-2.5. Homeless minor. "Homeless minor" means a person at least 16 years of age but less than 18 years of age who lacks a regular, fixed, and adequate place to live and who desires to participate in a youth transitional housing program. The term includes, but is not limited to, a minor who is sharing the dwelling of another or living in a temporary shelter or who is unable or unwilling to return to the residence of a parent. The term does not include a minor in the custody or under the guardianship of the Department of Children and Family Services. No child may be terminated from the custody or guardianship of the Department of Children and Family Services for the purpose of obtaining emancipation as a homeless minor.
(750 ILCS 30/3-2.10 new)

Sec. 3-2.10. Youth transitional housing program. "Youth transitional housing program" means a program licensed by the Department of Children and Family Services to provide services, shelter, or housing to a minor.
(750 ILCS 30/4) (from Ch. 40, par. 2204)

Sec. 4. Jurisdiction. The circuit court in the county where the minor resides, is found, owns property, or in which a court action affecting the interests of the minor is pending, may, upon the filing of a petition on behalf of the minor by his next friend, parent or guardian and after any ~~a~~ hearing or ~~on~~ notice to all persons as set forth in Sections 7, ~~and~~ 8, and 9 of this Act, enter a finding that the minor is a mature minor or a homeless minor as defined in this Act and order complete or partial emancipation of the minor. The court in its order for partial emancipation may specifically limit the rights and responsibilities of the minor seeking emancipation. In the case of a homeless minor, the court shall restrict the order of emancipation to allowing the minor to consent to the receipt of transitional services and shelter or housing from a specified youth transitional program and its referral agencies only. (Source: P.A. 81-833.)
(750 ILCS 30/5) (from Ch. 40, par. 2205)

Sec. 5. Rights and responsibilities of an emancipated minor. (a) A mature minor ordered emancipated under this Act shall have the right to enter into valid legal contracts, and shall have such other rights and responsibilities as the court may order that are not inconsistent with the specific age requirements of the State or federal constitution or any State or federal law.

(b) A mature minor or homeless minor who is partially emancipated under this Act shall have only those rights and responsibilities specified in the order of the court. (Source: P.A. 81-833.)

(750 ILCS 30/7) (from Ch. 40, par. 2207)

Sec. 7. Petition. The petition for emancipation shall be verified and shall set forth: (1) the age of the minor; (2) that the minor is a resident of Illinois at the time of the filing of the petition, or owns real estate in Illinois, or has an interest or is a party in any case pending in Illinois; (3) the cause for which the minor seeks to obtain partial or complete emancipation; (4) the names of the minor's parents, and the address, if living; (5) the names and addresses of any guardians or custodians appointed for the minor; (6) that the minor is (i) a mature minor who has demonstrated the ability and capacity to manage his own affairs or (ii) a homeless minor who is located in this State; and (7) that the minor has lived wholly or partially independent of his parents or guardian. If the minor seeks emancipation as a homeless minor, the petition shall also set forth the name of the youth transitional housing program that is willing and able to provide services and shelter or housing to the minor, the address of the program, and the name and phone number of the contact person at the program. The petition shall also briefly assert the reason that the services and shelter or housing to be offered are appropriate and necessary for the well-being of the homeless minor. (Source: P.A. 81-833.)

(750 ILCS 30/8) (from Ch. 40, par. 2208)

Sec. 8. Notice. All persons named in the petition shall be given written notice within 21 days after the filing of the petition for emancipation. Those persons ~~prior to the hearing and~~ shall have a right to be present if a hearing is sought or scheduled and to be represented by counsel.

All notices shall be served on persons named in the petition by personal service or by "certified mail, return receipt requested, addressee only". If personal service cannot be made in accordance with the provisions of this Act, substitute service or service by publication shall be made in accordance with the Civil Practice Law. (Source: P.A. 83-1539.)

(750 ILCS 30/9) (from Ch. 40, par. 2209)

Sec. 9. Hearing on petition. (a) Mature minor. Before proceeding to a hearing on the petition for emancipation of a mature minor the court shall advise all persons present of the nature of the proceedings, and their rights and responsibilities if an order of emancipation should be entered.

If, after the hearing, the court determines that the minor is a mature minor who is of sound mind and has the capacity and maturity to manage his own affairs including his finances, and that the best interests of the minor and his family will be promoted by declaring the minor an emancipated minor, the court shall enter a finding that the minor is an emancipated minor within the meaning of this Act, or that the mature minor is partially emancipated with such limitations as the court by order deems appropriate. No order of complete or partial emancipation may be entered under this Act if there is any objection by the minor, his parents or guardian.

(b) Homeless minor. Upon the verified petition of a homeless minor, the court shall immediately grant partial emancipation for the sole purpose of allowing the homeless minor to consent to the receipt of services and shelter or housing provided by the youth transitional housing program named in the petition and to other services that the youth transitional housing program may arrange by referral. The court may require that a youth transitional housing program employee appear before the court at the time of the filing of the petition and may inquire into the facts asserted in the petition. No other hearing shall be scheduled in the case of a petition affecting a homeless minor, unless, after notice, a parent or guardian requests such a hearing. If such a hearing is requested, then the homeless minor must be present at the hearing. After the granting of partial emancipation to a homeless youth, if the youth transitional housing program determines that its facility and services are no longer appropriate for the minor or that another program is more appropriate for the minor, the program shall notify the court and the court, after a hearing, may modify its order. (Source: P.A. 81-833.)

(750 ILCS 30/10) (from Ch. 40, par. 2210)

Sec. 10. Joinder, Juvenile Court Proceedings. The petition for declaration of emancipation may, with leave of the court, be joined with any pending litigation affecting the interests of the minor including a petition filed under the Juvenile Court Act or the Juvenile Court Act of 1987.

If any minor seeking emancipation as a mature minor is a ward of the court under the Juvenile Court Act or the Juvenile Court Act of 1987 at the time of the filing of the petition for emancipation, the petition shall be set for hearing in the juvenile court. (Source: P.A. 85-1209.)

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

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 556 was placed on the Calendar on the order of Concurrence.

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

HOUSE BILL 561

A bill for AN ACT in relation to criminal law.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 561
Passed the Senate, as amended, May 9, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 561 by replacing everything after the enacting clause with the following:
"Section 5. The Criminal Code of 1961 is amended by changing Section 20-2 as follows:
(720 ILCS 5/20-2) (from Ch. 38, par. 20-2)
Sec. 20-2. Possession of explosives or explosive or incendiary devices. (a) A person commits the offense of possession of explosives or explosive or incendiary devices in violation of this Section when he or she possesses, manufactures or transports any explosive compound, timing or detonating device for use with any explosive compound or incendiary device and either intends to use such explosive or device to commit any offense or knows that another intends to use such explosive or device to commit a felony.
(b) Sentence.
Possession of explosives or explosive or incendiary devices in violation of this Section is a Class 1 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to not less than 4 years and not more than 30 years.
(c) In this Section, "explosive compound" or "incendiary device" includes a methamphetamine manufacturing chemical as defined in clause (z-1) of Section 102 of the Illinois Controlled Substances Act.
(Source: P.A. 91-121, eff. 7-15-99.)".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 561 was placed on the Calendar on the order of Concurrence.

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

HOUSE BILL 562

A bill for AN ACT in relation to criminal law.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 562
Passed the Senate, as amended, May 9, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 562 by replacing everything after the enacting clause with

the following:

"Section 5. The Criminal Code of 1961 is amended by changing Sections 12-12, 12-13, and 12-16 as follows:

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

Sec. 12-12. Definitions. For the purposes of Sections 12-13 through 12-18 of this Code, the terms used in these Sections shall have the following meanings ascribed to them:

(a) "Accused" means a person accused of an offense prohibited by Sections 12-13, 12-14, 12-15 or 12-16 of this Code or a person for whose conduct the accused is legally responsible under Article 5 of this Code.

(b) "Bodily harm" means physical harm, and includes, but is not limited to, sexually transmitted disease, pregnancy and impotence.

(c) (Blank) ~~"Family member" means a parent, grandparent, or child, whether by whole blood, half-blood or adoption and includes a step-grandparent, step-parent or step-child. "Family member" also means, where the victim is a child under 18 years of age, an accused who has resided in the household with such child continuously for at least one year~~.

(d) "Force or threat of force" means the use of force or violence, or the threat of force or violence, including but not limited to the following situations:

(1) when the accused threatens to use force or violence on the victim or on any other person, and the victim under the circumstances reasonably believed that the accused had the ability to execute that threat; or

(2) when the accused has overcome the victim by use of superior strength or size, physical restraint or physical confinement.

(e) "Sexual conduct" means any intentional or knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus or breast of the victim or the accused, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the accused upon any part of the clothed or unclothed body of the victim, for the purpose of sexual gratification or arousal of the victim or the accused.

(f) "Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

(g) "Victim" means a person alleging to have been subjected to an offense prohibited by Sections 12-13, 12-14, 12-15 or 12-16 of this Code. (Source: P.A. 91-116, eff. 1-1-00.)

(720 ILCS 5/12-13) (from Ch. 38, par. 12-13)

Sec. 12-13. Criminal Sexual Assault. (a) The accused commits criminal sexual assault if he or she:

(1) commits an act of sexual penetration by the use of force or threat of force; or

(2) commits an act of sexual penetration and the accused knew that the victim was unable to understand the nature of the act or was unable to give knowing consent; or

(3) (blank) ~~commits an act of sexual penetration with a victim who was under 18 years of age when the act was committed and the accused was a family member~~; or

(4) commits an act of sexual penetration with a victim who was at least 13 years of age but under 18 years of age when the act was committed and the accused was 17 years of age or over and held a position of trust, authority or supervision in relation to the victim.

(b) Sentence.

(1) Criminal sexual assault is a Class 1 felony.

(2) A person who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted of the offense of criminal sexual assault, or who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 30 years and not more than 60 years. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply.

(3) A person who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted of the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of criminal

sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of aggravated criminal sexual assault or the offense of criminal predatory sexual assault shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (3) to apply.

(4) A second or subsequent conviction for a violation of paragraph ~~(a)(3) or~~ (a)(4) or under any similar statute of this State or any other state for any offense involving criminal sexual assault that is substantially equivalent to or more serious than the sexual assault prohibited under paragraph ~~(a)(3) or~~ (a)(4) is a Class X felony.

(5) When a person has any such prior conviction, the information or indictment charging that person shall state such prior conviction so as to give notice of the State's intention to treat the charge as a Class X felony. The fact of such prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.

(Source: P.A. 90-396, eff. 1-1-98.)

(720 ILCS 5/12-16) (from Ch. 38, par. 12-16)

Sec. 12-16. Aggravated Criminal Sexual Abuse. (a) The accused commits aggravated criminal sexual abuse if he or she commits criminal sexual abuse as defined in subsection (a) of Section 12-15 of this Code and any of the following aggravating circumstances existed during, or for the purposes of paragraph (7) of this subsection (a) as part of the same course of conduct as, the commission of the offense:

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

(2) the accused caused bodily harm to the victim; or

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

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

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

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

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

(b) (Blank) ~~The accused commits aggravated criminal sexual abuse if he or she commits an act of sexual conduct with a victim who was under 18 years of age when the act was committed and the accused was a family member~~.

(c) The accused commits aggravated criminal sexual abuse if:

(1) the accused was 17 years of age or over and (i) commits an act of sexual conduct with a victim who was under 13 years of age when the act was committed; or (ii) commits an act of sexual conduct with a victim who was at least 13 years of age but under 17 years of age when the act was committed and the accused used force or threat of force to commit the act; or

(2) the accused was under 17 years of age and (i) commits an act of sexual conduct with a victim who was under 9 years of age when the act was committed; or (ii) commits an act of sexual conduct with a victim who was at least 9 years of age but under 17 years of age when the act was committed and the accused used force or threat of force to commit the act.

(d) The accused commits aggravated criminal sexual abuse if he or she commits an act of sexual penetration or sexual conduct with a victim who was at least 13 years of age but under 17 years of age and the accused was at least 5 years older than the victim.

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

(f) The accused commits aggravated criminal sexual abuse if he or she commits an act of sexual conduct with a victim who was at least 13 years of age but under 18 years of age when the act was committed and the accused was 17 years of age or over and held a position of trust, authority or supervision in relation to the victim.

(g) Sentence. Aggravated criminal sexual abuse is a Class 2 felony. (Source: P.A. 92-434, eff. 1-1-02.)

Section 10. The Unified Code of Corrections is amended by changing Sections 5-5-3 and 5-9-1.7 as follows:

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

Sec. 5-5-3. Disposition. (a) Every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

(1) A period of probation.

(2) A term of periodic imprisonment.

(3) A term of conditional discharge.

(4) A term of imprisonment.

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

(6) A fine.

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

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

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

In addition to any other fine or penalty required by law, any individual convicted of a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of local ordinance, whose operation of a motor vehicle while in violation of Section 11-501 or such ordinance proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. Such restitution shall not exceed $500 per public agency for each such emergency response. For the purpose of this paragraph, emergency response shall mean any incident requiring a response by: a police officer as defined under Section 1-162 of the Illinois Vehicle Code; a fireman carried on the rolls of a regularly constituted fire department; and an ambulance as defined under Section 3.85 ~~4.05~~ of the Emergency Medical Services (EMS) Systems Act.

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

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

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

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

(B) Attempted first degree murder.

(C) A Class X felony.

(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1) or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin or cocaine or an analog thereof.

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

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault or aggravated criminal sexual abuse~~, except as otherwise provided in subsection (e) of this Section~~.

(I) Aggravated battery of a senior citizen.

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

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

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

(K) Vehicular hijacking.

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

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

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

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

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

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

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

(S) A violation of Section 11-501(c-1)(3) of the Illinois Vehicle Code.

(3) A minimum term of imprisonment of not less than 5 days or 30 days of community service as may be determined by the court shall be imposed for a second violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance. In the case of a third or subsequent violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, a minimum term of either 10 days of imprisonment or 60 days of community service shall be imposed.

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) A minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour periodic imprisonment or 720 hours of community service, as may be determined by the court, shall be imposed for a violation of Section 11-501 of the Illinois Vehicle Code during a period in which the defendant's driving privileges are revoked or suspended, where the revocation or suspension was for a violation of Section 11-501 or Section 11-501.1 of that Code.

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

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

(A) a period of conditional discharge;

(B) a fine;

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

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another

person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

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

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

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

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

(10) When a person is convicted of violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the following penalties apply when his or her blood, breath, or urine was .16 or more based on the definition of blood, breath, or urine units in Section 11-501.2 or that person is convicted of violating Section 11-501 of the Illinois Vehicle Code while transporting a child under the age of 16:

(A) For a first violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501: a mandatory minimum of 100 hours of community service and a minimum fine of $500.

(B) For a second violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 10 years: a mandatory minimum of 2 days of imprisonment and a minimum fine of $1,250.

(C) For a third violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 20 years: a mandatory minimum of 90 days of imprisonment and a minimum fine of $2,500.

(D) For a fourth or subsequent violation of subsection (a) of Section 11-501: ineligibility for a sentence of probation or conditional discharge and a minimum fine of $2,500.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

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

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

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

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

~~(i) removal from the household;~~

~~(ii) restricted contact with the victim;~~

~~(iii) continued financial support of the family;~~

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

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

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

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

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

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

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court

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

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

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

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

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

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

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

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

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been

placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

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

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

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

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

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement. (Source: P.A. 91-357, eff. 7-29-99; 91-404, eff. 1-1-00; 91-663, eff. 12-22-99; 91-695, eff. 4-13-00; 91-953, eff. 2-23-01; 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698, eff. 7-19-02; revised 2-17-03.)

(730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

Sec. 5-9-1.7. Sexual assault fines. (a) Definitions. The terms used in this Section shall have the following meanings ascribed to them:

(1) "Sexual assault" means the commission or attempted commission of the following: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, indecent solicitation of a child, public indecency, sexual relations within families, soliciting for a juvenile prostitute, keeping a place of juvenile prostitution, patronizing a juvenile prostitute, juvenile pimping, exploitation of a child, obscenity, child pornography, or harmful material, as those offenses are defined in the Criminal Code of 1961.

(2) "Family member" shall have the meaning ascribed to it in Section 12-12 of the Criminal Code of 1961.

(3) "Sexual assault organization" means any not-for-profit organization providing comprehensive, community-based services to victims of sexual assault. "Community-based services" include, but are not limited to, direct crisis intervention through a 24-hour response, medical and legal advocacy, counseling, information and referral services, training, and community education.

(b) Sexual assault fine; collection by clerk.

(1) In addition to any other penalty imposed, a fine of $100 shall be imposed upon any person who pleads guilty or who is convicted of, or who receives a disposition of court supervision for, a sexual assault or attempt of a sexual assault. Upon request of the victim or the victim's representative, the court shall determine whether the fine will impose an undue burden on the victim of the offense. For purposes of this paragraph, the defendant may not be considered the victim's representative. If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine. The court shall order that the defendant may not use funds belonging solely to the victim of the offense for payment of the fine.

(2) Sexual assault fines shall be assessed by the court imposing the sentence and shall be collected by the circuit clerk. The circuit clerk shall retain 10% of the penalty to cover the costs involved in administering and enforcing this Section. The circuit clerk shall remit the remainder of each fine within one month of its receipt to the State Treasurer for deposit as follows:

(i) for offenders who held a position of trust, authority, or supervision in relation to the victim ~~family member offenders~~, one-half to the Sexual Assault Services Fund, and one-half to the Domestic Violence Shelter and Service Fund; and

(ii) for other than offenders who held a position of trust, authority, or supervision in relation to the victim ~~family member offenders~~, the full amount to the Sexual Assault Services Fund.

(c) Sexual Assault Services Fund; administration. There is created a Sexual Assault Services Fund.

Moneys deposited into the Fund under this Section shall be appropriated to the Department of Public Health. Upon appropriation of moneys from the Sexual Assault Services Fund, the Department of Public Health shall make grants of these moneys from the Fund to sexual assault organizations with whom the Department has contracts for the purpose of providing community-based services to victims of sexual assault. Grants made under this Section are in addition to, and are not substitutes for, other grants authorized and made by the Department. (Source: P.A. 88-45; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 562 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

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

HOUSE BILL 684

A bill for AN ACT concerning disabled persons.

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

Senate Amendment No. 1 to HOUSE BILL NO. 684

Passed the Senate, as amended, May 9, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 684 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Disabilities Services Act of 2003.

Section 5. Purpose. It is the purpose of this Act to create an advisory committee to develop and implement a disabilities services implementation plan as provided in Section 20 to ensure compliance by the State of Illinois with the Americans with Disabilities Act and the decision in Olmstead v. L.C., 119 S.Ct. 2176 (1999).

Section 10. Application of Act; definitions.

(a) This Act applies to persons with disabilities. The disabilities included are defined for purposes of this Act as follows:

"Disability" means a disability as defined by the Americans with Disabilities Act of 1990 that is attributable to a developmental disability, a mental illness, or a physical disability, or combination of those.

"Developmental disability" means a disability that is attributable to mental retardation or a related condition. A related condition must meet all of the following conditions:

(1) It must be attributable to cerebral palsy, epilepsy, or autism, or any other condition (other than mental illness) found to be closely related to mental retardation because that condition results in impairment of general intellectual functioning or adaptive behavior similar to that of individuals with mental retardation, and requires treatment or services similar to those required for those individuals.

(2) It must be manifested before the individual reaches age 22.

(3) It must be likely to continue indefinitely.

(4) It must result in substantial functional limitations in 3 or more of the following areas of major life activity: self-care, language, learning, mobility, self-direction, and capacity for independent living.

"Mental Illness" means a mental or emotional disorder verified by a diagnosis contained in the Diagnostic and Statistical Manual of Mental Disorders-Fourth Edition, published by the American Psychiatric Association (DSM-IV) or International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM) that substantially impairs a person's cognitive, emotional, or behavioral functioning, or any combination of those, excluding (i) conditions that may be the focus of clinical attention but are not of sufficient duration or severity to be categorized as a mental illness, such as parent-

child relational problems, partner-relational problems, sexual abuse of a child, bereavement, academic problems, phase-of-life problems, and occupational problems (collectively, "V codes"), (ii) organic disorders such as substance intoxication dementia, substance withdrawal dementia, Alzheimer's disease, vascular dementia, dementia due to HIV infection, and dementia due to Creutzfeld-Jakob disease and disorders associated with known or unknown physical conditions such as hallucinasis, amnestic disorders and delirium, and psychoactive substance-induced organic disorders, and (iii) mental retardation or psychoactive substance use disorders.

"Mental retardation" means significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested before the age of 22 years.

"Physical disability" means a disability as defined by the Americans with Disabilities Act of 1990 that meets the following criteria:

(1) It is attributable to a physical impairment.

(2) It results in a substantial functional limitation in 3 or more of the following areas of major life activity: (i) self-care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic sufficiency.

(3) It reflects the person's need for a combination and sequence of special, interdisciplinary, or general care, treatment, or other services that are of lifelong or of extended duration and must be individually planned and coordinated.

(b) In this Act:

"Chronological age-appropriate services" means services, activities, and strategies for persons with disabilities that are representative of the lifestyle activities of nondisabled peers of similar age in the community.

"Comprehensive evaluation" means procedures used by qualified professionals selectively with an individual to determine whether a person has a disability and the nature and extent of the services that the person with a disability needs.

"Department" means the Department on Aging, the Department of Human Services, the Department of Public Health, the Department of Public Aid, the University of Illinois Division of Specialized Care for Children, the Department of Children and Family Services, and the Illinois State Board of Education, where appropriate, as designated in the implementation plan developed under Section 20.

"Family" means a natural, adoptive, or foster parent or parents or other person or persons responsible for the care of an individual with a disability in a family setting.

"Family or individual support" means those resources and services that are necessary to maintain an individual with a disability within the family home or his or her own home. These services may include, but are not limited to, cash subsidy, respite care, and counseling services.

"Independent service coordination" means a social service that enables persons with disabilities and their families to locate, use, and coordinate resources and opportunities in their communities on the basis of individual need. Independent service coordination is independent of providers of services and funding sources and is designed to ensure accessibility, continuity of care, and accountability and to maximize the potential of persons with disabilities for independence, productivity, and integration into the community. Independent service coordination includes, at a minimum: (i) outreach to identify eligible individuals; (ii) assessment and periodic reassessment to determine each individual's strengths, functional limitations, and need for specific services; (iii) participation in the development of a comprehensive individual service or treatment plan; (iv) referral to and linkage with needed services and supports; (v) monitoring to ensure the delivery of appropriate services and to determine individual progress in meeting goals and objectives; and (vi) advocacy to assist the person in obtaining all services for which he or she is eligible or entitled.

"Individual service or treatment plan" means a recorded assessment of the needs of a person with a disability, a description of the services recommended, the goals of each type of element of service, an anticipated timetable for the accomplishment of the goals, and a designation of the qualified professionals responsible for the implementation of the plan.

"Least restrictive environment" means an environment that represents the least departure from the normal patterns of living and that effectively meets the needs of the person receiving the service.

Section 15. Services. Services shall be provided in accordance with the individual service or treatment plan developed for an individual under this Section. The individual shall initially be screened for potential eligibility by the appropriate State agency and, if the individual is deemed probably eligible for a disability service or program, a comprehensive evaluation of the individual shall be conducted to determine the services and programs appropriate for that individual. The array of available services shall be described in the Disabilities Services Implementation Plan required under this Act and shall include, but need not be

limited to:

(1) Comprehensive evaluation and diagnosis. A person with a suspected disability who is applying for Department-authorized disability services must receive, after an initial screening and a determination of probable eligibility for a disability service or program, a comprehensive diagnosis and evaluation, including an assessment of skills, abilities, and potential for residential and work placement, adapted to his or her primary language, cultural background, and ethnic origin. All components of a comprehensive evaluation must be administered by a qualified examiner.

(2) Individual service or treatment plan. A person with a disability shall receive services in accordance with a current individual service or treatment plan. A person with a disability who is receiving services shall be provided periodic reevaluation and review of the individual service or treatment plan, at least annually, in order to measure progress, to modify or change objectives if necessary, and to provide guidance and remediation techniques.

A person with a disability and his or her guardian have the right to participate in the planning and decision-making process regarding the person's individual service or treatment plan and to be informed in writing, or in that person's mode of communication, of progress at reasonable time intervals. Each person must be given the opportunity to make decisions and exercise options regarding the plan, consistent with the person's capabilities. Family members and other representatives of the person with a disability must be allowed, encouraged, and supported to participate as well, if the person with a disability consents to that participation.

(3) Nondiscriminatory access to services. A person with a disability may not be denied program services because of sex, ethnic origin, marital status, ability to pay (except where contrary to law), or criminal record. Specific program eligibility requirements with regard to disability, level of need, age, and other matters may be established by the Department by rule. The Department may set priorities for the provision of services and for determining the need and eligibility for services in accordance with available funding.

(4) Family or individual support. A person with a disability must be provided family or individual support services, or both, whenever possible and appropriate, to prevent unnecessary out-of-home placement and to foster independent living skills when authorized for such services.

(5) Residential choices and options. A person with a disability who requires residential placement in a supervised or supported setting must be provided choices among various residential options when authorized for those services. The placement must be offered in the least restrictive environment appropriate to the individual.

(6) Education. A person with a disability has the right to a free, appropriate public education as provided in both State and federal law. Each local educational agency must prepare persons with disabilities for adult living. In anticipation of adulthood, each person with a disability has the right to a transition plan developed and ready for implementation before the person's exit by no later than the school year in which the person reaches age 14, consistent with the requirements of the federal Individuals with Disabilities Education Act and Article XIV of the School Code.

(7) Vocational training. A person with a disability must be provided vocational training, when appropriate, that contributes to the person's independence and employment potential. This training should include strategies and activities in programs that lead to employment and reemployment in the least restrictive environment appropriate to the individual.

(8) Employment. A person with a disability has the right to be employed free from discrimination, pursuant to the Constitution and laws of this State.

(9) Independent service coordination. A person with a disability who is receiving direct services from the Department must be provided independent service coordination when needed.

(10) Due process. A person with a disability retains the rights of citizenship. Any person aggrieved by a decision of a department regarding services provided under this Act must be given an opportunity to present complaints at a due process hearing before an impartial hearing officer designated by the director of that department. Any person aggrieved by a final administrative decision rendered following the due process hearing may seek judicial review of that decision pursuant to the Administrative Review Law. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. Attorney's fees and costs may be awarded to a prevailing complainant in any due process hearing or action for judicial review under this Act.

The right to a hearing under this item (10) is in addition to any other rights under federal, State, or local laws, however nothing in this Section shall be construed as requiring the establishment of a new due process hearing procedure if one already exists for a particular service or program.

Section 20. Implementation.

(a) The Governor shall appoint an advisory committee to assist in the development and implementation of a Disabilities Services Implementation Plan that will ensure compliance by the State of Illinois with the Americans with Disabilities Act and the decision in Olmstead v. L.C., 119 S.Ct. 2176 (1999). The advisory committee shall be known as the Illinois Disabilities Services Advisory Committee and shall be composed of no more than 33 members, including: persons who have a physical disability, a developmental disability, or a mental illness; senior citizens; advocates for persons with physical disabilities; advocates for persons with developmental disabilities; advocates for persons with mental illness; advocates for senior citizens; representatives of providers of services to persons with physical disabilities, developmental disabilities, and mental illness; representatives of providers of services to senior citizens; and representatives of organized labor.

In addition, the following State officials shall serve on the committee as ex-officio non-voting members: the Secretary of Human Services or his or her designee; the State Superintendent of Education or his or her designee; the Director of Aging or his or her designee; the Executive Director of the Illinois Housing Development Authority or his or her designee; the Director of Public Aid or his or her designee; and the Director of Employment Security or his or her designee.

The advisory committee shall select officers, including a chair and a vice-chair.

The advisory committee shall meet at least quarterly and shall keep official meeting minutes. Committee members shall not be compensated but shall be paid for their expenses related to attendance at meetings.

(b) The implementation plan must include, but need not be limited to, the following:

(1) Establishing procedures for completing comprehensive evaluations, including provisions for Department review and approval of need determinations. The Department may utilize independent evaluators and targeted or sample reviews during this review and approval process, as it deems appropriate.

(2) Establishing procedures for the development of an individual service or treatment plan for each person with a disability, including provisions for Department review and authorization.

(3) Identifying core services to be provided by agencies of the State of Illinois or other agencies.

(4) Establishing minimum standards for individualized services.

(5) Establishing minimum standards for residential services in the least restrictive environment.

(6) Establishing minimum standards for vocational services.

(7) Establishing due process hearing procedures.

(8) Establishing minimum standards for family support services.

(9) Securing financial resources necessary to fulfill the purposes and requirements of this Act, including but not limited to obtaining approval and implementing waivers or demonstrations authorized under federal law.

(c) The Governor, with the assistance of the Illinois Disabilities Services Advisory Committee and the Secretary of Human Services, is responsible for the completion of the implementation plan. The Governor must submit a report to the General Assembly by November 1, 2004, which must include the following:

(1) The implementation plan.

(2) A description of current and planned programs and services necessary to meet the requirements of the individual service or treatment plans required by this Act, together with the actions to be taken by the State of Illinois to ensure that those plans will be implemented. This description shall include a report of related program and service improvements or expansions implemented by the Department since the effective date of this Act.

(3) The estimated costs of current and planned programs and services to be provided under the implementation plan.

(4) A report on the number of persons with disabilities who may be eligible to receive services under this Act, together with a report on the number of persons who are currently receiving those services.

(5) Any proposed changes in State policies, laws, or regulations necessary to fulfill the purposes and requirements of this Act.

(d) The Governor, with the assistance of the Secretary of Human Services, shall annually update the implementation plan and report changes to the General Assembly by July 1 of each year. Initial implementation of the plan is required by July 1, 2005. The requirement of annual updates and reports expires in 2008, unless otherwise extended by the General Assembly.

Section 25. Appropriations. Services shall be provided under this Act to the extent that appropriations are made available by the General Assembly for the programs and services indicated in the implementation plan.

Section 30. Entitlements. This Act does not create any new entitlement to a service, program, or benefit, but shall not be construed to affect any entitlement to a service, program, or benefit created by any other law.

(405 ILCS 80/1-1 rep.)
(405 ILCS 80/1-2 rep.)
(405 ILCS 80/1-3 rep.)
(405 ILCS 80/1-4 rep.)
(405 ILCS 80/1-5 rep.)

Section 90. The Developmental Disability and Mental Disability Services Act is amended by repealing Sections 1-1, 1-2, 1-3, 1-4, and 1-5 (the Developmental Disabilities Services Law).

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

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 684 was placed on the Calendar on the order of Concurrence.

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

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

HOUSE BILL 685

A bill for AN ACT concerning disabled persons.

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

Senate Amendment No. 1 to HOUSE BILL NO. 685

Passed the Senate, as amended, May 9, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 685 by replacing the title with the following:

"AN ACT concerning public aid."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by adding Sections 5-2.05 and 5-2.4 as follows:

(305 ILCS 5/5-2.05 new)

Sec. 5-2.05. Use of Medicaid spend-down. Persons described in item 2(a) of Section 5-2, who fail to qualify for basic maintenance under Article III of this Code on the basis of need because of excess income or assets, or both, may establish prospective eligibility for that basic maintenance by prepaying their monthly spend-down amount under this Article (as described in 42 CFR 435.831) to the Department of Public Aid or by having a third party pay that amount to the Department. The Department shall establish appropriate procedures to permit such a prepayment of spend-down amounts.

(305 ILCS 5/5-2.4 new)

Sec. 5-2.4. Determination of spend-down eligibility. In the case of community-based services, long-term care services, and services received in a supportive living facility described in Section 5-5.01a, when determining whether a person has met a spend-down requirement for eligibility under paragraph 2 of Section 5-2, the Department of Public Aid shall allow bills for those services at the usual, customary, or competitive rate for community-based services, as funded by the Department of Human Services and as established by the community-based service provider as part of the provider's policy and procedure concerning the establishment of fees for services.

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

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 685 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

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

HOUSE BILL 703

A bill for AN ACT in relation to public aid.

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

Senate Amendment No. 1 to HOUSE BILL NO. 703

Passed the Senate, as amended, May 9, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 703 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 5-5.12 as follows:

(305 ILCS 5/5-5.12) (from Ch. 23, par. 5-5.12)

Sec. 5-5.12. Pharmacy payments. (a) Every request submitted by a pharmacy for reimbursement under this Article for prescription drugs provided to a recipient of aid under this Article shall include the name of the prescriber or an acceptable identification number as established by the Department.

(b) Pharmacies providing prescription drugs under this Article shall be reimbursed at a rate which shall include a professional dispensing fee as determined by the Illinois Department, plus the current acquisition cost of the prescription drug dispensed. The Illinois Department shall update its information on the acquisition costs of all prescription drugs no less frequently than every 30 days. However, the Illinois Department may set the rate of reimbursement for the acquisition cost, by rule, at a percentage of the current average wholesale acquisition cost.

(c) Reimbursement under this Article for prescription drugs shall be limited to reimbursement for 4 brand-name prescription drugs per patient per month. This subsection applies only if (i) the brand-name drug was not prescribed for an acute or urgent condition, (ii) the brand-name drug was not prescribed for Alzheimer's disease, arthritis, diabetes, HIV/AIDS, a mental health condition, or respiratory disease, and (iii) a therapeutically equivalent generic medication has been approved by the federal Food and Drug Administration.

(d) The Department shall not impose requirements for prior approval based on a preferred drug list for anti-retroviral, anti-hemophilic factor concentrates, or any atypical antipsychotics, conventional antipsychotics, or anticonvulsants used for the treatment of serious mental illnesses until 30 days after it has conducted a study of the impact of such requirements on patient care and submitted a report to the Speaker of the House of Representatives and the President of the Senate. (Source: P.A. 92-597, eff. 6-28-02; 92-825, eff. 8-21-02; revised 9-19-02.)

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

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 703 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

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

HOUSE BILL 761

A bill for AN ACT in relation to education.

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

Senate Amendment No. 1 to HOUSE BILL NO. 761

Passed the Senate, as amended, May 9, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 761 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Sections 10-20.37 and 34-18.26 as follows:

(105 ILCS 5/10-20.37 new)

Sec. 10-20.37. Provision of student information prohibited. A school district may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards.

(105 ILCS 5/34-18.26 new)

Sec. 34-18.26. Provision of student information prohibited. The school district may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards.

Section 10. The University of Illinois Act is amended by adding Section 30 as follows:

(110 ILCS 305/30 new)

Sec. 30. Provision of student information prohibited. The University may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

Section 15. The Southern Illinois University Management Act is amended by adding Section 15 as follows:

(110 ILCS 520/15 new)

Sec. 15. Provision of student information prohibited. The University may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

Section 20. The Chicago State University Law is amended by adding Section 5-120 as follows:

(110 ILCS 660/5-120 new)

Sec. 5-120. Provision of student information prohibited. The University may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

Section 25. The Eastern Illinois University Law is amended by adding Section 10-120 as follows:

(110 ILCS 665/10-120 new)

Sec. 10-120. Provision of student information prohibited. The University may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

Section 30. The Governors State University Law is amended by adding Section 15-120 as follows:

(110 ILCS 670/15-120 new)

Sec. 15-120. Provision of student information prohibited. The University may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

Section 35. The Illinois State University Law is amended by adding Section 20-125 as follows:

(110 ILCS 675/20-125 new)

Sec. 20-125. Provision of student information prohibited. The University may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

Section 40. The Northeastern Illinois University Law is amended by adding Section 25-120 as follows:
(110 ILCS 680/25-120 new)
Sec. 25-120. Provision of student information prohibited. The University may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.
Section 45. The Northern Illinois University Law is amended by adding Section 30-130 as follows:
(110 ILCS 685/30-130 new)
Sec. 30-130. Provision of student information prohibited. The University may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.
Section 50. The Western Illinois University Law is amended by adding Section 35-125 as follows:
(110 ILCS 690/35-125 new)
Sec. 35-125. Provision of student information prohibited. The University may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.
Section 55. The Public Community College Act is amended by adding Section 3-60 as follows:
(110 ILCS 805/3-60 new)
Sec. 3-60. Provision of student information prohibited. A community college may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.
Section 99. Effective date. This Act takes effect on July 1, 2003.".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 761 was placed on the Calendar on the order of Concurrence.

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

HOUSE BILL 771

A bill for AN ACT in relation to aging.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 771
Passed the Senate, as amended, May 9, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 771 by replacing everything after the enacting clause with the following:
"Section 5. The Illinois Act on the Aging is amended by adding Section 4.04a as follows:
(20 ILCS 105/4.04a new)
Sec. 4.04a. Illinois Long-Term Care Council.
(a) Purpose. The purpose of this Section is to ensure that consumers over the age of 60 residing in facilities licensed or regulated under the Nursing Home Care Act, Skilled Nursing and Intermediate Care Facilities Code, Sheltered Care Facilities Code, and the Illinois Veterans' Homes Code receive high quality long-term care through an effective Illinois Long-Term Care Council.

(b) Maintenance and operation of the Illinois Long-Term Care Council.

(1) The Department shall develop a fair and impartial process for recruiting and receiving nominations for members for the Illinois Long-Term Care Council from the State Long-Term Care Ombudsman, the area agencies on aging, regional ombudsman programs, provider agencies, and other public agencies, using a nomination form provided by the Department.

(2) The Department shall appoint members to the Illinois Long-Term Care Council in a timely manner.

(3) The Department shall consider and act in good faith regarding the Illinois Long-Term Care Council's annual report and its recommendations.

(4) The Director shall appoint to the Illinois Long-Term Care Council at least 18 but not more than 25 members.

(c) Responsibilities of the State Long-Term Care Ombudsman, area agencies on aging, regional long-term care ombudsman programs, and provider agencies. The State Long-Term Care Ombudsman and each area agency on aging, regional long-term care ombudsman program, and provider agency shall solicit names and recommend members to the Department for appointment to the Illinois Long-Term Care Council.

(d) Powers and duties. The Illinois Long-Term Care Council shall do the following:

(1) Make recommendations and comment on issues pertaining to long-term care and the State Long-Term Care Ombudsman Program to the Department.

(2) Advise the Department on matters pertaining to the quality of life and quality of care in the continuum of long-term care.

(3) Evaluate, comment on reports regarding, and make recommendations on, the quality of life and quality of care in long-term care facilities and on the duties and responsibilities of the State Long-Term Care Ombudsman Program.

(4) Prepare and circulate an annual report to the Governor, the General Assembly, and other interested parties concerning the duties and accomplishments of the Illinois Long-Term Care Council and all other related matters pertaining to long-term care and the protection of residents' rights.

(5) Provide an opportunity for public input at each scheduled meeting.

(6) Make recommendations to the Director, upon his or her request, as to individuals who are capable of serving as the State Long-Term Care Ombudsman and who should make appropriate application for that position should it become vacant.

(e) Composition and operation. The Illinois Long-Term Care Council shall be composed of at least 18 but not more than 25 members concerned about the quality of life in long-term care facilities and protecting the rights of residents, including members from long-term care facilities. The State Long-Term Care Ombudsman shall be a permanent member of the Long-Term Care Council. Members shall be appointed for a 4-year term with initial appointments staggered with 2-year, 3-year, and 4-year terms. A lottery will determine the terms of office for the members of the first term. Members may be reappointed to a term but no member may be reappointed to more than 2 consecutive terms. The Illinois Long-Term Care Council shall meet a minimum of 3 times per calendar year.

(f) Member requirements. All members shall be individuals who have demonstrated concern about the quality of life in long-term care facilities. A minimum of 3 members must be current or former residents of long-term care facilities or the family member of a current or former resident of a long-term care facility. A minimum of 2 members shall represent current or former long term care facility resident councils or family councils. A minimum of 4 members shall be selected from recommendations by organizations whose members consist of long term care facilities. A representative of long-term care facility employees must also be included as a member. A minimum of 2 members shall be selected from recommendations of membership-based senior advocacy groups or consumer organizations that engage solely in legal representation on behalf of residents and immediate families. There shall be non-voting State agency members on the Long-Term Care Council from the following agencies: (i) the Department of Veterans Affairs; (ii) the Department of Human Services; (iii) the Department of Public Health; (iv) the Department on Aging; (v) the Department of Public Aid; (vi) the Illinois State Police Medicaid Fraud Control Unit; and (vii) others as appropriate.

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

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 771 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

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

HOUSE BILL 943

A bill for AN ACT in relation to State employees.

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

Senate Amendment No. 1 to HOUSE BILL NO. 943

Passed the Senate, as amended, May 9, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 943 by replacing the title with the following:

"AN ACT in relation to public employee benefits."; and

by replacing everything after the enacting clause with the following:

"Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 8 as follows:

(5 ILCS 375/8) (from Ch. 127, par. 528)

Sec. 8. Eligibility. (a) Each member eligible under the provisions of this Act and any rules and regulations promulgated and adopted hereunder by the Director shall become immediately eligible and covered for all benefits available under the programs. Members electing coverage for eligible dependents shall have the coverage effective immediately, provided that the election is properly filed in accordance with required filing dates and procedures specified by the Director.

(1) Every member originally eligible to elect dependent coverage, but not electing it during the original eligibility period, may subsequently obtain dependent coverage only in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period.

(2) Members described above being transferred from previous coverage towards which the State has been contributing shall be transferred regardless of preexisting conditions, waiting periods, or other requirements that might jeopardize claim payments to which they would otherwise have been entitled.

(3) Eligible and covered members that are eligible for coverage as dependents except for the fact of being members shall be transferred to, and covered under, dependent status regardless of preexisting conditions, waiting periods, or other requirements that might jeopardize claim payments to which they would otherwise have been entitled upon cessation of member status and the election of dependent coverage by a member eligible to elect that coverage.

(b) New employees shall be immediately insured for the basic group life insurance and covered by the program of health benefits on the first day of active State service. Optional coverages or benefits, if elected during the relevant eligibility period, will become effective on the date of employment. Optional coverages or benefits applied for after the eligibility period will be effective, subject to satisfactory evidence of insurability when applicable, or other necessary qualifications, pursuant to the requirements of the applicable benefit program, unless there is a change in status that would confer new eligibility for change of enrollment under rules established supplementing this Act, in which event application must be made within the new eligibility period.

(c) As to the group health benefits program contracted to begin or continue after June 30, 1973, each retired employee shall become immediately eligible and covered for all benefits available under that program. Retired employees may elect coverage for eligible dependents and shall have the coverage effective immediately, provided that the election is properly filed in accordance with required filing dates and procedures specified by the Director.

Except as otherwise provided in this Act, where husband and wife are both eligible members, each shall be enrolled as a member and coverage on their eligible dependent children, if any, may be under the

enrollment and election of either.

Regardless of other provisions herein regarding late enrollment or other qualifications, as appropriate, the Director may periodically authorize open enrollment periods for each of the benefit programs at which time each member may elect enrollment or change of enrollment without regard to age, sex, health, or other qualification under the conditions as may be prescribed in rules and regulations supplementing this Act. Special open enrollment periods may be declared by the Director for certain members only when special circumstances occur that affect only those members.

(d) Beginning with fiscal year 2003 and for all subsequent years, eligible members may elect not to participate in the program of health benefits as defined in this Act. The election must be made during the annual benefit choice period, subject to the conditions in this subsection.

(1) Members must furnish proof of health benefit coverage, either comprehensive major medical coverage or comprehensive managed care plan, from a source other than the Department of Central Management Services in order to elect not to participate in the program.

(2) Members may re-enroll in the Department of Central Management Services program of health benefits upon showing a qualifying change in status, as defined in the U.S. Internal Revenue Code, without evidence of insurability and with no limitations on coverage for pre-existing conditions, provided that there was not a break in coverage of more than 63 days.

(3) Members may also re-enroll in the program of health benefits during any annual benefit choice period, without evidence of insurability.

(4) Members who elect not to participate in the program of health benefits shall be furnished a written explanation of the requirements and limitations for the election not to participate in the program and for re-enrolling in the program. The explanation shall also be included in the annual benefit choice options booklets furnished to members.

(e) Notwithstanding any other provision of this Act or the rules adopted under this Act, if a person participating in the program of health benefits as the dependent spouse of an eligible member becomes an annuitant, the person may elect, at the time of becoming an annuitant or during any subsequent annual benefit choice period, to continue participation as a dependent rather than as an eligible member for as long as the person continues to be an eligible dependent.

An eligible member who has elected to participate as a dependent may re-enroll in the program of health benefits as an eligible member (i) during any subsequent annual benefit choice period or (ii) upon showing a qualifying change in status, as defined in the U.S. Internal Revenue Code, without evidence of insurability and with no limitations on coverage for pre-existing conditions.

A person who elects to participate in the program of health benefits as a dependent rather than as an eligible member shall be furnished a written explanation of the consequences of electing to participate as a dependent and the conditions and procedures for re-enrolling as an eligible member. The explanation shall also be included in the annual benefit choice options booklet furnished to members. (Source: P.A. 91-390, eff. 7-30-99; 92-600, eff. 6-28-02.)

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

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 943 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

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

HOUSE BILL 1118

A bill for AN ACT concerning higher education.

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

Senate Amendment No. 1 to HOUSE BILL NO. 1118

Passed the Senate, as amended, May 9, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1118 by replacing everything after the enacting clause with the following:

"Section 5. The University of Illinois Act is amended by adding Section 25 as follows:

(110 ILCS 305/25 new)

Sec. 25. Limitation on tuition increase. This Section applies only to those students who first enroll after the 2003-2004 academic year. For 4 continuous academic years following initial enrollment (or for undergraduate programs that require more than 4 years to complete, for the normal time to complete the program, as determined by the University), the tuition charged an undergraduate student who is an Illinois resident shall not exceed the amount that the student was charged at the time he or she first enrolled in the University. However, if the student changes majors during this time period, the tuition charged the student shall equal the amount the student would have been charged had he or she been admitted to the changed major when he or she first enrolled.

Section 10. The Southern Illinois University Management Act is amended by adding Section 15 as follows:

(110 ILCS 520/15 new)

Sec. 15. Limitation on tuition increase. This Section applies only to those students who first enroll after the 2003-2004 academic year. For 4 continuous academic years following initial enrollment (or for undergraduate programs that require more than 4 years to complete, for the normal time to complete the program, as determined by the University), the tuition charged an undergraduate student who is an Illinois resident shall not exceed the amount that the student was charged at the time he or she first enrolled in the University. However, if the student changes majors during this time period, the tuition charged the student shall equal the amount the student would have been charged had he or she been admitted to the changed major when he or she first enrolled.

Section 15. The Chicago State University Law is amended by adding Section 5-120 as follows:

(110 ILCS 660/5-120 new)

Sec. 5-120. Limitation on tuition increase. This Section applies only to those students who first enroll after the 2003-2004 academic year. For 4 continuous academic years following initial enrollment (or for undergraduate programs that require more than 4 years to complete, for the normal time to complete the program, as determined by the University), the tuition charged an undergraduate student who is an Illinois resident shall not exceed the amount that the student was charged at the time he or she first enrolled in the University. However, if the student changes majors during this time period, the tuition charged the student shall equal the amount the student would have been charged had he or she been admitted to the changed major when he or she first enrolled.

Section 20. The Eastern Illinois University Law is amended by adding Section 10-120 as follows:

(110 ILCS 665/10-120 new)

Sec. 10-120. Limitation on tuition increase. This Section applies only to those students who first enroll after the 2003-2004 academic year. For 4 continuous academic years following initial enrollment (or for undergraduate programs that require more than 4 years to complete, for the normal time to complete the program, as determined by the University), the tuition charged an undergraduate student who is an Illinois resident shall not exceed the amount that the student was charged at the time he or she first enrolled in the University. However, if the student changes majors during this time period, the tuition charged the student shall equal the amount the student would have been charged had he or she been admitted to the changed major when he or she first enrolled.

Section 25. The Governors State University Law is amended by adding Section 15-120 as follows:

(110 ILCS 670/15-120 new)

Sec. 15-120. Limitation on tuition increase. This Section applies only to those students who first enroll after the 2003-2004 academic year. For 4 continuous academic years following initial enrollment (or for undergraduate programs that require more than 4 years to complete, for the normal time to complete the program, as determined by the University), the tuition charged an undergraduate student who is an Illinois resident shall not exceed the amount that the student was charged at the time he or she first enrolled in the University. However, if the student changes majors during this time period, the tuition charged the student shall equal the amount the student would have been charged had he or she been admitted to the changed major when he or she first enrolled.

Section 30. The Illinois State University Law is amended by adding Section 20-125 as follows:
(110 ILCS 675/20-125 new)
Sec. 20-125. Limitation on tuition increase. This Section applies only to those students who first enroll after the 2003-2004 academic year. For 4 continuous academic years following initial enrollment (or for undergraduate programs that require more than 4 years to complete, for the normal time to complete the program, as determined by the University), the tuition charged an undergraduate student who is an Illinois resident shall not exceed the amount that the student was charged at the time he or she first enrolled in the University. However, if the student changes majors during this time period, the tuition charged the student shall equal the amount the student would have been charged had he or she been admitted to the changed major when he or she first enrolled.
Section 35. The Northeastern Illinois University Law is amended by adding Section 25-120 as follows:
(110 ILCS 680/25-120 new)
Sec. 25-120. Limitation on tuition increase. This Section applies only to those students who first enroll after the 2003-2004 academic year. For 4 continuous academic years following initial enrollment (or for undergraduate programs that require more than 4 years to complete, for the normal time to complete the program, as determined by the University), the tuition charged an undergraduate student who is an Illinois resident shall not exceed the amount that the student was charged at the time he or she first enrolled in the University. However, if the student changes majors during this time period, the tuition charged the student shall equal the amount the student would have been charged had he or she been admitted to the changed major when he or she first enrolled.
Section 40. The Northern Illinois University Law is amended by adding Section 30-130 as follows:
(110 ILCS 685/30-130 new)
Sec. 30-130. Limitation on tuition increase. This Section applies only to those students who first enroll after the 2003-2004 academic year. For 4 continuous academic years following initial enrollment (or for undergraduate programs that require more than 4 years to complete, for the normal time to complete the program, as determined by the University), the tuition charged an undergraduate student who is an Illinois resident shall not exceed the amount that the student was charged at the time he or she first enrolled in the University. However, if the student changes majors during this time period, the tuition charged the student shall equal the amount the student would have been charged had he or she been admitted to the changed major when he or she first enrolled.
Section 45. The Western Illinois University Law is amended by adding Section 35-125 as follows:
(110 ILCS 690/35-125 new)
Sec. 35-125. Limitation on tuition increase. This Section applies only to those students who first enroll after the 2003-2004 academic year. For 4 continuous academic years following initial enrollment (or for undergraduate programs that require more than 4 years to complete, for the normal time to complete the program, as determined by the University), the tuition charged an undergraduate student who is an Illinois resident shall not exceed the amount that the student was charged at the time he or she first enrolled in the University. However, if the student changes majors during this time period, the tuition charged the student shall equal the amount the student would have been charged had he or she been admitted to the changed major when he or she first enrolled.".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 1118 was placed on the Calendar on the order of Concurrence.

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

HOUSE BILL 983

A bill for AN ACT concerning agriculture.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 983

Passed the Senate, as amended, May 9, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 983 by replacing the title with the following:

"AN ACT concerning kosher foods."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Kosher Food Act is amended by changing Section 1 as follows:

(410 ILCS 645/1) (from Ch. 56 1/2, par. 288.1)

Sec. 1. (a) Every person, who, with intent to defraud, sells, or exposes for sale any meat or meat preparations and falsely represents the same to be kosher, whether such meat or meat preparations be raw or prepared for human consumption, or as having been prepared under and of a product or products sanctioned by the certifying organization or the supervising rabbi Code of Jewish Laws; or falsely represents any food product or the contents of any food package or container to be so constituted and prepared, by having or permitting to be inscribed thereon the word "kosher" in any language; or in any sign, display or advertisement characterizes his place of business as a "kosher" establishment if non-kosher food products are sold or offered for sale in such place of business; or who, while dealing or purporting to deal in kosher meat or meat preparations, prepares or handles or sells, or causes to be prepared or handled or sold, any food products which, when so prepared or handled or sold together with kosher meat or meat preparations, constitute a violation of the requirements of the certifying organization or the supervising rabbi Code of Jewish Laws, and thereby render such kosher meat or meat preparations, so handled or sold in conjunction therewith, non-kosher, or who otherwise in the preparation, handling, and sale of such kosher meat or meat preparations fails to comply with such religious requirements and dietary laws necessary to constitute such meat or meat preparations kosher, or who, without complying with such religious or dietary laws, issues or maintains any sign or advertisement in any language purporting to represent that he sells or deals in kosher meat or meat preparations, shall be deemed guilty of a misdemeanor and subject to the penalty provided for in Section 2 of this Act.

(b) It shall be unlawful to label or designate food or food products with the words parve or pareve knowing that such food or food products contain milk, meat or poultry products rendering such food products impermissible to be used or eaten according to the certifying organization or the supervising rabbi Code of Jewish Laws.

(c) Any food commodity in package form which is marked as being certified by an organization, identified on the package by any symbol or is marked as being Kosher shall not be offered for sale by the producer or distributor of such food commodity until 30 days after such producer or distributor shall have registered the name, current address and telephone numbers of the certifying organization or the supervising rabbi with the Illinois Department of Agriculture. (Source: P.A. 83-1029.)".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 983 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

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

HOUSE BILL 1235

A bill for AN ACT in relation to schools.

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

Senate Amendment No. 1 to HOUSE BILL NO. 1235

Passed the Senate, as amended, May 9, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1235 as follows:
on page 11, lines 29 and 30, by deleting ", the professional personnel leadership committee,"; and
on page 18, line 26, after "(i)", by inserting "up to"; and
on page 19, line 1, after the period, by inserting the following:
"The size of the committee shall be determined by the certified classroom teachers and other certificated personnel at the attendance center, including the principal."; and
on page 19, line 21, by replacing "7 candidates in the election" with "the same number of candidates in the election as the number of members to be elected"; and
on page 19, immediately below line 24, by inserting the following:
"(d) All committee meetings shall be held before or after school with no loss of instructional time. Committee members shall receive no compensation for their activities as committee members."; and
on page 19, line 25, by replacing "(d)" with "(e)"; and
on page 19, line 27, by replacing "or questionnaires" with ", on noninstructional time,"; and
on page 19, by replacing lines 32 through 34 with the following:
"to make recommendations to the principal regarding the specific methods and contents of the school's curriculum and to make other educational"; and
on page 20, line 2, by replacing "shall" with "may"; and
on page 20, line 8, by replacing "shall" with "may".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 1235 was placed on the Calendar on the order of Concurrence.

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

HOUSE BILL 1237

A bill for AN ACT in relation to vehicles.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 1237
Passed the Senate, as amended, May 9, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1237 on page 1, below line 3, by inserting the following:
"Section 3. The Illinois Vehicle Code is amended by changing Section 11-501 as follows:
(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)
Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.
(a) A person shall not drive or be in actual physical control of any vehicle within this State while:
(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;
(2) under the influence of alcohol;
(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;
(4) under the influence of any other drug or combination of drugs to a degree that renders the person

incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(c) Except as provided under paragraphs (c-3), (c-4), and (d) of this Section, every person convicted of violating this Section or a similar provision of a local ordinance, shall be guilty of a Class A misdemeanor and, in addition to any other criminal or administrative action, for any second conviction of violating this Section or a similar provision of a law of another state or local ordinance committed within 5 years of a previous violation of this Section or a similar provision of a local ordinance shall be mandatorily sentenced to a minimum of 5 days of imprisonment or assigned to a minimum of 30 days of community service as may be determined by the court. Every person convicted of violating this Section or a similar provision of a local ordinance shall be subject to an additional mandatory minimum fine of $500 and an additional mandatory 5 days of community service in a program benefiting children if the person committed a violation of paragraph (a) or a similar provision of a local ordinance while transporting a person under age 16. Every person convicted a second time for violating this Section or a similar provision of a local ordinance within 5 years of a previous violation of this Section or a similar provision of a law of another state or local ordinance shall be subject to an additional mandatory minimum fine of $500 and an additional 10 days of mandatory community service in a program benefiting children if the current offense was committed while transporting a person under age 16. The imprisonment or assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-1) (1) A person who violates this Section during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates this Section a third time during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 3 felony.

(3) A person who violates this Section a fourth or subsequent time during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 2 felony.

(c-2) (Blank).

(c-3) Every person convicted of violating this Section or a similar provision of a local ordinance who had a child under age 16 in the vehicle at the time of the offense shall have his or her punishment under this Act enhanced by 2 days of imprisonment for a first offense, 10 days of imprisonment for a second offense, 30 days of imprisonment for a third offense, and 90 days of imprisonment for a fourth or subsequent offense, in addition to the fine and community service required under subsection (c) and the possible imprisonment required under subsection (d). The imprisonment or assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-4) When a person is convicted of violating Section 11-501 of this Code or a similar provision of a local ordinance, the following penalties apply when his or her blood, breath, or urine was .16 or more based on the definition of blood, breath, or urine units in Section 11-501.2 or when that person is convicted of violating this Section while transporting a child under the age of 16:

(1) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a first time, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 100 hours of community service and a minimum fine of $500.

(2) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a second time within 10 years, in addition to any other penalty that may be imposed under subsection (c), is

subject to a mandatory minimum of 2 days of imprisonment and a minimum fine of $1,250.

(3) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a third time within 20 years is guilty of a Class 4 felony and, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 90 days of imprisonment and a minimum fine of $2,500.

(4) A person who is convicted of violating this subsection (c-4) a fourth or subsequent time is guilty of a Class 2 felony and, in addition to any other penalty that may be imposed under subsection (c), is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of this Section, or a similar provision of a law of another state or a local ordinance when the cause of action is the same as or substantially similar to this Section, for the third or subsequent time;

(B) the person committed a violation of paragraph (a) while driving a school bus with children on board;

(C) the person in committing a violation of paragraph (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of paragraph (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) of this paragraph (1); or

(E) the person, in committing a violation of paragraph (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of paragraph (a) was a proximate cause of the bodily harm.

(2) Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) Every person sentenced under paragraph (2) or (3) of subsection (c-1) of this Section or subsection (d) of this Section and who receives a term of probation or conditional discharge shall be required to serve a minimum term of either 60 days community service or 10 days of imprisonment as a condition of the

probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended and shall not be subject to reduction by the court.

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating this Section, including any person placed on court supervision for violating this Section, shall be fined $100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. If the person has been previously convicted of violating this Section or a similar provision of a local ordinance, the fine shall be $200. In the event that more than one agency is responsible for the arrest, the $100 or $200 shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. (Source: P.A. 91-126, eff. 7-16-99; 91-357, eff. 7-29-99; 91-692, eff. 4-13-00; 91-822, eff. 6-13-00; 92-248, eff. 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02; 92-651, eff. 7-11-02.)

Section 4. The Snowmobile Registration and Safety Act is amended by changing Sections 2-2, 5-7. 5-7.1, 5-7.2, 5-7.3, 5-7.4, and 5-7.5 and adding Section 5-7.6 as follows:

(625 ILCS 40/2-2) (from Ch. 95 1/2, par. 602-2)

Sec. 2-2. Inspection; seizure; impoundment. (a) Agents of the Department or other duly authorized police officers may stop and inspect any snowmobile at any time for the purpose of determining if the provisions of this Act are being complied with. If the inspecting officer or agent discovers any violation of the provisions of this Act, he must issue a summons to the operator of such snowmobile requiring that the operator appear before the circuit court for the county within which the offense was committed.

(b) Every snowmobile subject to this Act, if under way and upon being hailed by a designated law enforcement officer, must stop immediately.

(c) Agents of the Department and other duly authorized police officers may seize and impound, at the owner's expense, any snowmobile involved in an accident or a violation of subsection B of Section 5-1 or of Section 5-7 of this Act.

(d) If a snowmobile is causing a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by a law enforcement agency having jurisdiction.

(e) Whenever a peace officer reasonably believes that a person under arrest for a violation of subsection B of Section 5-1 or Section 5-7 of this Act or similar provision of a local ordinance, is likely, upon release, to commit a subsequent violation of subsection B of Section 5-1 or Section 5-7 or a similar provision of a local ordinance, the arresting officer shall have the snowmobile which the person was operating at the time of the arrest impounded for a period of not more than 12 hours after the time of the arrest. The snowmobile may be released by the arresting law enforcement agency without impoundment, or may be released prior to the end of the impoundment period, however, if:

(1) the snowmobile was not owned by the person under arrest, and the lawful owner requesting release of the snowmobile possesses proof of ownership, and would not, as determined by the arresting law enforcement agency: (i) indicate a lack of ability to operate a snowmobile in a safe manner, or (ii) otherwise, by operating the snowmobile, be in violation of this Act; or

(2) the snowmobile is owned by the person under arrest, and the person under arrest gives permission to another person to operate the snowmobile, and the other person would not, as determined by the arresting law enforcement agency: (i) indicate a lack of ability to operate a snowmobile in a safe manner, or (ii) otherwise, by operating the snowmobile, be in violation of this Act.

(Source: P.A. 77-1312.)

(625 ILCS 40/5-7)

Sec. 5-7. Operating a snowmobile while under the influence of alcohol or other drug or drugs, intoxicating compound or compounds, or a combination of them; criminal penalties; suspension of operating privileges.

(a) A person may not operate or be in actual physical control of a snowmobile within this State while:

1. The alcohol concentration in that person's blood or breath is a concentration at which driving a motor vehicle is prohibited under subdivision (1) of subsection (a) of Section 11-501 of the Illinois Vehicle Code;

2. The person is under the influence of alcohol;

3. The person is under the influence of any other drug or combination of drugs to a degree that renders that person incapable of safely operating a snowmobile;

3.1. The person is under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of safely operating a snowmobile;

4. The person is under the combined influence of alcohol and any other drug or drugs or intoxicating compound or compounds to a degree that renders that person incapable of safely operating a snowmobile; or

5. There is any amount of a drug, substance, or compound in that person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, ~~or~~ controlled substance listed in the Illinois Controlled Substances Act, or intoxicating compound listed in the use of Intoxicating Compounds Act.

(b) The fact that a person charged with violating this Section is or has been legally entitled to use alcohol, ~~or~~ other drug or drugs, any intoxicating compound or compounds, or any combination of them does not constitute a defense against a charge of violating this Section.

(c) Every person convicted of violating this Section or a similar provision of a local ordinance is guilty of a Class A misdemeanor, except as otherwise provided in this Section.

(d) Every person convicted of violating this Section is guilty of a Class 4 felony if:

1. The person has a previous conviction under this Section; ~~or~~

2. The offense results in personal injury where a person other than the operator suffers great bodily harm or permanent disability or disfigurement, when the violation was a proximate cause of the injuries. A person guilty of a Class 4 felony under this paragraph 2, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years; or

3. The offense occurred during a period in which the person's privileges to operate a snowmobile are revoked or suspended, and the revocation or suspension was for a violation of this Section or was imposed under Section 5-7.1.

(e) Every person convicted of violating this Section is guilty of a Class 2 felony if the offense results in the death of a person. A person guilty of a Class 2 felony under this subsection (e), if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(e-1) Every person convicted of violating this Section or a similar provision of a local ordinance who had a child under the age of 16 on board the snowmobile at the time of offense shall be subject to a mandatory minimum fine of $500 and shall be subject to a mandatory minimum of 5 days of community service in a program benefiting children. The assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the assignment.

(e-2) Every person found guilty of violating this Section, whose operation of a snowmobile while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(e-3) In addition to any other penalties and liabilities, a person who is found guilty of violating this Section, including any person placed on court supervision, shall be fined $100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. In the event that more than one agency is responsible for the arrest, the $100 shall be shared equally. Any moneys received by a law enforcement agency under this subsection (e-3) shall be used to purchase law enforcement equipment or to provide law enforcement training that will assist in the prevention of alcohol related criminal violence throughout the State. Law enforcement equipment shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers.

(f) In addition to any criminal penalties imposed, the Department of Natural Resources ~~Conservation~~ shall suspend the snowmobile operation privileges of a person convicted or found guilty of a misdemeanor under this Section for a period of one year, except that first-time offenders receiving supervision are exempt from this mandatory one year suspension.

(g) In addition to any criminal penalties imposed, the Department of Natural Resources shall suspend for a period of 5 years the snowmobile operation privileges of any person convicted or found guilty of a felony under this Section ~~or for a period of 5 years if the person is convicted of a felony under this Section~~.

(Source: P.A. 92-615, eff. 1-1-03.)

(625 ILCS 40/5-7.1)

Sec. 5-7.1. Implied consent. (a) A person who operates or is in actual physical control of a snowmobile in this State is deemed to have given consent to a chemical test or tests of blood, breath, or urine for the purpose of determining the content of alcohol, ~~or~~ other drug or drugs, intoxicating compound or compounds, or a combination of them in ~~content of~~ that person's blood if arrested for a violation of Section 5-7. The chemical test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which tests shall be administered. A urine test may be administered even after a blood or breath test or both has been administered.

(a-1) For the purposes of this Section, an Illinois law enforcement officer of this State who is investigating the person for any offense defined in Section 5-7 may travel into an adjoining state, where the person has been transported for medical care to complete an investigation and to request that the person submit to the test or tests set forth in this Section. The requirements of this Section that the person be arrested are inapplicable, but the officer shall issue the person a uniform citation for an offense as defined in Section 5-7 or a similar provision of a local ordinance prior to requesting that the person submit to the test or tests. The issuance of the uniform citation shall not constitute an arrest, but shall be for the purpose of notifying the person that he or she is subject to the provisions of this Section and of the officer's belief of the existence of probable cause to arrest. Upon returning to this State, the officer shall file the uniform citation with the circuit clerk of the county where the offense was committed and shall seek the issuance of an arrest warrant or a summons for the person.

(a-2) Notwithstanding any ability to refuse under this Act to submit to these tests or any ability to revoke the implied consent to these tests, if a law enforcement officer has probable cause to believe that a snowmobile operated by or under actual physical control of a person under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination of them has caused the death or personal injury to another, that person shall submit, upon the request of a law enforcement officer, to a chemical test or tests of his or her blood, breath, or urine for the purpose of determining the alcohol content or the presence of any other drug or combination of both. For the purposes of this Section, a personal injury includes severe bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene for immediate professional attention in either a doctor's office or a medical facility.

(b) A person who is dead, unconscious, or who is otherwise in a condition rendering that person incapable of refusal, is deemed not to have withdrawn the consent provided in subsection (a), and the test or tests may be administered.

(c) A person requested to submit to a test as provided in this Section shall be verbally advised by the law enforcement officer requesting the test that a refusal to submit to the test will result in suspension of that person's privilege to operate a snowmobile for a minimum of 2 years.

(d) Following this warning, if a person under arrest refuses upon the request of a law enforcement officer to submit to a test designated by the officer, no tests ~~test~~ may be given, but the law enforcement officer shall file with the clerk of the circuit court for the county in which the arrest was made, and with the Department of Natural Resources, a sworn statement naming the person refusing to take and complete the chemical test or tests requested under the provisions of this Section. The sworn statement shall identify the arrested person, the person's current residence address and shall specify that a refusal by that person to take the chemical test or tests was made. The sworn statement shall include a statement that the officer had reasonable cause to believe the person was operating or was in actual physical control of the snowmobile within this State while under the influence of alcohol, ~~or~~ other drug or drugs, an intoxicating compound or compound, or a combination of them and that a chemical test or tests were requested as an incident to and following the lawful arrest for an offense as defined in Section 5-7 or a similar provision of a local ordinance, and that the person, after being arrested for an offense arising out of acts alleged to have been committed while operating a snowmobile, refused to submit to and complete a chemical test or tests as requested by the law enforcement officer.

(e) The law enforcement officer submitting the sworn statement shall serve immediate written notice upon the person refusing the chemical test or tests that the person's privilege to operate a snowmobile within this State will be suspended for a period of 2 years unless, within 28 days from the date of the notice, the person requests in writing a hearing on the suspension. ~~The clerk shall notify the person in writing that the person's privilege to operate a snowmobile will be suspended for a minimum of 2 years unless, within 28 days from the date of mailing of the notice, that person requests a hearing in writing.~~

If the person desires a hearing, the person shall file a complaint in the circuit court in the county where that person was arrested within 28 days from the date ~~of mailing~~ of the notice. The hearing shall proceed in

the court in the same manner as other civil proceedings. The hearing shall cover only the following issues: (1) whether the person was placed under arrest for an offense as defined in Section 5-7 or a similar provision of a local ordinance as evidenced by the issuance of a uniform citation; (2) whether the arresting officer had reasonable grounds to believe that the person was operating a snowmobile while under the influence of alcohol, ~~or~~ other drug or drugs, an intoxicating compound or compounds, or a combination of them; and (3) whether that person refused to submit to and complete the chemical test or tests upon the request of the law enforcement officer. Whether the person was informed that the person's privilege to operate a snowmobile would be suspended if that person refused to submit to the chemical test or tests may not be an issue in the hearing.

If the person fails to request a hearing in writing within 28 days of the date of the notice, or if a hearing is held and the court finds against the person on the issues before the court, the clerk shall immediately notify the Department of Natural Resources ~~Conservation of the court's decision~~, and the Department shall suspend the snowmobile operation privileges of that person for at least 2 years.

(f) (Blank) ~~If the person fails to request a hearing in writing within 28 days of the date of mailing of the notice, the clerk shall immediately notify the Department of Conservation that no request for a hearing was received within the statutory time period, and the Department shall suspend the snowmobile operation privileges of that person for at least 2 years~~.

(f-1) If the person submits to a test that discloses an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood, or urine resulting from the unlawful use of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, the law enforcement officer shall immediately submit a sworn report to the circuit clerk of venue and the Department of Natural Resources, certifying that the test or tests was or were requested under subsection (a-1) of this Section and the person submitted to testing that disclosed an alcohol concentration of 0.08 or more.

In cases where the blood alcohol concentration of 0.08 or greater or any amount of drug, substance, or compound resulting from the unlawful use of cannabis, a controlled substance, or an intoxicating compound is established by a subsequent analysis of blood or urine collected at the time of arrest, the arresting officer or arresting agency shall immediately submit a sworn report to the circuit clerk of venue and the Department of Natural Resources upon receipt of the test results.

(g) A person must submit to each chemical test offered by the law enforcement officer in order to comply with implied consent provisions of this Section.

(h) The provision of Section 11-501.2 of the Illinois Vehicle Code concerning the certification and use of chemical tests applies to the use of those tests under this Section. (Source: P.A. 89-55, eff. 1-1-96.)

(625 ILCS 40/5-7.2)

Sec. 5-7.2. Chemical and other tests. (a) Upon the trial of a civil or criminal action or proceeding arising out of acts alleged to have been committed while under the influence of alcohol, the concentration of alcohol in the person's blood or breath at the time alleged as shown by analysis of the person's blood, urine, breath, or other bodily substance gives rise to the presumptions specified in subdivisions 1, 2, and 3 of subsection (b) of Section 11-501.2 of the Illinois Vehicle Code.

(b) The provisions of subsection (a) shall not be construed as limiting the introduction of any other relevant evidence bearing upon the question whether the person was under the influence of alcohol.

(c) If a person under arrest refuses to submit to a chemical test under the provisions of Section 5-7.1, evidence of refusal is admissible in a civil or criminal action or proceeding arising out of acts alleged to have been committed while the person under the influence of alcohol, ~~or~~ other drug or drugs, an intoxicating compound or compounds, or a combination of them was operating a snowmobile. (Source: P.A. 89-55, eff. 1-1-96; 90-215, eff. 1-1-98.)

(625 ILCS 40/5-7.3)

Sec. 5-7.3. Supervision of operator; notification; 6 hour operating limitation.

(a) The owner of a snowmobile or person given supervisory authority over a snowmobile, may not knowingly permit a snowmobile to be operated by a person under the influence of alcohol, other drug or drugs, an intoxicating compound or compounds, or a combination of them.

(b) Whenever a person is convicted or found guilty of a violation of Section 5-7, including any person placed on court supervision, the court shall notify the Office of Law Enforcement of the Department of Natural Resources with the records essential for the performance of the Department's duties to monitor and enforce an order of suspension or revocation concerning the person's privilege to operate a snowmobile.

(c) A person who has been arrested and charged with violating Section 5-7 may not operate a

snowmobile within this State for a period of 24 ~~6~~ hours after that person's arrest. (Source: P.A. 89-55, eff. 1-1-96.)

(625 ILCS 40/5-7.4)

Sec. 5-7.4. Admissibility of chemical tests of blood conducted in the regular course of providing emergency medical treatment ~~alcohol tests~~.

(a) Notwithstanding any other provision of law, the ~~written~~ results of blood ~~alcohol~~ tests performed for the purpose of determining the content of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination of them in an individual's blood conducted upon persons receiving medical treatment in a hospital emergency room, are admissible in evidence as a business record exception to the hearsay rule only in prosecutions for a violation of Section 5-7 of this Act or a similar provision of a local ordinance or in prosecutions for reckless homicide brought under the Criminal Code of 1961.

The results of the tests are admissible only when each of the following criteria are met:

1. The chemical tests performed upon an individual's blood were ordered in the regular course of providing emergency treatment and not at the request of law enforcement authorities; and ~~The blood alcohol tests were ordered by a physician on duty at the hospital emergency room and were performed in the regular course of providing emergency medical treatment in order to assist the physician in diagnosis or treatment;~~

2. The chemical tests performed upon an individual's blood were performed by the laboratory routinely used by the hospital. ~~The blood alcohol tests were performed by the hospital's own laboratory; and~~

3. (Blank) ~~The written results of the blood alcohol tests were received and considered by the physician on duty at the hospital emergency room to assist that physician in diagnosis or treatment~~.

Results of chemical tests performed upon an individual's blood are admissible into evidence regardless of the time that the records were prepared.

(b) The confidentiality provisions of law pertaining to medical records and medical treatment are not applicable with regard to chemical ~~blood alcohol~~ tests performed upon a person's blood or urine under the provisions of this Section in prosecutions as specified in subsection (a) of this Section. No person shall be liable for civil damages as a result of the evidentiary use of the results of chemical testing of the individual's blood ~~alcohol tests results~~ under this Section or as a result of that person's testimony made available under this Section. (Source: P.A. 89-55, eff. 1-1-96; 89-626, eff. 8-9-96.)

(625 ILCS 40/5-7.5)

Sec. 5-7.5. Preliminary breath screening test. If a law enforcement officer has reasonable suspicion ~~probable cause~~ to believe that a person is violating or has violated Section 5-7 or a similar provision of a local ordinance, the officer, before an arrest, may request the person to provide a sample of his or her breath for a preliminary breath screening test using a portable device approved by the Department of State Police. The results of this preliminary breath screening test may be used by the law enforcement officer for the purpose of assisting with the determination of whether to require a chemical test, as authorized under Sections 5-7.1 and 5-7.2 and the appropriate type of test to request. Any chemical test authorized under Sections 5-7.1 and 5-7.2 may be requested by the officer regardless of the result of the preliminary breath screening test if probable cause for an arrest exists. The result of a preliminary breath screening test may be used by the defendant as evidence in an administrative or court proceeding involving a violation of Section 5-7 ~~or 5-7.1~~. (Source: P.A. 91-828, eff. 1-1-01.)

(625 ILCS 40/5-7.6 new)

Sec. 5-7.6. Reporting of test results of blood or urine conducted in the regular course of providing emergency medical treatment.

(a) Notwithstanding any other provision of law, the results of blood or urine tests performed for the purpose of determining the content of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination of them in an individual's blood or urine, conducted upon persons receiving medical treatment in a hospital emergency room for injuries resulting from a snowmobile accident, shall be disclosed to the Department of Natural Resources, or local law enforcement agencies of jurisdiction, upon request. The blood or urine tests are admissible in evidence as a business record exception to the hearsay rule only in prosecutions for violations of Section 5-7 of this Code or a similar provision of a local ordinance, or in prosecutions for reckless homicide brought under the Criminal Code of 1961.

(b) The confidentiality provisions of the law pertaining to medical records and medical treatment shall not be applicable with regard to tests performed upon an individual's blood or urine under the provisions of subsection (a) of this Section. No person shall be liable for civil damages or professional discipline as a result of disclosure or reporting of the tests or the evidentiary use of an individual's blood or urine test

results under this Section or Section 5-7.4 or as a result of that person's testimony made available under this Section or Section 5-7.4, except for willful or wanton misconduct."; and
on page 15, line 19, after "Code,", by inserting "Section 5-7 of the Snowmobile Registration and Safety Act," and
on page 15, line 22, after "11-501,", by inserting "Section 5-7,".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 1237 was placed on the Calendar on the order of Concurrence.

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

HOUSE BILL 1385

A bill for AN ACT in relation to townships.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 1385
Passed the Senate, as amended, May 9, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1385 on line 34 on page 2; lines 16 and 20 on page 3; and lines 11, 20, and 25 on page 4 by replacing "$5,000", each time it appears, with "$2,500".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 1385 was placed on the Calendar on the order of Concurrence.

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

HOUSE BILL 1459

A bill for AN ACT concerning finance.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 1459
Passed the Senate, as amended, May 9, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1459 on page 1, line 14, by replacing "$6,200,000,000" with "$8,200,000,000 ~~$6,200,000,000~~".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 1459 was placed on the Calendar on the order of Concurrence.

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

HOUSE BILL 2900

A bill for AN ACT in relation to children.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 2900
Passed the Senate, as amended, May 9, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2900 on page 3, lines 15, 16, 20, and 34, by replacing "Council" with "Partnership" each time it appears; and
on page 3, line 27, after "representatives of", by inserting "community mental health authorities and"; and
on page 4, lines 2, 3, 6, and 20, by replacing "Council" with "Partnership" each time it appears; and
on page 6, after line 22, by inserting the following:
"(c) The Department of Public Aid shall work jointly with the Department of Human Services to implement subsections (a) and (b).".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 2900 was placed on the Calendar on the order of Concurrence.

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

HOUSE BILL NO. 30

A bill for AN ACT relating to simulated voting by minors.

HOUSE BILL NO. 79

A bill for AN ACT in relation to public employee benefits.

HOUSE BILL NO. 136

A bill for AN ACT in relation to vehicles.

HOUSE BILL NO. 138

A bill for AN ACT in relation to counties.

HOUSE BILL NO. 206

A bill for AN ACT concerning domestic violence.

HOUSE BILL NO. 263

A bill for AN ACT concerning ports.

HOUSE BILL NO. 269

A bill for AN ACT concerning fees.

HOUSE BILL NO. 273

A bill for AN ACT concerning bonds.

HOUSE BILL NO. 277

A bill for AN ACT concerning the deposit of state moneys.

HOUSE BILL NO. 313

A bill for AN ACT in relation to vehicles.

HOUSE BILL NO. 333

A bill for AN ACT in relation to horse racing.

HOUSE BILL NO. 345
A bill for AN ACT concerning child abduction.
HOUSE BILL NO. 468
A bill for AN ACT concerning professional regulation.
HOUSE BILL NO. 499
A bill for AN ACT concerning driver's permits.
HOUSE BILL NO. 524
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 532
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 539
A bill for AN ACT concerning freedom of information.
HOUSE BILL NO. 1089
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 1189
A bill for AN ACT in relation to vehicles.
HOUSE BILL NO. 1193
A bill for AN ACT concerning health improvement.
HOUSE BILL NO. 1194
A bill for AN ACT in relation to fire fighters.
HOUSE BILL NO. 1205
A bill for AN ACT concerning liens.
HOUSE BILL NO. 1246
A bill for AN ACT concerning local government.
HOUSE BILL NO. 1250
A bill for AN ACT relating to facility planning areas.
HOUSE BILL NO. 1267
A bill for AN ACT concerning fire protection.
HOUSE BILL NO. 1273
A bill for AN ACT in relation to transportation.
HOUSE BILL NO. 1279
A bill for AN ACT concerning hazardous materials.
HOUSE BILL NO. 1284
A bill for AN ACT in relation to children.
HOUSE BILL NO. 1285
A bill for AN ACT concerning agriculture.
HOUSE BILL NO. 1338
A bill for AN ACT in relation to air transportation.
HOUSE BILL NO. 1356
A bill for AN ACT concerning the practice of medicine.
HOUSE BILL NO. 1359
A bill for AN ACT in relation to crime victims.
HOUSE BILL NO. 1377
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 1389
A bill for AN ACT in relation to vehicles.
Passed by the Senate, May 9, 2003.

Linda Hawker, Secretary of the Senate

A message from the Senate by
Ms. Hawker, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the passage of bills of the following titles to-wit:
HOUSE BILL NO. 1400
A bill for AN ACT concerning civil no contact orders.
HOUSE BILL NO. 1412

A bill for AN ACT concerning assisted living.

HOUSE BILL NO. 1423

A bill for AN ACT concerning veterans.

HOUSE BILL NO. 1425

A bill for AN ACT concerning the freedom of information.

HOUSE BILL NO. 1437

A bill for AN ACT concerning payroll deductions.

HOUSE BILL NO. 1447

A bill for AN ACT in relation to townships.

HOUSE BILL NO. 1448

A bill for AN ACT regarding higher education.

HOUSE BILL NO. 1455

A bill for AN ACT in relation to highways.

HOUSE BILL NO. 1457

A bill for AN ACT in relation to educational labor relations.

HOUSE BILL NO. 1469

A bill for AN ACT concerning dispute resolution.

HOUSE BILL NO. 1484

A bill for AN ACT concerning senior citizens.

HOUSE BILL NO. 1486

A bill for AN ACT in relation to criminal law.

HOUSE BILL NO. 1491

A bill for AN ACT concerning driver training.

HOUSE BILL NO. 1516

A bill for AN ACT relating to certain financial institutions.

HOUSE BILL NO. 1529

A bill for AN ACT in relation to housing.

HOUSE BILL NO. 1536

A bill for AN ACT in relation to firearms.

HOUSE BILL NO. 1584

A bill for AN ACT in relation to property.

HOUSE BILL NO. 1586

A bill for AN ACT concerning unincorporated areas.

HOUSE BILL NO. 1630

A bill for AN ACT in relation to human needs.

HOUSE BILL NO. 1809

A bill for AN ACT in relation to health.

HOUSE BILL NO. 1843

A bill for AN ACT in relation to health.

HOUSE BILL NO. 2146

A bill for AN ACT concerning mediation.

HOUSE BILL NO. 2202

A bill for AN ACT in relation to health care.

HOUSE BILL NO. 2203

A bill for AN ACT in relation to minors.

HOUSE BILL NO. 2205

A bill for AN ACT concerning lobbyists.

HOUSE BILL NO. 2235

A bill for AN ACT regarding education.

HOUSE BILL NO. 2246

A bill for AN ACT concerning taxes.

HOUSE BILL NO. 2273

A bill for AN ACT concerning recreational trails.

HOUSE BILL NO. 2954

A bill for AN ACT in relation to alcohol liquor.

Passed by the Senate, May 9, 2003.

Linda Hawker, Secretary of the Senate

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

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the following joint resolution, to-wit:

HOUSE JOINT RESOLUTION NO. 35

Concurred in the Senate, May 9, 2003.

Linda Hawker, Secretary of the Senate

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

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

SENATE BILL NO. 885

A bill for AN ACT concerning telecommunications.

House Amendment No. 1 to SENATE BILL NO. 885.

Action taken by the Senate, May 9, 2003.

Linda Hawker, Secretary of the Senate

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

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

HOUSE BILL 741

A bill for AN ACT in relation to alcohol.

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

Senate Amendment No. 1 to HOUSE BILL NO. 741

Senate Amendment No. 2 to HOUSE BILL NO. 741

Passed the Senate, as amended, May 14, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 741 by replacing the title with the following:

"AN ACT in relation to alcoholic liquor."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by changing Sections 5-2 and 6-15 as follows:

(235 ILCS 5/5-2) (from Ch. 43, par. 117)

Sec. 5-2. All licenses, except a non-beverage user's, a special use permit, and a special event retailer's license, issued by the State Commission, shall be valid from the date of issuance through the last day of the eleventh month that begins after the month in which the license is issued ~~for not to exceed one year after issuance~~ unless sooner revoked or suspended as provided in this Act ~~provided~~. A non-beverage user's license shall expire only when the quantity of alcoholic liquor which may be purchased under it has been exhausted. A special use permit license and a special event retailer's license (not-for-profit) shall be issued for a specific time period, not to exceed 15 days per licensee per location in any 12 month period. Licenses

shall state thereon the class to which they belong, the names of the licensees and the addresses and description of the premises for which they are granted, or in the case of caterer retailers, auctions, railroads, airplanes and boats, a designation thereof by number or name; and shall state the dates of their issuance and expiration. (Source: P.A. 88-91.)

(235 ILCS 5/6-15) (from Ch. 43, par. 130)

Sec. 6-15. No alcoholic liquors shall be sold or delivered in any building belonging to or under the control of the State or any political subdivision thereof except as provided in this Act. The corporate authorities of any city, village, incorporated town or township may provide by ordinance, however, that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the control of the municipality or township, or in any building located on land under the control of the municipality; provided that such township complies with all applicable local ordinances in any incorporated area of the township. Alcoholic liquors may be delivered to and sold at any airport belonging to or under the control of a municipality of more than 25,000 inhabitants, or in any building or on any golf course owned by a park district organized under the Park District Code, subject to the approval of the governing board of the district, or in any building or on any golf course owned by a forest preserve district organized under the Downstate Forest Preserve District Act, subject to the approval of the governing board of the district, or on the grounds within 500 feet of any building owned by a forest preserve district organized under the Downstate Forest Preserve District Act during times when food is dispensed for consumption within 500 feet of the building from which the food is dispensed, subject to the approval of the governing board of the district, or in a building owned by a Local Mass Transit District organized under the Local Mass Transit District Act, subject to the approval of the governing Board of the District, or in Bicentennial Park, or on the premises of the City of Mendota Lake Park located adjacent to Route 51 in Mendota, Illinois, or on the premises of Camden Park in Milan, Illinois, or in the community center owned by the City of Loves Park that is located at 1000 River Park Drive in Loves Park, Illinois, or, in connection with the operation of an established food serving facility during times when food is dispensed for consumption on the premises, and at the following aquarium and museums located in public parks: Art Institute of Chicago, Chicago Academy of Sciences, Chicago Historical Society, Field Museum of Natural History, Museum of Science and Industry, DuSable Museum of African American History, John G. Shedd Aquarium and Adler Planetarium, or at Lakeview Museum of Arts and Sciences in Peoria, or in connection with the operation of the facilities of the Chicago Zoological Society or the Chicago Horticultural Society on land owned by the Forest Preserve District of Cook County, or on any land used for a golf course or for recreational purposes owned by the Forest Preserve District of Cook County, subject to the control of the Forest Preserve District Board of Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage, and harm, or in any building located on land owned by the Chicago Park District if approved by the Park District Commissioners, or on any land used for a golf course or for recreational purposes and owned by the Illinois International Port District if approved by the District's governing board, or at any airport, golf course, faculty center, or facility in which conference and convention type activities take place belonging to or under control of any State university or public community college district, provided that with respect to a facility for conference and convention type activities alcoholic liquors shall be limited to the use of the convention or conference participants or participants in cultural, political or educational activities held in such facilities, and provided further that the faculty or staff of the State university or a public community college district, or members of an organization of students, alumni, faculty or staff of the State university or a public community college district are active participants in the conference or convention, or in Memorial Stadium on the campus of the University of Illinois at Urbana-Champaign during games in which the Chicago Bears professional football team is playing in that stadium during the renovation of Soldier Field, not more than one and a half hours before the start of the game and not after the end of the third quarter of the game, or by a catering establishment which has rented facilities from a board of trustees of a public community college district, or, if approved by the District board, on land owned by the Metropolitan Sanitary District of Greater Chicago and leased to others for a term of at least 20 years. Nothing in this Section precludes the sale or delivery of alcoholic liquor in the form of original packaged goods in premises located at 500 S. Racine in Chicago belonging to the University of Illinois and used primarily as a grocery store by a commercial tenant during the term of a lease that predates the University's acquisition of the premises; but the University shall have no power or authority to renew, transfer, or extend the lease with terms allowing the sale of alcoholic liquor; and the sale of alcoholic liquor shall be subject to all local laws and regulations. After the acquisition by Winnebago County of the property located at 404 Elm Street in Rockford, a commercial tenant who sold alcoholic

liquor at retail on a portion of the property under a valid license at the time of the acquisition may continue to do so for so long as the tenant and the County may agree under existing or future leases, subject to all local laws and regulations regarding the sale of alcoholic liquor. Each facility shall provide dram shop liability in maximum insurance coverage limits so as to save harmless the State, municipality, State university, airport, golf course, faculty center, facility in which conference and convention type activities take place, park district, Forest Preserve District, public community college district, aquarium, museum, or sanitary district from all financial loss, damage or harm. Alcoholic liquors may be sold at retail in buildings of golf courses owned by municipalities in connection with the operation of an established food serving facility during times when food is dispensed for consumption upon the premises. Alcoholic liquors may be delivered to and sold at retail in any building owned by a fire protection district organized under the Fire Protection District Act, provided that such delivery and sale is approved by the board of trustees of the district, and provided further that such delivery and sale is limited to fundraising events and to a maximum of 6 events per year.

Alcoholic liquor may be delivered to and sold at retail in the Dorchester Senior Business Center owned by the Village of Dolton if the alcoholic liquor is sold or dispensed only in connection with organized functions for which the planned attendance is 20 or more persons, and if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in maximum limits so as to hold harmless the Village of Dolton and the State from all financial loss, damage and harm.

Alcoholic liquors may be delivered to and sold at retail in any building used as an Illinois State Armory provided:

(i) the Adjutant General's written consent to the issuance of a license to sell alcoholic liquor in such building is filed with the Commission;

(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

(iii) the organized function is one for which the planned attendance is 25 or more persons; and

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to save harmless the facility and the State from all financial loss, damage or harm.

Alcoholic liquors may be delivered to and sold at retail in the Chicago Civic Center, provided that:

(i) the written consent of the Public Building Commission which administers the Chicago Civic Center is filed with the Commission;

(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

(iii) the organized function is one for which the planned attendance is 25 or more persons;

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to hold harmless the Civic Center, the City of Chicago and the State from all financial loss, damage or harm; and

(v) all applicable local ordinances are complied with.

Alcoholic liquors may be delivered or sold in any building belonging to or under the control of any city, village or incorporated town where more than 75% of the physical properties of the building is used for commercial or recreational purposes, and the building is located upon a pier extending into or over the waters of a navigable lake or stream or on the shore of a navigable lake or stream. Alcoholic liquor may be sold in buildings under the control of the Department of Natural Resources when written consent to the issuance of a license to sell alcoholic liquor in such buildings is filed with the Commission by the Department of Natural Resources. Notwithstanding any other provision of this Act, alcoholic liquor sold by a United States Army Corps of Engineers or Department of Natural Resources concessionaire who was operating on June 1, 1991 for on-premises consumption only is not subject to the provisions of Articles IV and IX. Beer and wine may be sold on the premises of the Joliet Park District Stadium owned by the Joliet Park District when written consent to the issuance of a license to sell beer and wine in such premises is filed with the local liquor commissioner by the Joliet Park District. Beer and wine may be sold in buildings on the grounds of State veterans' homes when written consent to the issuance of a license to sell beer and wine in such buildings is filed with the Commission by the Department of Veterans' Affairs, and the facility shall provide dram shop liability in maximum insurance coverage limits so as to save the facility harmless from all financial loss, damage or harm. Such liquors may be delivered to and sold at any property owned or held under lease by a Metropolitan Pier and Exposition Authority or Metropolitan Exposition and Auditorium Authority.

Beer and wine may be sold and dispensed at professional sporting events and at professional concerts

and other entertainment events conducted on premises owned by the Forest Preserve District of Kane County, subject to the control of the District Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage and harm.

Nothing in this Section shall preclude the sale or delivery of beer and wine at a State or county fair or the sale or delivery of beer or wine at a city fair in any otherwise lawful manner.

Alcoholic liquors may be sold at retail in buildings in State parks under the control of the Department of Natural Resources, provided:

a. the State park has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Department of Natural Resources, and

c. the alcoholic liquors are sold by the State park lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight. Notwithstanding any other provision of this Act, alcoholic liquor sold by the State park or restaurant concessionaire is not subject to the provisions of Articles IV and IX.

Alcoholic liquors may be sold at retail in buildings on properties under the control of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum provided:

a. the property has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum, and

c. the alcoholic liquors are sold by the lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight.

The sale of alcoholic liquors pursuant to this Section does not authorize the establishment and operation of facilities commonly called taverns, saloons, bars, cocktail lounges, and the like except as a part of lodge and restaurant facilities in State parks or golf courses owned by Forest Preserve Districts with a population of less than 3,000,000 or municipalities or park districts.

Alcoholic liquors may be sold at retail in the Springfield Administration Building of the Department of Transportation and the Illinois State Armory in Springfield; provided, that the controlling government authority may consent to such sales only if

a. the request is from a not-for-profit organization;

b. such sales would not impede normal operations of the departments involved;

c. the not-for-profit organization provides dram shop liability in maximum insurance coverage limits and agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm;

d. no such sale shall be made during normal working hours of the State of Illinois; and

e. the consent is in writing.

Alcoholic liquors may be sold at retail in buildings in recreational areas of river conservancy districts under the control of, or leased from, the river conservancy districts. Such sales are subject to reasonable local regulations as provided in Article IV; however, no such regulations may prohibit or substantially impair the sale of alcoholic liquors on Sundays or Holidays.

Alcoholic liquors may be provided in long term care facilities owned or operated by a county under Division 5-21 or 5-22 of the Counties Code, when approved by the facility operator and not in conflict with the regulations of the Illinois Department of Public Health, to residents of the facility who have had their consumption of the alcoholic liquors provided approved in writing by a physician licensed to practice medicine in all its branches.

Alcoholic liquors may be delivered to and dispensed in State housing assigned to employees of the Department of Corrections. No person shall furnish or allow to be furnished any alcoholic liquors to any prisoner confined in any jail, reformatory, prison or house of correction except upon a physician's prescription for medicinal purposes.

Alcoholic liquors may be sold at retail or dispensed at the Willard Ice Building in Springfield, at the State Library in Springfield, and at Illinois State Museum facilities by (1) an agency of the State, whether

legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the controlling government authority, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the controlling government authority;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at authorized functions.

The controlling government authority for the Willard Ice Building in Springfield shall be the Director of the Department of Revenue. The controlling government authority for Illinois State Museum facilities shall be the Director of the Illinois State Museum. The controlling government authority for the State Library in Springfield shall be the Secretary of State.

Alcoholic liquors may be delivered to and sold at retail or dispensed at any facility, property or building under the jurisdiction of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum where the delivery, sale or dispensing is by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from a controlling government authority, or by (2) a not-for-profit organization provided that such organization:

a. Obtains written consent from the controlling government authority;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal workings of State offices or operations located at the facility, property or building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity of the not-for-profit organization in the facility, property or building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

The controlling government authority for the Historic Sites and Preservation Division of the Historic Preservation Agency shall be the Director of the Historic Sites and Preservation, and the controlling government authority for the Abraham Lincoln Presidential Library and Museum shall be the Director of the Abraham Lincoln Presidential Library and Museum.

Alcoholic liquors may be delivered to and sold at retail or dispensed for consumption at the Michael Bilandic Building at 160 North LaSalle Street, Chicago IL 60601, after the normal business hours of any day care or child care facility located in the building, by (1) a commercial tenant or subtenant conducting business on the premises under a lease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who accepts delivery of, sells, or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify, and save harmless the State of Illinois from all financial loss, damage, or harm arising out of the delivery, sale, or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial, or executive, provided that such agency first obtains written permission to accept delivery of and sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

a. obtains written consent from the Department of Central Management Services;

b. accepts delivery of and sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. accepts delivery of and sells or dispenses alcoholic liquors only in connection with an official activity in the building; and

d. provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless, and indemnify the State of Illinois from all financial loss, damage, or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized

by the Director of Central Management Services.

Alcoholic liquors may be sold at retail or dispensed at the James R. Thompson Center in Chicago and 222 South College Street in Springfield, Illinois by (1) a commercial tenant or subtenant conducting business on the premises under a lease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who sells or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify and save harmless the State of Illinois from all financial loss, damage or harm arising out of the sale or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold or delivered at any facility owned by the Illinois Sports Facilities Authority provided that dram shop liability insurance has been made available in a form, with such coverage and in such amounts as the Authority reasonably determines is necessary.

Alcoholic liquors may be sold at retail or dispensed at the Rockford State Office Building by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Department of Central Management Services, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Department of Central Management Services.

Alcoholic liquors may be sold or delivered in a building that is owned by McLean County, situated on land owned by the county in the City of Bloomington, and used by the McLean County Historical Society if the sale or delivery is approved by an ordinance adopted by the county board, and the municipality in which the building is located may not prohibit that sale or delivery, notwithstanding any other provision of this Section. The regulation of the sale and delivery of alcoholic liquor in a building that is owned by McLean County, situated on land owned by the county, and used by the McLean County Historical Society as provided in this paragraph is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to regulate that sale and delivery.

Alcoholic liquors may be sold or delivered in any building situated on land held in trust for any school district organized under Article 34 of the School Code, if the building is not used for school purposes and if the sale or delivery is approved by the board of education.

Alcoholic liquors may be sold or delivered in buildings owned by the Community Building Complex Committee of Boone County, Illinois if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance with coverage and in amounts that the Committee reasonably determines are necessary.

Alcoholic liquors may be sold or delivered in the building located at 1200 Centerville Avenue in Belleville, Illinois and occupied by either the Belleville Area Special Education District or the Belleville Area Special Services Cooperative.

Alcoholic liquors may be delivered to and sold at the Louis Joliet Renaissance Center, City Center Campus, located at 214 N. Ottawa Street, Joliet, and the Food Services/Culinary Arts Department facilities, Main Campus, located at 1215 Houbolt Road, Joliet, owned by or under the control of Joliet Junior College, Illinois Community College District No. 525. (Source: P.A. 91-239, eff. 1-1-00; 91-922, eff. 7-7-00; 92-512, eff. 1-1-02; 92-583, eff. 6-26-02; 92-600, eff. 7-1-02; revised 9-3-02.)".

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 741, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, on page 1, in line 8, by replacing "5-2" with "5-1, 5-2, 5-3,"; and on page 1, below line 8, by inserting the following:

"(235 ILCS 5/5-1) (from Ch. 43, par. 115)

Sec. 5-1. Licenses issued by the Illinois Liquor Control Commission shall be of the following classes:

(a) Manufacturer's license - Class 1. Distiller, Class 2. Rectifier, Class 3. Brewer, Class 4. First Class Wine Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6. First Class Winemaker, Class 7. Second Class Winemaker, Class 8. Limited Wine Manufacturer,

(b) Distributor's license,

(c) Importing Distributor's license,

(d) Retailer's license,

(e) Special Event Retailer's license (not-for-profit),

(f) Railroad license,

(g) Boat license,

(h) Non-Beverage User's license,

(i) Wine-maker's premises license,

(j) Airplane license,

(k) Foreign importer's license,

(l) Broker's license,

(m) Non-resident dealer's license,

(n) Brew Pub license,

(o) Auction liquor license,

(p) Caterer retailer license,

(q) Special use permit license.

No person, firm, partnership, corporation, or other legal business entity that is engaged in the manufacturing of wine may concurrently obtain and hold a wine-maker's license and a wine manufacturer's license.

(a) A manufacturer's license shall allow the manufacture, importation in bulk, storage, distribution and sale of alcoholic liquor to persons without the State, as may be permitted by law and to licensees in this State as follows:

Class 1. A Distiller may make sales and deliveries of alcoholic liquor to distillers, rectifiers, importing distributors, distributors and non-beverage users and to no other licensees.

Class 2. A Rectifier, who is not a distiller, as defined herein, may make sales and deliveries of alcoholic liquor to rectifiers, importing distributors, distributors, retailers and non-beverage users and to no other licensees.

Class 3. A Brewer may make sales and deliveries of beer to importing distributors, distributors, and to non-licensees, and to retailers provided the brewer obtains an importing distributor's license or distributor's license in accordance with the provisions of this Act.

Class 4. A first class wine-manufacturer may make sales and deliveries of up to 50,000 gallons of wine to manufacturers, importing distributors and distributors, and to no other licensees.

Class 5. A second class Wine manufacturer may make sales and deliveries of more than 50,000 gallons of wine to manufacturers, importing distributors and distributors and to no other licensees.

Class 6. A first-class wine-maker's license shall allow the manufacture of up to 50,000 gallons of wine per year, and the storage and sale of such wine to distributors in the State and to persons without the State, as may be permitted by law. A first-class wine-maker's license shall allow the sale of no more than 5,000 gallons of the licensee's wine to retailers. The State Commission shall issue only one first-class wine-maker's license to any person, firm, partnership, corporation, or other legal business entity that is engaged in the making of less than 50,000 gallons of wine annually that applies for a first-class wine-maker's license. No subsidiary or affiliate thereof, nor any officer, associate, member, partner, representative, employee, agent, or shareholder may be issued an additional wine-maker's license by the State

Commission.

Class 7. A second-class wine-maker's license shall allow the manufacture of between 50,000 and 100,000 gallons of wine per year, and the storage and sale of such wine to distributors in this State and to persons without the State, as may be permitted by law. A second-class wine-maker's license shall allow the sale of no more than 10,000 gallons of the licensee's wine directly to retailers. The State Commission shall issue only one second-class wine-maker's license to any person, firm, partnership, corporation, or other legal business entity that is engaged in the making of less than 100,000 gallons of wine annually that applies for a second-class wine-maker's license. No subsidiary or affiliate thereof, or any officer, associate, member, partner, representative, employee, agent, or shareholder may be issued an additional wine-maker's license by the State Commission.

Class 8. A limited wine-manufacturer may make sales and deliveries not to exceed 40,000 gallons of wine per year to distributors, and to non-licensees in accordance with the provisions of this Act.

(a-1) A manufacturer which is licensed in this State to make sales or deliveries of alcoholic liquor and which enlists agents, representatives, or individuals acting on its behalf who contact licensed retailers on a regular and continual basis in this State must register those agents, representatives, or persons acting on its behalf with the State Commission.

Registration of agents, representatives, or persons acting on behalf of a manufacturer is fulfilled by submitting a form to the Commission. The form shall be developed by the Commission and shall include the name and address of the applicant, the name and address of the manufacturer he or she represents, the territory or areas assigned to sell to or discuss pricing terms of alcoholic liquor, and any other questions deemed appropriate and necessary. All statements in the forms required to be made by law or by rule shall be deemed material, and any person who knowingly misstates any material fact under oath in an application is guilty of a Class B misdemeanor. Fraud, misrepresentation, false statements, misleading statements, evasions, or suppression of material facts in the securing of a registration are grounds for suspension or revocation of the registration.

(b) A distributor's license shall allow the wholesale purchase and storage of alcoholic liquors and sale of alcoholic liquors to licensees in this State and to persons without the State, as may be permitted by law.

(c) An importing distributor's license may be issued to and held by those only who are duly licensed distributors, upon the filing of an application by a duly licensed distributor, with the Commission and the Commission shall, without the payment of any fee, immediately issue such importing distributor's license to the applicant, which shall allow the importation of alcoholic liquor by the licensee into this State from any point in the United States outside this State, and the purchase of alcoholic liquor in barrels, casks or other bulk containers and the bottling of such alcoholic liquors before resale thereof, but all bottles or containers so filled shall be sealed, labeled, stamped and otherwise made to comply with all provisions, rules and regulations governing manufacturers in the preparation and bottling of alcoholic liquors. The importing distributor's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers and foreign importers only.

<u>An importing distributor may be issued a supplemental storage permit upon the filing of a supplemental application with the State Commission. The State Commission shall, upon the payment of a fee of $150, immediately issue such supplemental storage permit, which shall allow the storage of alcoholic beverages at a location other than the importing distributor's licensed premises, provided sales of alcoholic beverages are not made from such supplemental storage location and such supplemental storage location is not subject to the provisions of Article VIIA of this Act. An importing distributor's supplemental storage permit shall be displayed with the importing distributor's license at the licensed premises. An importing distributor's license shall allow for the issuance of one importing distributor's supplemental storage permit.</u>

(d) A retailer's license shall allow the licensee to sell and offer for sale at retail, only in the premises specified in such license, alcoholic liquor for use or consumption, but not for resale in any form: Provided that any retail license issued to a manufacturer shall only permit such manufacturer to sell beer at retail on the premises actually occupied by such manufacturer.

After January 1, 1995 there shall be 2 classes of licenses issued under a retailers license.

(1) A "retailers on premise consumption license" shall allow the licensee to sell and offer for sale at retail, only on the premises specified in the license, alcoholic liquor for use or consumption on the premises or on and off the premises, but not for resale in any form.

(2) An "off premise sale license" shall allow the licensee to sell, or offer for sale at retail, alcoholic liquor intended only for off premise consumption and not for resale in any form.

Notwithstanding any other provision of this subsection (d), a retail licensee may sell alcoholic liquors to a special event retailer licensee for resale to the extent permitted under subsection (e).

(e) A special event retailer's license (not-for-profit) shall permit the licensee to purchase alcoholic liquors from an Illinois licensed distributor (unless the licensee purchases less than $500 of alcoholic liquors for the special event, in which case the licensee may purchase the alcoholic liquors from a licensed retailer) and shall allow the licensee to sell and offer for sale, at retail, alcoholic liquors for use or consumption, but not for resale in any form and only at the location and on the specific dates designated for the special event in the license. An applicant for a special event retailer license must (i) furnish with the application: (A) a resale number issued under Section 2c of the Retailers' Occupation Tax Act or evidence that the applicant is registered under Section 2a of the Retailers' Occupation Tax Act, (B) a current, valid exemption identification number issued under Section 1g of the Retailers' Occupation Tax Act, and a certification to the Commission that the purchase of alcoholic liquors will be a tax-exempt purchase, or (C) a statement that the applicant is not registered under Section 2a of the Retailers' Occupation Tax Act, does not hold a resale number under Section 2c of the Retailers' Occupation Tax Act, and does not hold an exemption number under Section 1g of the Retailers' Occupation Tax Act, in which event the Commission shall set forth on the special event retailer's license a statement to that effect; (ii) submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance in the maximum limits; and (iii) show proof satisfactory to the State Commission that the applicant has obtained local authority approval.

(f) A railroad license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on a club, buffet, lounge or dining car operated on an electric, gas or steam railway in this State; and provided further, that railroad licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. A railroad license shall also permit the licensee to sell or dispense alcoholic liquors on any club, buffet, lounge or dining car operated on an electric, gas or steam railway regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A license shall be obtained for each car in which such sales are made.

(g) A boat license shall allow the sale of alcoholic liquor in individual drinks, on any passenger boat regularly operated as a common carrier on navigable waters in this State or on any riverboat operated under the Riverboat Gambling Act, which boat or riverboat maintains a public dining room or restaurant thereon.

(h) A non-beverage user's license shall allow the licensee to purchase alcoholic liquor from a licensed manufacturer or importing distributor, without the imposition of any tax upon the business of such licensed manufacturer or importing distributor as to such alcoholic liquor to be used by such licensee solely for the non-beverage purposes set forth in subsection (a) of Section 8-1 of this Act, and such licenses shall be divided and classified and shall permit the purchase, possession and use of limited and stated quantities of alcoholic liquor as follows:

Class 1, not to exceed	500 gallons
Class 2, not to exceed	1,000 gallons
Class 3, not to exceed	5,000 gallons
Class 4, not to exceed	10,000 gallons
Class 5, not to exceed	50,000 gallons

(i) A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license not more than 50,000 gallons of the first-class wine-maker's wine that is made at the first-class wine-maker's licensed premises per year for use or consumption, but not for resale in any form. A wine-maker's premises license shall allow a licensee who concurrently holds a second-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license up to 100,000 gallons of the second-class wine-maker's wine that is made at the second-class wine-maker's licensed premises per year for use or consumption but

not for resale in any form. Upon approval from the State Commission, a wine-maker's premises license shall allow the licensee to sell and offer for sale at (i) the wine-maker's licensed premises and (ii) at up to 2 additional locations for use and consumption and not for resale. Each location shall require additional licensing per location as specified in Section 5-3 of this Act.

(j) An airplane license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on an airplane; and provided further, that airplane licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. An airplane licensee shall also permit the sale or dispensing of alcoholic liquors on any passenger airplane regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A single airplane license shall be required of an airline company if liquor service is provided on board aircraft in this State. The annual fee for such license shall be as determined in Section 5-3.

(k) A foreign importer's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers only, and to import alcoholic liquor other than in bulk from any point outside the United States and to sell such alcoholic liquor to Illinois licensed importing distributors and to no one else in Illinois; provided that the foreign importer registers with the State Commission every brand of alcoholic liquor that it proposes to sell to Illinois licensees during the license period and provided further that the foreign importer complies with all of the provisions of Section 6-9 of this Act with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale.

(l) (i) A broker's license shall be required of all persons who solicit orders for, offer to sell or offer to supply alcoholic liquor to retailers in the State of Illinois, or who offer to retailers to ship or cause to be shipped or to make contact with distillers, rectifiers, brewers or manufacturers or any other party within or without the State of Illinois in order that alcoholic liquors be shipped to a distributor, importing distributor or foreign importer, whether such solicitation or offer is consummated within or without the State of Illinois.

No holder of a retailer's license issued by the Illinois Liquor Control Commission shall purchase or receive any alcoholic liquor, the order for which was solicited or offered for sale to such retailer by a broker unless the broker is the holder of a valid broker's license.

The broker shall, upon the acceptance by a retailer of the broker's solicitation of an order or offer to sell or supply or deliver or have delivered alcoholic liquors, promptly forward to the Illinois Liquor Control Commission a notification of said transaction in such form as the Commission may by regulations prescribe.

(ii) A broker's license shall be required of a person within this State, other than a retail licensee, who, for a fee or commission, promotes, solicits, or accepts orders for alcoholic liquor, for use or consumption and not for resale, to be shipped from this State and delivered to residents outside of this State by an express company, common carrier, or contract carrier. This Section does not apply to any person who promotes, solicits, or accepts orders for wine as specifically authorized in Section 6-29 of this Act.

A broker's license under this subsection (1) shall not entitle the holder to buy or sell any alcoholic liquors for his own account or to take or deliver title to such alcoholic liquors.

This subsection (1) shall not apply to distributors, employees of distributors, or employees of a manufacturer who has registered the trademark, brand or name of the alcoholic liquor pursuant to Section 6-9 of this Act, and who regularly sells such alcoholic liquor in the State of Illinois only to its registrants thereunder.

Any agent, representative, or person subject to registration pursuant to subsection (a-1) of this Section shall not be eligible to receive a broker's license.

(m) A non-resident dealer's license shall permit such licensee to ship into and warehouse alcoholic liquor into this State from any point outside of this State, and to sell such alcoholic liquor to Illinois licensed foreign importers and importing distributors and to no one else in this State; provided that said non-resident dealer shall register with the Illinois Liquor Control Commission each and every brand of alcoholic liquor which it proposes to sell to Illinois licensees during the license period; and further provided that it shall comply with all of the provisions of Section 6-9 hereof with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale.

(n) A brew pub license shall allow the licensee to manufacture beer only on the premises specified in

the license, to make sales of the beer manufactured on the premises to importing distributors, distributors, and to non-licensees for use and consumption, to store the beer upon the premises, and to sell and offer for sale at retail from the licensed premises, provided that a brew pub licensee shall not sell for off-premises consumption more than 50,000 gallons per year.

(o) A caterer retailer license shall allow the holder to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on or off-site whether licensed or unlicensed.

(p) An auction liquor license shall allow the licensee to sell and offer for sale at auction wine and spirits for use or consumption, or for resale by an Illinois liquor licensee in accordance with provisions of this Act. An auction liquor license will be issued to a person and it will permit the auction liquor licensee to hold the auction anywhere in the State. An auction liquor license must be obtained for each auction at least 14 days in advance of the auction date.

(q) A special use permit license shall allow an Illinois licensed retailer to transfer a portion of its alcoholic liquor inventory from its retail licensed premises to the premises specified in the license hereby created, and to sell or offer for sale at retail, only in the premises specified in the license hereby created, the transferred alcoholic liquor for use or consumption, but not for resale in any form. A special use permit license may be granted for the following time periods: one day or less; 2 or more days to a maximum of 15 days per location in any 12 month period. An applicant for the special use permit license must also submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance to the maximum limits and have local authority approval. (Source: P.A. 91-357, eff. 7-29-99; 92-105, eff. 1-1-02; 92-378, eff. 8-16-01; 92-651, eff. 7-11-02; 92-672, eff. 7-16-02.)
"; and
on page 2, below line 8, by inserting the following:

"(235 ILCS 5/5-3) (from Ch. 43, par. 118)

Sec. 5-3. License and permit fees. Except as otherwise provided herein, at the time application is made to the State Commission for a license or permit of any class, the applicant shall pay to the State Commission the fee hereinafter provided for the kind of license or permit applied for.

The fee for licenses and permits issued by the State Commission shall be as follows:

For a manufacturer's license:

$3,600

Class 1. Distiller ....

3,600

Class 2. Rectifier ....

900

Class 3. Brewer ....

600

Class 4. First-class Wine Manufacturer ....

Class 5. Second-class

1,200

Wine Manufacturer ....

600

Class 6. First-class wine-maker ....

1200

Class 7. Second-class wine-maker ....

120

Class 8. Limited Wine Manufacturer......................

1,050

For a Brew Pub License ....

200

For a caterer retailer's license.................

25

For a foreign importer's license ....

25

For an importing distributor's license	
For an importing distributor's supplemental storage permit..	150
For a distributor's license	270
For a non-resident dealer's license (500,000 gallons or over)	270
For a non-resident dealer's license (under 500,000 gallons)	90
For a wine-maker's premises license	100
For a wine-maker's premises license, second location	350
For a wine-maker's premises license, third location	350
For a retailer's license	175
For a special event retailer's license, (not-for-profit)	25
For a special use permit license, one day only	50
2 days or more	100
For a railroad license	60
For a boat license	180

For an airplane license, times the licensee's maximum number of aircraft in flight, serving liquor over the State at any given time, which either

originate, terminate, or make an intermediate stop in the State	60
For a non-beverage user's license:	
Class 1	24
Class 2	60
Class 3	120
Class 4	240
Class 5	600
For a broker's license	600
For an auction liquor license	50

Fees collected under this Section shall be paid into the Dram Shop Fund. Beginning June 30, 1990 and on June 30 of each subsequent year, any balance over $5,000,000 remaining in the Dram Shop Fund shall be credited to State liquor licensees and applied against their fees for State liquor licenses and permits for the following year. The amount credited to each licensee shall be a proportion of the balance in the Dram Fund that is the same as the proportion of the license and permit fees ~~fee~~ paid by the licensee under this Section for the period in which the balance was accumulated to the aggregate fees paid by all licensees during that period.

No fee shall be paid for licenses issued by the State Commission to the following non-beverage users:

(a) Hospitals, sanitariums, or clinics when their use of alcoholic liquor is exclusively medicinal, mechanical or scientific.

(b) Universities, colleges of learning or schools when their use of alcoholic liquor is exclusively medicinal, mechanical or scientific.

(c) Laboratories when their use is exclusively for the purpose of scientific research.

(Source: P.A. 91-25, eff. 6-9-99; 91-357, eff. 7-29-99; 92-378, eff. 8-16-01.) "; and
on page 16, below line 24, by inserting the following:

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

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 741 was placed on the Calendar on the order of Concurrence.

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

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

HOUSE BILL 1195

A bill for AN ACT in relation to fire protection.

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

Senate Amendment No. 1 to HOUSE BILL NO. 1195
Senate Amendment No. 3 to HOUSE BILL NO. 1195

Passed the Senate, as amended, May 9, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1195 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Fire Department Promotion Act.

Section 5. Definitions. In this Act:

"Affected department" or "department" means a full-time municipal fire department that is subject to a collective bargaining agreement or the fire department operated by a full-time fire protection district that is subject to a collective bargaining agreement. The terms do not include fire departments operated by the State, a university, or a municipality with a population over 1,000,000 or any unit of local government other than a municipality or fire protection district. The terms also do not include a combined department that was providing both police and firefighting services on January 1, 2002.

"Appointing authority" means the Board of Fire and Police Commissioners, Board of Fire Commissioners, Civil Service Commissioners, Superintendent or Department Head, Fire Protection District Board of Trustees, or other entity having the authority to administer and grant promotions in an affected department.

"Promotion" means any appointment or advancement to a rank within the affected department (1) for which an examination was required before January 1, 2001; (2) that is included within a bargaining unit; or (3) that is the next rank immediately above the highest rank included within a bargaining unit, provided such rank is not the only rank between the Fire Chief and the highest rank included within the bargaining unit, or is a rank otherwise accepted under item (i), (ii), (iii), (iv), or (v) of this definition "Promotion" does not include appointments (i) that are for fewer than 180 days; (ii) to the positions of Superintendent, Chief, or other chief executive officer; (iii) to an exclusively administrative or executive rank for which an examination is not required; (iv) to a rank that was exempted by a home rule municipality prior to January 1, 2001, provided that after the effective date of this Act no home rule municipality may exempt any future or existing ranks from the provisions of this Act; or (v) to an administrative rank immediately below the Superintendent, Chief, or other chief executive officer of an affected department, provided such rank shall not be held by more than 2 persons and there is a promoted rank immediately below it. Notwithstanding the exceptions to the definition of "promotion" set forth in items (i), (ii), (iii), (iv), and (v) of this definition, promotions shall include any appointments to ranks covered by the terms of a collective bargaining agreement in effect on the effective date of this Act.

"Preliminary promotion list" means the rank order of eligible candidates established in accordance with subsection (b) of Section 20 prior to applicable veteran's preference points. A person on the preliminary promotion list who is eligible for veteran's preference under the laws and agreements applicable to the appointing authority may file a written application for that preference within 10 days after the initial posting of the preliminary promotion list. The preference shall be calculated in accordance with Section 55 and applied as an addition to the person's total point score on the examination. The appointing authority shall make adjustments to the preliminary promotion list based on any veteran's preference claimed and the final adjusted promotion list shall then be posted by the appointing authority.

"Final adjusted promotion list" means the promotion list for the position that is in effect on the date the position is created or the vacancy occurs. If there is no final adjusted promotion list in effect for that position on that date, or if all persons on the current final adjusted promotion list for that position refuse the promotion, the affected department shall not make a permanent promotion until a new final adjusted promotion list has been prepared in accordance with this Act, but may make a temporary appointment to fill the vacancy. Temporary appointments shall not exceed 180 days.

Each component of the promotional test shall be scored on a scale of 100 points. The component scores shall then be reduced by the weighting factor assigned to the component on the test and the scores of all components shall be added to produce a total score based on a scale of 100 points.

Section 10. Applicability.

(a) This Act shall apply to all positions in an affected department, except those specifically excluded in items (i), (ii), (iii), (iv), and (v) of the definition of "promotion" in Section 5 unless such positions are covered by a collective bargaining agreement in force on the effective date of this Act. Existing promotion lists shall continue to be valid until their expiration dates, or up to a maximum of 3 years after the effective

date of this Act.

(b) Notwithstanding any statute, ordinance, rule, or other laws to the contrary, all promotions in an affected department to which this Act applies shall be administered in the manner provided for in this Act. Provisions of the Illinois Municipal Code, the Fire Protection District Act, municipal ordinances, or rules adopted pursuant to such authority and other laws relating to promotions in affected departments shall continue to apply to the extent they are compatible with this Act, but in the event of conflict between this Act and any other law, this Act shall control.

(c) A home rule or non-home rule municipality may not administer its fire department promotion process in a manner that is inconsistent with this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of the powers and functions exercised by the State.

(d) This Act is intended to serve as a minimum standard and shall be construed to authorize and not to limit:

(1) An appointing authority from establishing different or supplemental promotional criteria or components, provided that the criteria are job-related and applied uniformly to identify merit factors for the promotion of the candidate of the highest rank.

(2) The negotiation by an employer and an exclusive bargaining representative of clauses within a collective bargaining agreement relating to conditions of procedures for the promotion of employees who are members of bargaining units who are not specifically excluded under the definition of "promotion" in Section 10 of this Act.

(3) The negotiation by an employer and an exclusive bargaining representative of provisions within a collective bargaining agreement to achieve affirmative action objectives, provided that such clauses are consistent with applicable law.

Section 15. Promotion process.

(a) For the purpose of granting promotion to any rank to which this Act applies, the appointing authority shall from time to time, as necessary, administer a promotion process in accordance with this Act.

(b) Eligibility requirements to participate in the promotional process may include a minimum requirement as to the length of employment, education, training, and certification in subjects and skills related to fire fighting. After the effective date of this Act, any such eligibility requirements shall be published at least one year prior to the date of the beginning of the promotional process and all members of the affected department shall be given an equal opportunity to meet those eligibility requirements.

(c) All aspects of the promotion process shall be equally accessible to all eligible employees of the department. Every component of the testing and evaluation procedures shall be published to all eligible candidates when the announcement of promotional testing is made. The scores for each component of the testing and evaluation procedures shall be disclosed to each candidate as soon as practicable after the component is completed.

(d) The appointing authority shall provide a separate promotional examination for each rank that is filled by promotion. All examinations for promotion shall be competitive among the members of the next lower rank who meet the established eligibility requirements and desire to submit themselves to examination. The appointing authority may employ consultants to design and administer promotion examinations or may adopt any job-related examinations or study materials that may become available, so long as they comply with the requirements of this Act.

Section 20. Promotion lists.

(a) For the purpose of granting a promotion to any rank to which this Act applies, the appointing authority shall from time to time, as necessary, prepare a preliminary promotion list in accordance with this Act. The preliminary promotion list shall be distributed, posted, or otherwise made conveniently available by the appointing authority to all members of the department.

(b) A person's position on the preliminary promotion list shall be determined by a combination of factors which may include any of the following: (i) the person's score on the written examination for that rank, determined in accordance with Section 35; (ii) the person's seniority within the department, determined in accordance with Section 40; (iii) the person's ascertained merit, determined in accordance with Section 45; and (iv) the person's score on the subjective evaluation, determined in accordance with Section 50. Candidates shall be ranked on the list in rank order based on the highest to the lowest total points scored on all of the components of the test. Promotional components, as defined herein, shall be determined and administered in accordance with the referenced Section, unless otherwise modified or agreed to as provided by paragraph (1) or (2) of subsection (e) of Section 10. The use of physical criteria, including but not limited to fitness testing, agility testing, and medical evaluations, is specifically barred

from the promotion process.

(c) A person on the preliminary promotion list who is eligible for a veteran's preference under the laws and agreements applicable to the department may file a written application for that preference within 10 days after the initial posting of the preliminary promotion list. The preference shall be calculated as provided under Section 55 and added to the total score achieved by the candidate on the test. The appointing authority shall then make adjustments to the rank order of the preliminary promotion list based on any veteran's preferences awarded. The final adjusted promotion list shall then be distributed, posted, or otherwise made conveniently available by the appointing authority to all members of the department.

(d) Whenever a promotional rank is created or becomes vacant due to resignation, discharge, promotion, death, or the granting of a disability or retirement pension, or any other cause, the appointing authority shall appoint to that position the person with the highest ranking on the final promotion list for that rank, except that the appointing authority shall have the right to pass over that person and appoint the next highest ranked person on the list if the appointing authority has reason to conclude that the highest ranking person has demonstrated substantial shortcomings in work performance or has engaged in misconduct affecting the person's ability to perform the duties of the promoted rank since the posting of the promotion list. If the highest ranking person is passed over, the appointing authority shall document its reasons for its decision to select the next highest ranking person on the list. Unless the reasons for passing over the highest ranking person are not remedial, no person who is the highest ranking person on the list at the time of the vacancy shall be passed over more than once. Any dispute as to the selection of the first or second highest-ranking person shall be subject to resolution in accordance with any grievance procedure in effect covering the employee. Local authorities affected by this Section may agree to waive this Section and bargain on its contents.

A vacancy shall be deemed to occur in a position on the date upon which the position is vacated, and on that same date, a vacancy shall occur in all ranks inferior to that rank, provided that the position or positions continue to be funded and authorized by the corporate authorities. If a vacated position is not filled due to a lack of funding or authorization and is subsequently reinstated, the final promotion list shall be continued in effect until all positions vacated have been filled or for a period up to 5 years beginning from the date on which the position was vacated. In such event, the candidate or candidates who would have otherwise been promoted when the vacancy originally occurred shall be promoted.

Any candidate may refuse a promotion once without losing his or her position on the final adjusted promotion list. Any candidate who refuses promotion a second time shall be removed from the final adjusted promotion list, provided that such action shall not prejudice a person's opportunities to participate in future promotion examinations.

(e) A final adjusted promotion list shall remain valid and unaltered for a period of not less than 2 nor more than 3 years after the date of the initial posting. Integrated lists are prohibited and when a list expires it shall be void, except as provided in subsection (d) of this Section. If a promotion list is not in effect, a successor list shall be prepared and distributed within 180 days after a vacancy, as defined in subsection (d) of this Section.

(f) This Section 20 does not apply to the initial hiring list.

Section 25. Monitoring.

(a) All aspects of the promotion process, including without limitation the administration, scoring, and posting of scores for the written examination and subjective evaluation and the determination and posting of seniority and ascertained merit scores, shall be subject to monitoring and review in accordance with this Section and Sections 30 and 50.

(b) Two impartial persons who are not members of the affected department shall be selected to act as observers by the exclusive bargaining agent. The appointing authorities may also select 2 additional impartial observers.

(c) The observers monitoring the promotion process are authorized to be present and observe when any component of the test is administered or scored. Except as otherwise agreed to in a collective bargaining agreement, observers may not interfere with the promotion process, but shall promptly report any observed or suspected violation of the requirements of this Act or an applicable collective bargaining agreement to the appointing authority and all other affected parties.

(d) The provisions of this Section do not apply to the extent that they are inconsistent with provisions otherwise agreed to in a collective bargaining agreement.

Section 30. Promotion examination components. Promotion examinations that include components consisting of written examinations, seniority points, ascertained merit, or subjective evaluations shall be administered as provided in Sections 35, 40, 45 and 50. The weight, if any, that is given to any such

component included in a test may be set at the discretion of the appointing authority provided that such weight shall be subject to modification by the terms of any collective bargaining agreement in effect on the effective date of this Act or thereafter by negotiations between the employer and an exclusive bargaining representative. If the appointing authority establishes a minimum passing score, such score shall be announced prior to the date of the promotion process and it must be an aggregate of all components of the testing process. All candidates shall be allowed to participate in all components of the testing process irrespective of their score on any one component. The provisions of this Section do not apply to the extent that they are inconsistent with provisions otherwise agreed to in a collective bargaining agreement.

Section 35. Written examinations.

(a) The appointing authority may not condition eligibility to take the written examination on the candidate's score on any of the previous components of the examination. The written examination for a particular rank shall consist of matters relating to the duties regularly performed by persons holding that rank within the department. The examination shall be based only on the contents of written materials that the appointing authority has identified and made readily available to potential examinees at least 90 days before the examination is administered. The test questions and material must be pertinent to the particular rank for which the examination is being given. The written examination shall be administered after the determination and posting of the seniority list, ascertained merit points, and subjective evaluation scores. The written examination shall be administered, the test materials opened, and the results scored and tabulated.

(b) Written examinations shall be graded at the examination site on the day of the examination immediately upon completion of the test in front of the observers if such observers are appointed under Section 25, or if the tests are graded offsite by a bona fide testing agency, the observers shall witness the sealing and the shipping of the tests for grading and the subsequent opening of the scores upon the return from the testing agency. Every examinee shall have the right (i) to obtain his or her score on the examination on the day of the examination or upon the day of its return from the testing agency (or the appointing authority shall require the testing agency to mail the individual scores to any address submitted by the candidates on the day of the examination); and (ii) to review the answers to the examination that the examiners consider correct. The appointing authority may hold a review session after the examination for the purpose of gathering feedback on the examination from the candidates.

(c) Sample written examinations may be examined by the appointing authority and members of the department, but no person in the department or the appointing authority (including the Chief, Civil Service Commissioners, Board of Fire and Police Commissioners, Board of Fire Commissioners, or Fire Protection District Board of Trustees and other appointed or elected officials) may see or examine the specific questions on the actual written examination before the examination is administered. If a sample examination is used, actual test questions shall not be included. It is a violation of this Act for any member of the department or the appointing authority to obtain or divulge foreknowledge of the contents of the written examination before it is administered.

(d) Each department shall maintain reading and study materials for its current written examination and the reading list for the last 2 written examinations or for a period of 5 years, whichever is less, for each rank and shall make these materials available and accessible at each duty station.

(e) The provisions of this Section do not apply to the extent that they are in conflict with provisions otherwise agreed to in a collective bargaining agreement.

Section 40. Seniority points.

(a) Seniority points shall be based only upon service with the affected department and shall be calculated as of the date of the written examination. The weight of this component and its computation shall be determined by the appointing authority or through a collective bargaining agreement.

(b) A seniority list shall be posted before the written examination is given and before the preliminary promotion list is compiled. The seniority list shall include the seniority date, any breaks in service, the total number of eligible years, and the number of seniority points.

Section 45. Ascertained merit.

(a) The promotion test may include points for ascertained merit. Ascertained merit points may be awarded for education, training, and certification in subjects and skills related to the fire service. The basis for granting ascertained merit points, after the effective date of this Act, shall be published at least one year prior to the date ascertained merit points are awarded and all persons eligible to compete for promotion shall be given an equal opportunity to obtain ascertained merit points unless otherwise agreed to in a collective bargaining agreement.

(b) Total points awarded for ascertained merit shall be posted before the written examination is

administered and before the promotion list is compiled.

Section 50. Subjective evaluation.

(a) A promotion test may include subjective evaluation components. Subjective evaluations may include an oral interview, tactical evaluation, performance evaluation, or other component based on subjective evaluation of the examinee. The methods used for subjective evaluations may include using any employee assessment centers, evaluation systems, chief's points, or other methods.

(b) Any subjective component shall be identified to all candidates prior to its application, be job-related, and be applied uniformly to all candidates. Every examinee shall have the right to documentation of his or her score on the subjective component upon the completion of the subjective examination component or its application.

(c) Where chief's points or other subjective methods are employed that are not amenable to monitoring, monitors shall not be required, but any disputes as to the results of such methods shall be subject to resolution in accordance with any collectively bargained grievance procedure in effect at the time of the test.

(d) Where performance evaluations are used as a basis for promotions, they shall be given annually and made readily available to each candidate for review and they shall include any disagreement or documentation the employee provides to refute or contest the evaluation. These annual evaluations are not subject to grievance procedures.

(e) Total points awarded for subjective components shall be posted before the written examination is administered and before the promotion list is compiled.

Section 55. Veterans' preference. A person on a preliminary promotion list who is eligible for veteran's preference under any law or agreement applicable to an affected department may file a written application for that preference within 10 days after the initial posting of the preliminary promotion list. The veteran's preference shall be calculated as provided in the applicable law and added to the applicant's total score on the preliminary promotion list. Any person who has received a promotion from a promotion list on which his or her position was adjusted for veteran's preference, under this Act or any other law, shall not be eligible for any subsequent veteran's preference under this Act.

Section 60. Right to review. Any affected person or party who believes that an error has been made with respect to eligibility to take an examination, examination result, placement or position on a promotion list, or veteran's preference shall be entitled to a review of the matter by the appointing authority or as otherwise provided by law.

Section 65. Violations.

(a) A person who knowingly divulges or receives test questions or answers before a written examination, or otherwise knowingly violates or subverts any requirement of this Act commits a violation of this Act and may be subject to charges for official misconduct.

(b) A person who is the knowing recipient of test information in advance of the examination shall be disqualified from the promotion examination or demoted from the rank to which he was promoted, as applicable and otherwise subjected to disciplinary actions.

Section 900. The State Mandates Act is amended by adding Section 8.27 as follows:

(30 ILCS 805/8.27 new)

Sec. 8.27. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

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

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 1195, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Fire Department Promotion Act.

Section 5. Definitions. In this Act:

"Affected department" or "department" means a full-time municipal fire department that is subject to a collective bargaining agreement or the fire department operated by a full-time fire protection district. The terms do not include fire departments operated by the State, a university, or a municipality with a population over 1,000,000 or any unit of local government other than a municipality or fire protection district. The terms also do not include a combined department that was providing both police and firefighting services on January 1, 2002.

"Appointing authority" means the Board of Fire and Police Commissioners, Board of Fire

Commissioners, Civil Service Commissioners, Superintendent or Department Head, Fire Protection District Board of Trustees, or other entity having the authority to administer and grant promotions in an affected department.

"Promotion" means any appointment or advancement to a rank within the affected department (1) for which an examination was required before January 1, 2002; (2) that is included within a bargaining unit; or (3) that is the next rank immediately above the highest rank included within a bargaining unit, provided such rank is not the only rank between the Fire Chief and the highest rank included within the bargaining unit, or is a rank otherwise excepted under item (i), (ii), (iii), (iv), or (v) of this definition. "Promotion" does not include appointments (i) that are for fewer than 180 days; (ii) to the positions of Superintendent, Chief, or other chief executive officer; (iii) to an exclusively administrative or executive rank for which an examination is not required; (iv) to a rank that was exempted by a home rule municipality prior to January 1, 2002, provided that after the effective date of this Act no home rule municipality may exempt any future or existing ranks from the provisions of this Act; or (v) to an administrative rank immediately below the Superintendent, Chief, or other chief executive officer of an affected department, provided such rank shall not be held by more than 2 persons and there is a promoted rank immediately below it. Notwithstanding the exceptions to the definition of "promotion" set forth in items (i), (ii), (iii), (iv), and (v) of this definition, promotions shall include any appointments to ranks covered by the terms of a collective bargaining agreement in effect on the effective date of this Act.

"Preliminary promotion list" means the rank order of eligible candidates established in accordance with subsection (b) of Section 20 prior to applicable veteran's preference points. A person on the preliminary promotion list who is eligible for veteran's preference under the laws and agreements applicable to the appointing authority may file a written application for that preference within 10 days after the initial posting of the preliminary promotion list. The preference shall be calculated in accordance with Section 55 and applied as an addition to the person's total point score on the examination. The appointing authority shall make adjustments to the preliminary promotion list based on any veteran's preference claimed and the final adjusted promotion list shall then be posted by the appointing authority.

"Rank" means any position within the chain of command of a fire department to which employees are regularly assigned to perform duties related to providing fire suppression, fire prevention, or emergency services.

"Final adjusted promotion list" means the promotion list for the position that is in effect on the date the position is created or the vacancy occurs. If there is no final adjusted promotion list in effect for that position on that date, or if all persons on the current final adjusted promotion list for that position refuse the promotion, the affected department shall not make a permanent promotion until a new final adjusted promotion list has been prepared in accordance with this Act, but may make a temporary appointment to fill the vacancy. Temporary appointments shall not exceed 180 days.

Each component of the promotional test shall be scored on a scale of 100 points. The component scores shall then be reduced by the weighting factor assigned to the component on the test and the scores of all components shall be added to produce a total score based on a scale of 100 points.

Section 10. Applicability.

(a) This Act shall apply to all positions in an affected department, except those specifically excluded in items (i), (ii), (iii), (iv), and (v) of the definition of "promotion" in Section 5 unless such positions are covered by a collective bargaining agreement in force on the effective date of this Act. Existing promotion lists shall continue to be valid until their expiration dates, or up to a maximum of 3 years after the effective date of this Act.

(b) Notwithstanding any statute, ordinance, rule, or other laws to the contrary, all promotions in an affected department to which this Act applies shall be administered in the manner provided for in this Act. Provisions of the Illinois Municipal Code, the Fire Protection District Act, municipal ordinances, or rules adopted pursuant to such authority and other laws relating to promotions in affected departments shall continue to apply to the extent they are compatible with this Act, but in the event of conflict between this Act and any other law, this Act shall control.

(c) A home rule or non-home rule municipality may not administer its fire department promotion process in a manner that is inconsistent with this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of the powers and functions exercised by the State.

(d) This Act is intended to serve as a minimum standard and shall be construed to authorize and not to limit:

(1) An appointing authority from establishing different or supplemental promotional criteria or

components, provided that the criteria are job-related and applied uniformly.

(2) The negotiation by an employer and an exclusive bargaining representative of clauses within a collective bargaining agreement relating to conditions, criteria, or procedures for the promotion of employees who are members of bargaining units.

(3) The negotiation by an employer and an exclusive bargaining representative of provisions within a collective bargaining agreement to achieve affirmative action objectives, provided that such clauses are consistent with applicable law.

(e) Local authorities and exclusive bargaining agents affected by this Act may agree to waive one or more of its provisions and bargain on the contents of those provisions, provided that any such waivers shall be considered permissive subjects of bargaining.

Section 15. Promotion process.

(a) For the purpose of granting promotion to any rank to which this Act applies, the appointing authority shall from time to time, as necessary, administer a promotion process in accordance with this Act.

(b) Eligibility requirements to participate in the promotional process may include a minimum requirement as to the length of employment, education, training, and certification in subjects and skills related to fire fighting. After the effective date of this Act, any such eligibility requirements shall be published at least one year prior to the date of the beginning of the promotional process and all members of the affected department shall be given an equal opportunity to meet those eligibility requirements.

(c) All aspects of the promotion process shall be equally accessible to all eligible employees of the department. Every component of the testing and evaluation procedures shall be published to all eligible candidates when the announcement of promotional testing is made. The scores for each component of the testing and evaluation procedures shall be disclosed to each candidate as soon as practicable after the component is completed.

(d) The appointing authority shall provide a separate promotional examination for each rank that is filled by promotion. All examinations for promotion shall be competitive among the members of the next lower rank who meet the established eligibility requirements and desire to submit themselves to examination. The appointing authority may employ consultants to design and administer promotion examinations or may adopt any job-related examinations or study materials that may become available, so long as they comply with the requirements of this Act.

Section 20. Promotion lists.

(a) For the purpose of granting a promotion to any rank to which this Act applies, the appointing authority shall from time to time, as necessary, prepare a preliminary promotion list in accordance with this Act. The preliminary promotion list shall be distributed, posted, or otherwise made conveniently available by the appointing authority to all members of the department.

(b) A person's position on the preliminary promotion list shall be determined by a combination of factors which may include any of the following: (i) the person's score on the written examination for that rank, determined in accordance with Section 35; (ii) the person's seniority within the department, determined in accordance with Section 40; (iii) the person's ascertained merit, determined in accordance with Section 45; and (iv) the person's score on the subjective evaluation, determined in accordance with Section 50. Candidates shall be ranked on the list in rank order based on the highest to the lowest total points scored on all of the components of the test. Promotional components, as defined herein, shall be determined and administered in accordance with the referenced Section, unless otherwise modified or agreed to as provided by paragraph (1) or (2) of subsection (e) of Section 10. The use of physical criteria, including but not limited to fitness testing, agility testing, and medical evaluations, is specifically barred from the promotion process.

(c) A person on the preliminary promotion list who is eligible for a veteran's preference under the laws and agreements applicable to the department may file a written application for that preference within 10 days after the initial posting of the preliminary promotion list. The preference shall be calculated as provided under Section 55 and added to the total score achieved by the candidate on the test. The appointing authority shall then make adjustments to the rank order of the preliminary promotion list based on any veteran's preferences awarded. The final adjusted promotion list shall then be distributed, posted, or otherwise made conveniently available by the appointing authority to all members of the department.

(d) Whenever a promotional rank is created or becomes vacant due to resignation, discharge, promotion, death, or the granting of a disability or retirement pension, or any other cause, the appointing authority shall appoint to that position the person with the highest ranking on the final promotion list for that rank, except that the appointing authority shall have the right to pass over that person and appoint the next highest ranked person on the list if the appointing authority has reason to conclude that the highest

ranking person has demonstrated substantial shortcomings in work performance or has engaged in misconduct affecting the person's ability to perform the duties of the promoted rank since the posting of the promotion list. If the highest ranking person is passed over, the appointing authority shall document its reasons for its decision to select the next highest ranking person on the list. Unless the reasons for passing over the highest ranking person are not remedial, no person who is the highest ranking person on the list at the time of the vacancy shall be passed over more than once. Any dispute as to the selection of the first or second highest-ranking person shall be subject to resolution in accordance with any grievance procedure in effect covering the employee.

A vacancy shall be deemed to occur in a position on the date upon which the position is vacated, and on that same date, a vacancy shall occur in all ranks inferior to that rank, provided that the position or positions continue to be funded and authorized by the corporate authorities. If a vacated position is not filled due to a lack of funding or authorization and is subsequently reinstated, the final promotion list shall be continued in effect until all positions vacated have been filled or for a period up to 5 years beginning from the date on which the position was vacated. In such event, the candidate or candidates who would have otherwise been promoted when the vacancy originally occurred shall be promoted.

Any candidate may refuse a promotion once without losing his or her position on the final adjusted promotion list. Any candidate who refuses promotion a second time shall be removed from the final adjusted promotion list, provided that such action shall not prejudice a person's opportunities to participate in future promotion examinations.

(e) A final adjusted promotion list shall remain valid and unaltered for a period of not less than 2 nor more than 3 years after the date of the initial posting. Integrated lists are prohibited and when a list expires it shall be void, except as provided in subsection (d) of this Section. If a promotion list is not in effect, a successor list shall be prepared and distributed within 180 days after a vacancy, as defined in subsection (d) of this Section.

(f) This Section 20 does not apply to the initial hiring list.

Section 25. Monitoring.

(a) All aspects of the promotion process, including without limitation the administration, scoring, and posting of scores for the written examination and subjective evaluation and the determination and posting of seniority and ascertained merit scores, shall be subject to monitoring and review in accordance with this Section and Sections 30 and 50.

(b) Two impartial persons who are not members of the affected department shall be selected to act as observers by the exclusive bargaining agent. The appointing authorities may also select 2 additional impartial observers.

(c) The observers monitoring the promotion process are authorized to be present and observe when any component of the test is administered or scored. Except as otherwise agreed to in a collective bargaining agreement, observers may not interfere with the promotion process, but shall promptly report any observed or suspected violation of the requirements of this Act or an applicable collective bargaining agreement to the appointing authority and all other affected parties.

Section 30. Promotion examination components. Promotion examinations that include components consisting of written examinations, seniority points, ascertained merit, or subjective evaluations shall be administered as provided in Sections 35, 40, 45 and 50. The weight, if any, that is given to any component included in a test may be set at the discretion of the appointing authority provided that such weight shall be subject to modification by the terms of any collective bargaining agreement in effect on the effective date of this Act or thereafter by negotiations between the employer and an exclusive bargaining representative. If the appointing authority establishes a minimum passing score, such score shall be announced prior to the date of the promotion process and it must be an aggregate of all components of the testing process. All candidates shall be allowed to participate in all components of the testing process irrespective of their score on any one component.

Section 35. Written examinations.

(a) The appointing authority may not condition eligibility to take the written examination on the candidate's score on any of the previous components of the examination. The written examination for a particular rank shall consist of matters relating to the duties regularly performed by persons holding that rank within the department. The examination shall be based only on the contents of written materials that the appointing authority has identified and made readily available to potential examinees at least 90 days before the examination is administered. The test questions and material must be pertinent to the particular rank for which the examination is being given. The written examination shall be administered after the determination and posting of the seniority list, ascertained merit points, and subjective evaluation scores.

The written examination shall be administered, the test materials opened, and the results scored and tabulated.

(b) Written examinations shall be graded at the examination site on the day of the examination immediately upon completion of the test in front of the observers if such observers are appointed under Section 25, or if the tests are graded offsite by a bona fide testing agency, the observers shall witness the sealing and the shipping of the tests for grading and the subsequent opening of the scores upon the return from the testing agency. Every examinee shall have the right (i) to obtain his or her score on the examination on the day of the examination or upon the day of its return from the testing agency (or the appointing authority shall require the testing agency to mail the individual scores to any address submitted by the candidates on the day of the examination); and (ii) to review the answers to the examination that the examiners consider correct. The appointing authority may hold a review session after the examination for the purpose of gathering feedback on the examination from the candidates.

(c) Sample written examinations may be examined by the appointing authority and members of the department, but no person in the department or the appointing authority (including the Chief, Civil Service Commissioners, Board of Fire and Police Commissioners, Board of Fire Commissioners, or Fire Protection District Board of Trustees and other appointed or elected officials) may see or examine the specific questions on the actual written examination before the examination is administered. If a sample examination is used, actual test questions shall not be included. It is a violation of this Act for any member of the department or the appointing authority to obtain or divulge foreknowledge of the contents of the written examination before it is administered.

(d) Each department shall maintain reading and study materials for its current written examination and the reading list for the last 2 written examinations or for a period of 5 years, whichever is less, for each rank and shall make these materials available and accessible at each duty station.

Section 40. Seniority points.

(a) Seniority points shall be based only upon service with the affected department and shall be calculated as of the date of the written examination. The weight of this component and its computation shall be determined by the appointing authority or through a collective bargaining agreement.

(b) A seniority list shall be posted before the written examination is given and before the preliminary promotion list is compiled. The seniority list shall include the seniority date, any breaks in service, the total number of eligible years, and the number of seniority points.

Section 45. Ascertained merit.

(a) The promotion test may include points for ascertained merit. Ascertained merit points may be awarded for education, training, and certification in subjects and skills related to the fire service. The basis for granting ascertained merit points, after the effective date of this Act, shall be published at least one year prior to the date ascertained merit points are awarded and all persons eligible to compete for promotion shall be given an equal opportunity to obtain ascertained merit points unless otherwise agreed to in a collective bargaining agreement.

(b) Total points awarded for ascertained merit shall be posted before the written examination is administered and before the promotion list is compiled.

Section 50. Subjective evaluation.

(a) A promotion test may include subjective evaluation components. Subjective evaluations may include an oral interview, tactical evaluation, performance evaluation, or other component based on subjective evaluation of the examinee. The methods used for subjective evaluations may include using any employee assessment centers, evaluation systems, chief's points, or other methods.

(b) Any subjective component shall be identified to all candidates prior to its application, be job-related, and be applied uniformly to all candidates. Every examinee shall have the right to documentation of his or her score on the subjective component upon the completion of the subjective examination component or its application.

(c) Where chief's points or other subjective methods are employed that are not amenable to monitoring, monitors shall not be required, but any disputes as to the results of such methods shall be subject to resolution in accordance with any collectively bargained grievance procedure in effect at the time of the test.

(d) Where performance evaluations are used as a basis for promotions, they shall be given annually and made readily available to each candidate for review and they shall include any disagreement or documentation the employee provides to refute or contest the evaluation. These annual evaluations are not subject to grievance procedures, unless used for points in the promotion process.

(e) Total points awarded for subjective components shall be posted before the written examination is

administered and before the promotion list is compiled.

Section 55. Veterans' preference. A person on a preliminary promotion list who is eligible for veteran's preference under any law or agreement applicable to an affected department may file a written application for that preference within 10 days after the initial posting of the preliminary promotion list. The veteran's preference shall be calculated as provided in the applicable law and added to the applicant's total score on the preliminary promotion list. Any person who has received a promotion from a promotion list on which his or her position was adjusted for veteran's preference, under this Act or any other law, shall not be eligible for any subsequent veteran's preference under this Act.

Section 60. Right to review. Any affected person or party who believes that an error has been made with respect to eligibility to take an examination, examination result, placement or position on a promotion list, or veteran's preference shall be entitled to a review of the matter by the appointing authority or as otherwise provided by law.

Section 65. Violations.

(a) A person who knowingly divulges or receives test questions or answers before a written examination, or otherwise knowingly violates or subverts any requirement of this Act commits a violation of this Act and may be subject to charges for official misconduct.

(b) A person who is the knowing recipient of test information in advance of the examination shall be disqualified from the promotion examination or demoted from the rank to which he was promoted, as applicable and otherwise subjected to disciplinary actions.

Section 900. The State Mandates Act is amended by adding Section 8.27 as follows:

(30 ILCS 805/8.27 new)

Sec. 8.27. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

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

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 3 to HOUSE BILL 1195 was placed on the Calendar on the order of Concurrence.

REPORTS FROM STANDING COMMITTEES

Representative Mautino, Chairperson, from the Committee on Insurance to which the following were referred, action taken on May 8, 2003, and reported the same back with the following recommendations:

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate: SENATE BILL 318.

The committee roll call vote on Senate Bill 318 is as follows:
10, Yeas; 0, Nays; 0, Answering Present.

Y Mautino,Frank(D), Chairperson
Y Bradley,Richard(D)
Y Colvin,Marlow(D)
Y Dunn,Joe(R)
Y Osmond,JoAnn(R)
Y Parke,Terry(R), Republican Spokesperson
A Rita,Robert(D)
Y Berrios,Maria(D)
A Brady,Dan(R)
Y Dunkin,Kenneth(D)
A Mitchell,Bill(R)
A Pankau,Carole(R)
Y Phelps,Brandon(D)
Y Yarbrough,Karen(D), Vice-Chairperson

Representative Boland, Chairperson, from the Committee on Elections & Campaign Reform to which the following were referred, action taken on May 8, 2003, and reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 428.

The committee roll call vote on Senate Bill 428 is as follows:
7, Yeas; 0, Nays; 1, Answering Present.

Y Boland,Mike(D), Chairperson
Y Brady,Dan(R), Republican Spokesperson
Y Jakobsson,Naomi(D)
Y Jefferson,Charles(D), Vice-Chairperson
Y Nekritz,Elaine(D)
P Osmond,JoAnn(R) (Churchill)
Y Osterman,Harry(D) (Scully)
A Sullivan,Ed(R)
Y Wait,Ronald(R)

Representative Osterman, Chairperson, from the Committee on Local Government to which the following were referred, action taken on May 8, 2003, and reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 524.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 1126.

The committee roll call vote on Senate Bills 524 and 1126 is as follows:
13, Yeas; 0, Nays; 0, Answering Present.

Y Osterman,Harry(D), Chairperson
A Biggins,Bob(R)
Y Colvin,Marlow(D), Vice-Chairperson
Y Davis,William(D)
A Flider,Robert(D)
A Froehlich,Paul(R)
A Hartke,Charles(D)
Y Kelly,Robin(D)
Y Kurtz,Rosemary(R)
A Mathias,Sidney(R), Republican Spokesperson
Y Mautino,Frank(D)
A May,Karen(D)
A Meyer,James(R)
Y Mitchell,Bill(R)
Y Moffitt,Donald(R)
Y Nekritz,Elaine(D)
A Phelps,Brandon(D)
Y Pihos,Sandra(R)
Y Ryg,Kathleen(D)
Y Slone,Ricca(D)
A Sommer,Keith(R)
Y Watson,Jim(R) (Rose)

Representative Saviano, Chairperson, from the Committee on Registration & Regulation to which the following were referred, action taken on May 8, 2003, and reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 487.

The committee roll call vote on Senate Bill 487 is as follows:
10, Yeas; 0, Nays; 0, Answering Present.

Y Saviano,Angelo(R), Chairperson
Y Bradley,Richard(D)
Y Burke,Daniel(D)
Y Coulson,Elizabeth(R), Republican Spokesperson
A Davis,Monique(D)
A Davis,Steve(D)
Y Fritchey,John(D), Vice-Chairperson (McCarthy)
A Granberg,Kurt(D)
A Kosel,Renee(R)
A Krause,Carolyn(R)
A Lyons,Eileen(R)
Y McAuliffe,Michael(R)

Y Millner,John(R)
A Mulligan,Rosemary(R)
Y Novak,John(D)
Y Reitz,Dan(D)
Y Sullivan,Ed(R)

Representative Molaro, Chairperson, from the Committee on Revenue to which the following were referred, action taken on May 8, 2003, and reported the same back with the following recommendations:

That the bills be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 505 and 1378.

That the bills be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 1373 and 1883.

The committee roll call vote on Senate Bill 1373 is as follows:
6, Yeas; 3, Nays; 0, Answering Present.

Y Molaro,Robert(D), Chairperson
N Beaubien,Mark(R), Republican Spokesperson
Y Biggins,Bob(R)
Y Currie,Barbara(D), Vice-Chairperson
Y Hannig,Gary(D)
Y Lang,Lou(D)
N Pankau,Carole(R)
N Sullivan,Ed(R)
Y Turner,Arthur(D)

The committee roll call vote on Senate Bill 1883 is as follows:
7, Yeas; 0, Nays; 0, Answering Present.

Y Molaro,Robert(D), Chairperson
Y Beaubien,Mark(R), Republican Spokesperson
A Biggins,Bob(R)
Y Currie,Barbara(D), Vice-Chairperson
Y Hannig,Gary(D)
Y Lang,Lou(D)
A Pankau,Carole(R)
Y Sullivan,Ed(R)
Y Turner,Arthur(D)

The committee roll call vote on Senate Bills 505 and 1378 is as follows:
5, Yeas; 0, Nays; 0, Answering Present.

Y Molaro,Robert(D), Chairperson
Y Beaubien,Mark(R), Republican Spokesperson
A Biggins,Bob(R)
A Currie,Barbara(D), Vice-Chairperson
Y Hannig,Gary(D)
A Lang,Lou(D)
A Pankau,Carole(R)
Y Sullivan,Ed(R)
Y Turner,Arthur(D)

Representative Bradley, Chairperson, from the Committee on Personnel & Pensions to which the following were referred, action taken on May 8, 2003, and reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 1638.

The committee roll call vote on Senate Bill 1638 is as follows:
7, Yeas; 0, Nays; 0, Answering Present.

Y Bradley,Richard(D), Chairperson
Y Brauer,Rich(R)
Y Colvin,Marlow(D)
Y Leitch,David(R)
Y McCarthy,Kevin(D)
Y Poe,Raymond(R), Republican Spokesperson

Y Reitz,Dan(D), Vice-Chairperson
A Schmitz,Timothy(R)
A Smith,Michael(D)

Representative Burke, Chairperson, from the Committee on Executive to which the following were referred, action taken on May 8, 2003, and reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 802.

The committee roll call vote on Senate Bill 802 is as follows:
9, Yeas; 3, Nays; 0, Answering Present.

Y Burke,Daniel(D), Chairperson
Y Acevedo,Edward(D)
N Biggins,Bob(R)
Y Bradley,Richard(D), Vice-Chairperson
Y Capparelli,Ralph(D)
N Hassert,Brent(R) (Krause)
Y Jones,Lovana(D)
Y McKeon,Larry(D)
Y Molaro,Robert(D)
N Pankau,Carole(R), Republican Spokesperson
Y Saviano,Angelo(R)
Y Wirsing,David(R)

Representative Hoffman, Chairperson, from the Committee on Transportation & Motor Vehicles to which the following were referred, action taken on May 8, 2003, and reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Standard Debate: SENATE BILL 1408.

The committee roll call vote on Senate Bill 1408 is as follows:
11, Yeas; 0, Nays; 0, Answering Present.

Y Hoffman,Jay(D), Chairperson
A Bassi,Suzanne(R)
Y Black,William(R)
A Brosnahan,James(D)
Y Forby,Gary(D)
A Fritchey,John(D)
A Joyce,Kevin(D)
Y Lyons,Joseph(D)
A Mathias,Sidney(R)
A McAuliffe,Michael(R)
Y Miller,David(D), Vice-Chairperson
A Millner,John(R)
Y Moffitt,Donald(R) (Eddy)
A Molaro,Robert(D)
Y O'Brien,Mary(D)
Y Reitz,Dan(D)
Y Soto,Cynthia(D)
Y Tenhouse,Art(R)
A Wait,Ronald(R), Republican Spokesperson
Y Watson,Jim(R) (Winters)

Representative McAuliffe, Chairperson, from the Committee on Veterans Affairs to which the following were referred, action taken on May 8, 2003, and reported the same back with the following recommendations:

That the bills be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 1069 and 1668.

The committee roll call vote on Senate Bills 1069 and 1668 is as follows:
14, Yeas; 0, Nays; 0, Answering Present.

Y McAuliffe,Michael(R), Chairperson
Y Acevedo,Edward(D)

Y Bost,Mike(R)
Y Flider,Robert(D)
Y Hartke,Charles(D) (Grunloh)
Y Meyer,James(R)
Y Novak,John(D)
Y Sacia,Jim(R)
A Stephens,Ron(R)
Y Chapa LaVia,Linda(D)
Y Fritchey,John(D)
Y Mautino,Frank(D), Vice-Chairperson
A Moffitt,Donald(R)
Y Phelps,Brandon(D)
Y Sommer,Keith(R), Republican Spokesperson
Y Watson,Jim(R)

Representative Lang, Chairperson, from the Committee on Gaming to which the following were referred, action taken on May 8, 2003, and reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 143.

The committee roll call vote on House Bill 143 is as follows:
8, Yeas; 2, Nays; 2, Answering Present.

Y Lang,Lou(D), Chairperson
Y Berrios,Maria(D)
Y Capparelli,Ralph(D)
N Dunn,Joe(R)
Y Molaro,Robert(D), Vice-Chairperson
Y Rita,Robert(D)
Y Scully,George(D)
P Beaubien,Mark(R)
Y Boland,Mike(D)
Y Dunkin,Kenneth(D)
P Hassert,Brent(R)
A Pankau,Carole(R)
N Schmitz,Timothy(R)
A Stephens,Ron(R), Republican Spokesperson

Representative Joseph Lyons, Chairperson, from the Committee on Financial Institutions to which the following were referred, action taken on May 8, 2003, and reported the same back with the following recommendations:

That the bills be reported "do pass" and be placed on the order of Second Reading-- Standard Debate: SENATE BILLS 24 and 1095.

The committee roll call vote on Senate Bills 24 and 1095 is as follows:
10, Yeas; 0, Nays; 0, Answering Present.

Y Lyons,Joseph(D), Chairperson
A Burke,Daniel(D), Vice-Chairperson
A Davis,Monique(D)
A Dunn,Joe(R)
Y Holbrook,Thomas(D)
Y Jones,Lovana(D)
Y Mathias,Sidney(R)
Y Meyer,James(R)
A Molaro,Robert(D)
Y Bellock,Patricia(R)
A Capparelli,Ralph(D)
Y Davis,Steve(D)
A Giles,Calvin(D)
Y Hultgren,Randall(R)
A Kosel,Renee(R)
A McAuliffe,Michael(R)
Y Mitchell,Bill(R), Republican Spokesperson
Y Morrow,Charles(D)

Representative Brosnahan, Chairperson, from the Committee on Consumer Protection to which the following were referred, action taken on May 8, 2003, and reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 1116.

The committee roll call vote on Senate Bill 1116 is as follows:
7, Yeas; 0, Nays; 0, Answering Present.

Y Brosnahan,James(D), Chairperson
A McCarthy,Kevin(D), Vice-Chairperson
Y Mendoza,Susana(D) (Jones, Lou)
A Parke,Terry(R)
Y Rita,Robert(D)
Y Washington,Eddie(D)
A Churchill,Robert(R)
A McGuire,Jack(D)
Y Millner,John(R)
Y Pihos,Sandra(R)
Y Tenhouse,Art(R), Republican Spokesperson

RESOLUTIONS

The following resolutions were offered and placed in the Committee on Rules.

HOUSE RESOLUTION 280

Offered by Representative Chapa LaVia:

WHEREAS, Funding for Department of Veterans Affairs (VA) health care under the federal budget is a discretionary program, meaning that it is within the discretion of Congress to determine how much money it will allocate each year for veterans' health care; and

WHEREAS, Title 38, United States Code, section 1710(a), provides that the Secretary of Veterans Affairs "shall" furnish hospital care and medical services, but only to the extent that Congress has provided money to cover the costs of care; and

WHEREAS, Veterans have earned the right to VA medical care through their extraordinary sacrifices and service to this nation; and

WHEREAS, The cumulative effects of insufficient health care funding have now resulted in the rationing of health care; and

WHEREAS, The VA has reached capacity at many of its health care facilities and is unable to provide timely access to quality health care; and

WHEREAS, The annual shortfall in the VA medical care budget translates directly into higher national health care expenditures; and

WHEREAS, When veterans cannot get needed health care services from the VA, they go elsewhere and the cost of care is shifted to state welfare and Medicaid programs or other safety net hospitals where society pays more and the patient suffers; and

WHEREAS, The Veterans Health Administration is the most efficient and cost effective health care system providing care for 25 percent to 30 percent less than comparable Medicare rates; and

WHEREAS, Even though the VA serves a population of veterans that is older, sicker, and has a higher prevalence of mental and behavioral problems, it does so at well below Medicare rates; and

WHEREAS, Many veterans need and depend on the VA health care system and its specialized services in prosthetics, post traumatic stress disorder, spinal cord injury, and blind rehabilitation to treat their service-connected disabilities and meet their unique health care needs; and

WHEREAS, It is disingenuous for our government to promise health care to veterans but then make it unattainable because of inadequate funding; and

WHEREAS, Making veterans' health care mandatory would ensure the government meet its obligation to provide timely, quality health care to all veterans eligible for care in the VA health care system; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we hereby urge the United States Congress to amend Title 38 of the United States Code to provide a guaranteed level of funding for veterans health care with mandatory funding; and be it further

RESOLVED, That copies of this resolution be presented to the President of the United States, the Senate Majority and Minority Leaders of the U.S. Congress, the Speaker and the Minority Leader of the House, the Committee Chairman of the Senate Veterans' Affairs Committee, the House Veterans' Affairs Committee Chairman, and each member of the Illinois Congressional delegation.

HOUSE RESOLUTION 291

Offered by Representative Granberg:

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Auditor General of the State of Illinois must conduct a financial audit, management audit, and program audit of the Rend Lake Conservancy District and file a certified copy of the report of the audits with the Governor and with the Legislative Audit Commission; and be it further

RESOLVED, that the Rend Lake Conservancy District must reimburse the Auditor General for the cost of the audits.

HOUSE JOINT RESOLUTION 34

Offered by Representative Turner:

WHEREAS, Organs and tissues from a single donor can help more than 50 individuals; and

WHEREAS, Nationally, 17 people die every day waiting for a lifesaving organ transplant, and every 13 minutes another individual is added to the national transplant waiting list; and

WHEREAS, More than 13,000 Illinois citizens have received organ transplants since 1987; and

WHEREAS, In the year 2002, more than 900 organ transplants were performed in Illinois and there were 4,584 men, women, and children on the waiting list at the end of the year; and

WHEREAS, More than 300 people in the State died last year while waiting for an organ transplant; and

WHEREAS, The Illinois Organ/Tissue Donor Registry, operated by the Secretary of State, is one of the most successful registries in the United States, and it makes use of the Illinois driver's license and identification card database to identify individuals who are willing to be an organ or tissue donor; and

WHEREAS, First Person Consent provides an additional method to document the wishes of individuals to donate organs or tissues, or both; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there is created an Illinois First Person Consent Task Force for the purpose of examining current Illinois statutes and programs regarding organ/tissue donation and making recommendations to the General Assembly concerning First Person Consent; and be it further

RESOLVED, That the Illinois First Person Consent Task Force shall consist of the following members: 2 members of the Illinois House of Representatives, one of whom is appointed by the Speaker of the House and one of whom is appointed by the Minority Leader of the House; 2 members of the Illinois Senate, one of whom is appointed by the President of the Senate and one of whom is appointed by the Minority Leader of the Senate; and one representative from each of the following agencies and organizations as designated by their leadership:

(1) The Secretary of State or his designee,
(2) The Director of the Department of Public Health or his designee,
(3) The Gift of Hope Organ and Tissue Donor Network,
(4) The Mid-America Transplant Services,
(5) The Illinois Eye Bank,
(6) The Illinois State Medical Society,
(7) The American Red Cross,
(8) The Illinois Nurses Association,
(9) The Illinois Hospital Association, and
(10) The University of Chicago; and be it further

RESOLVED, That the private sector members shall serve on a voluntary basis and shall be responsible for any costs associated with their participation in the Illinois First Person Consent Task Force; and be it further

RESOLVED, That the Secretary of State or his designee shall serve as the chairperson of the First Person Task Force, that all members of the Illinois First Person Consent Task Force shall be considered to

be members with voting rights, that a quorum of the Task Force shall consist of a majority of the members of the Task Force, and that all actions and recommendations of the Task Force be approved by a simple majority of the members of the Task Force; and be it further

RESOLVED, That the Illinois First Person Consent Task Force shall meet at the call of the chairperson and shall receive the assistance of legislative staff; and be it further

RESOLVED, That the Illinois First Person Consent Task Force shall summarize its findings within a proposal that may be incorporated into legislation and shall recommend how to efficiently and cost-effectively implement such legislation in a report to the General Assembly no later than December 31, 2003.

INTRODUCTION AND FIRST READING OF BILLS

The following bills were introduced, read by title a first time, ordered printed and placed in the Committee on Rules:

HOUSE BILL 3797. Introduced by Representative Smith, AN ACT in relation to public employee benefits.

HOUSE BILL 3798. Introduced by Representative Holbrook, AN ACT concerning unemployment insurance.

HOUSE BILL 3808. Introduced by Representative Mitchell, Bill, AN ACT in relation to support.

AGREED RESOLUTIONS

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

HOUSE RESOLUTION 279

Offered by Representative Cross:

WHEREAS, The members of the House of Representatives of the State of Illinois have been made aware of the retirement of Robert Wunsch as Chief of Police for the Village of Oswego; and

WHEREAS, Chief Wunsch has served in the Oswego Police Department since 1974, beginning as the fourth full-time officer employed by the village which now has 37 police officers; and

WHEREAS, Chief Wunsch began as a patrol officer, advanced to the rank of Sergeant in 1977, became Captain in 1978, and was appointed Police Chief in 1983; and

WHEREAS, Chief Wunsch served as the first president of the Kendall County Association of Chiefs of Police, remaining an active member of that organization; and

WHEREAS, Chief Wunsch has been an active member of the Illinois Association of Chiefs of Police and the Illinois Police Association; and

WHEREAS, Chief Wunsch is an alumni of the F.B.I. National Academy; and

WHEREAS, Chief Wunsch has served five village presidents in Oswego, which has grown from a population of 3,000 to more than 16,000 during Wunsch's tenure; and

WHEREAS, Chief Wunsch has remained in the community his entire tenure due to his frequently-expressed love of the Oswego area; and

WHEREAS, Chief Wunsch administered the move of the police station from the Village Hall to its current headquarters on Route 34; and

WHEREAS, Chief Wunsch has established crime prevention programs including school liaison officers, DARE programs in local schools, Internet computer investigations, Neighborhood Watch, and bicycle patrol; and

WHEREAS, Chief Wunsch has been repeatedly recognized by his community for his outstanding leadership; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that together with his officers, his village board and its employees, his friends, family, colleagues, and community, we salute the accomplishments of Chief Robert

Wunsch and wish him a joyful and meaningful retirement that is well-deserved; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Chief Robert Wunsch as a token of our appreciation for his service.

HOUSE RESOLUTION 281

Offered by Representatives Bellock, Coulson, Currie, Delgado, Feigenholtz, Hamos, Howard, Kosel, Osterman, Pankau, Tenhouse and Turner:

WHEREAS, The members of the House of Representatives of the State of Illinois wish to congratulate Jess McDonald on the occasion of his retirement as the Director of Children and Family Services after 9 years of service; and

WHEREAS, Mr. McDonald was appointed Director of Children and Family Services by Governor George Ryan and has served continuously since June 2, 1994; as Director, Mr. McDonald was responsible for overseeing the activities of a $1.3 billion cabinet level child welfare agency serving 32,000 children; and

WHEREAS, Mr. McDonald has served as a DCFS caseworker, legislative analyst for the Appropriations and Human Resources Committee of the Illinois House of Representatives, Executive Deputy Director of DCFS, chief of the Health and Social Services Division in the Illinois Bureau of the Budget, and the Governor's Assistant for Human Services; he served as Executive Director for the Illinois Association of Community Mental Health Agencies from January 1991 to March 1992; in March of 1992, Governor Edgar named Mr. McDonald the Director of Mental Health and Developmental Disabilities to spearhead major reforms at that agency, and he held that position until he became Director of DCFS; and

WHEREAS, Under Director McDonald's leadership, the Illinois DCFS received several accolades including the Adoption 2002 Excellence Award in Increased Adoptions by the U.S. Department of Health and Human Services for 1998 and 1999; accredited agency status from the Council on Accreditation for Children and Family Services in 2000; the Innovations in American Government Award for performance contracting in child welfare, sponsored by Harvard University and the Ford Foundation; and it was named State Agency of the Year by the National Foster Parent Association in 1998; and

WHEREAS, Mr. McDonald holds a bachelor's degree from Illinois State University, a master's degree from the University of Chicago School of Social Service Administration, and he participated in Harvard University's John F. Kennedy School of Government Program for Senior Executives in State and Local Government; and

WHEREAS, Mr. McDonald is a member of several professional organizations including the Executive Committee of the National Association of Public Child Welfare Administrators, chair of the Child and Family Services Committee of the American Public Human Services Association, and the Board of the Council on Social Work Education; he had previously served as the co-chair of the American Public Human Services Association Child Welfare Financing Workgroup and served on the U.S. Department of Health and Human Services National Consultation Workgroup on Child Welfare Outcome Measures; and

WHEREAS, Mr. McDonald valiantly served his country in the U.S. Army from 1964 until 1966 with a tour in Vietnam from 1965 to 1966; and

WHEREAS, Mr. McDonald is the recipient of numerous individual awards including the Citizen of the Year Award from the National Association of Social Workers Illinois Chapter Southern Illinois District in 2002; the University of Chicago Professional Achievement Citation in 1999; the Service and Recognition Award for Outstanding Service to Foster Parents in Illinois from the National Foster Parent Association, Inc. in 1998; the Social Worker of the Year Award from the Springfield Illinois Chapter of the National Association of Social Workers in 1998; the Motorola Award for Excellence in Public Services in 1997; and the Award of Excellence in Public Child Welfare Administration from the National Association of Public Child Welfare Administrators in 1996; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we commend Director Jess McDonald on his hard work and dedication to the children of Illinois and congratulate him on the occasion of his retirement after nine years of service as the Director of Children and Family Services; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Jess McDonald as a token of our respect and esteem and with best wishes for his future endeavors.

HOUSE RESOLUTION 282

Offered by Representative Morrow:

WHEREAS, The members of the House of Representatives of the State of Illinois were saddened to learn of the death of Mary Lee Powers on April 5, 2003; and

WHEREAS, Mary Lee Powers was born on July 2, 1922, in Chicago, Illinois, to the union of Richard G. Parker and Viola Weekly; and

WHEREAS, Mrs. Powers met and married Herman Powers, a union that lasted 61 years; they devoted their lives in raising Theza, Herman Jr., William David, and Jerry; and

WHEREAS, Mrs. Powers dedicated her life to Jehovah God and symbolized her dedication through water baptism on April 3, 1952; she was a faithful Kingdom Preacher, aiding many to embrace the truth; and

WHEREAS, Mary Lee Powers leaves to cherish her memories her loving husband, Herman; her children, Theza (Philip) Powell, Herman Jr. (Peggy) Powers, William David (Dorothy) Powers, and Jerry (Rhonda) Powers; her mother-in-law, Carrie Powers; her niece, Jill (Cassius) Trotter; her nephew, Dr. Frank Parker, Jr. (Sonya); and her many grandchildren, great grandchildren, other relatives and friends, especially her dearest friend of many years, Helen Stevens; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of Mary Lee Powers and express our sincere and deepest sympathy to her family and friends; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Mary Lee Powers as an expression of our condolenced during their time of bereavement.

HOUSE RESOLUTION 283

Offered by Representative Slone:

WHEREAS, The members of the Illinois House of Representatives wish to congratulate Lorene Ramsey upon her retirement as coach of the Illinois Central College Women's basketball team; and

WHEREAS, The team won the school's fifth NJCAA Division II national title; and

WHEREAS, Coach Ramsey has the most wins of any women's basketball coach at a collegiate level, with a career record of 887 wins and 197 losses in 33 seasons; and

WHEREAS, This was Coach Ramsey's seventh national title, including two in NJCAA Division I softball; and

WHEREAS, In June, 2000 Coach Ramsey was part of the second class inducted into the Women's Basketball Hall of Fame in Knoxville, Tennessee; Coach Ramsey has won National Coach of the Year five times; has coached 22 All Americans, and a total of 2,244 games at ICC; and

WHEREAS, During their season, the Cougars displayed outstanding sportsmanship and represented their school and their community with distinction; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Coach Lorene Ramsey and extend to her our sincere wishes for continued success in all of her future endeavors; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Coach Lorene Ramsey as an expression of our respect and esteem.

HOUSE RESOLUTION 284

Offered by Representatives Flider and Bill Mitchell:

WHEREAS, The members of the House of Representatives of the State of Illinois wish to congratulate Ronald E. James of Decatur on the occasion of his retirement on May 31, 2003 after 37 years of service to National City Bank and its predecessors; and

WHEREAS, For the last three years, Mr. James has served as community bank president for Decatur

and Macon County; previously, he was vice president, commercial lending for National City; he is known for developing customer relationships and bringing the value of hometown service to the forefront of daily banking; and

WHEREAS, A number of accomplishments mark Mr. James's career, including the coordination of financing to move the Heritage Behavioral Health Center into downtown Decatur and the assistance with the Decatur Sports Foundation in the building of the Borg-Warner Sports Complex; on May 2, 2001, Governor George Ryan proclaimed that date "Ronald E. James Day" in Illinois, and Decatur Mayor Terry Howley followed suit with "Ron James Day" in Decatur; and

WHEREAS, Mr. James is a native and lifetime resident of Decatur; he received his bachelor's degree from Millikin University; he completed the certification program of the Graduate School of Banking, University of Virginia, in Charlottesville, Virginia; and

WHEREAS, Mr. James is extensively involved in community activities including serving as board president of the Heritage Behavioral Health Center, Junior Achievement, and the Decatur AMBUCS; he has served as a board member of the Decatur Sports Foundation, treasurer of the Warrensburg-Latham Educational Foundation, a director of the Prairieland Service Coordination, and is currently a member of the Decatur Metro Chamber of Commerce; and

WHEREAS, Mr. James and his wife of 39 years, Eileen, have two daughters, Melinda Reuter and Cynthia James; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we offer our heartiest congratulations to Ronald E. James on the occasion of his retirement after 37 years of service at National City Bank and its predecessors; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Ronald E. James as an expression of our respect and esteem and with warmest wishes for a relaxing retirement.

HOUSE RESOLUTION 285

Offered by Representative Jakobsson:

WHEREAS, It has come to our attention that Jim Luecking of Champaign is retiring from his position as City of Champaign Chief of Police after 30 years of service with the department and two years as chief; and

WHEREAS, Chief Luecking graduated from the University of Illinois at Urbana-Champaign in 1973; and

WHEREAS, Chief Luecking has made community policing, traffic enforcement, and liquor enforcement priorities during his tenure of leading the force; both the violent crime citywide and on campus, as well as the accident rate have been reduced during his term as chief; and

WHEREAS, Chief Luecking has aggressively worked on racial communication and understanding by participating in community-wide study circles on interracial relations; and

WHEREAS, Chief Luecking has earned the esteem of the entire community he serves and the respect of his colleagues; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Jim Luecking on his retirement as the City of Champaign Police Chief and wish him well in the future; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Chief Jim Luecking as a token of our respect and esteem.

HOUSE RESOLUTION 286

Offered by Representative Jakobsson:

WHEREAS, It has come to our attention that Karl Hess, University of Illinois Professor and resident of Champaign, has been recognized for his excellent scientific contributions by being elected to the National Academy of Sciences; and

WHEREAS, Professor Hess holds the Swanlund Endowed Chair in Electrical and Computer

Engineering; he is also a professor with the Center for Advanced Study and a research scientist with the National Center for Supercomputing Applications at the University of Illinois; and

WHEREAS, Professor Hess' research involves semi-conductor physics, computational electronics, and super computing applications; he received his doctorate degree from the University of Vienna; and

WHEREAS, Professor Hess has made major contributions throughout his career to high field transport in semi-conductors; he has proven to be a leader in his field of electrical engineering; he has also been elected to the National Academy of Engineering; and

WHEREAS, Professor Hess was among the select group to propose the founding of the Beckman Institute at the University of Illinois; and

WHEREAS, Professor Hess has earned the esteem of the science community he serves and the respect of his colleagues; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY- THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Professor Hess on the recognition of his important scientific contributions and his election to the National Academy of Sciences; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Professor Karl Hess as a token of our respect and esteem.

HOUSE RESOLUTION 287

Offered by Representative Jakobsson:

WHEREAS, It has come to our attention that Dale Van Harlingen, University of Illinois Professor and resident of Champaign, has been recognized for his excellent scientific contributions by being elected to the National Academy of Sciences; and

WHEREAS, Professor Van Harlingen is a research professor of physics in the Materials Research Laboratory and the Micro and Nanotechnology Laboratory at the University of Illinois; and

WHEREAS, Professor Van Harlingen's research involves experimental low temperature physics, superconductivity, and microfabrication of superconductor devices; he received his bachelor's and doctorate degrees from the Ohio State University; and

WHEREAS, Professor Van Harlingen has made major contributions throughout his career to the understanding of the behavior of materials which are superconducting and quantum information; he has proven to be a leader in the field of physics; and

WHEREAS, Professor Van Harlingen has earned the esteem of the science community he serves and the respect of his colleagues; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Professor Dale Van Harlingen on the recognition of his important scientific contributions and his election to the National Academy of Sciences; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Professor Dale Van Harlingen as a token of our respect and esteem.

HOUSE RESOLUTION 288

Offered by Representative Jakobsson:

WHEREAS, It has come to our attention that Peter Beak, University of Illinois Professor and resident of Urbana, has been elected to the National Academy of Sciences; and

WHEREAS, Professor Beak is the Roger Adams Professor of Chemistry at the University of Illinois; his research involves synthetic, structural and mechanistic organic chemistry, and new reaction processes; he holds a bachelor's degree from Harvard University and a doctorate from Iowa State University; and

WHEREAS, Professor Beak has made major contributions throughout his career in physical organic chemistry and organic synthesis; he has proven to be a leader in his field of organic chemistry; and

WHEREAS, Professor Beak has established himself as an excellent teacher at the University of Illinois; he has played an important role as a trainer and mentor of young researchers; and

WHEREAS, Professor Beak has earned the esteem of the science community he serves and the respect of his colleagues; and

WHEREAS, Professor Beak is married to Sandy Beak, also of Urbana; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY- THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Professor of Chemistry Peter Beak on the recognition of his important scientific contributions and his election to the National Academy of Sciences; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Professor Peter Beak as a token of our respect and esteem.

HOUSE RESOLUTION 289

Offered by Representatives Cross and Hassert:

WHEREAS, The members of the Illinois House of Representatives wish to congratulate the Lewis University Flyers Men's Volleyball team on winning the NCAA national title at The Pyramid in Long Beach, California on May 3, 2003; and

WHEREAS, The Flyers became the first NCAA Division II school and the first school from the Midwest Intercollegiate Volleyball Association (MIVA) to win the men's NCAA volleyball championship; and

WHEREAS, The championship is the first NCAA major national title for schools from the Chicago area since Loyola University won the 1963 basketball championship; and

WHEREAS, The Flyers won the championship with a dramatic 3-2 5-set victory (42-44, 30-27, 30-27, 23-30, 15-12) over the number one seeded Brigham Young University Cougars; and

WHEREAS, Lewis was ranked number four in the nation coming into the tournament; and

WHEREAS, Lewis advanced to the Championship match with a victory over Pepperdine, the number two team in the nation, in the NCAA semifinals; and

WHEREAS, Under the leadership of Head Coach Dave Deuser, Assistant Coach Ryan McNeil, and Student Manager John Sullivan, the team ended the season with an impressive 29-5 record, including victories over Penn State, Loyola, UCLA, Stanford, and Ohio State; and

WHEREAS, The members of the team are: Enrique Escalante, Jose Castellano, Alex Karjavine, Weyni Johnson, Jeff Soler, Matt Mueller, Ryan Stuntz, Fabiano Barreto, Gustavo Meyer, Kevin Miller, Brandon Sisk, Marco Quintana, Greg Pochopien, James Elsea (Captain), and Jose Martins (Captain); and

WHEREAS, Ryan Stuntz, Fabiano Barreto, and Gustavo Meyer were named to the all-NCAA tournament team and Meyer was chosen as the tournament's most valuable player; and

WHEREAS, Meyer finished with 21 kills, Barreto had 18 kills, Stuntz had 15 digs, and Martins had 55 assists for the Flyers in the Championship match; and

WHEREAS, In its ten year history, the men's volleyball team has been incredibly successful, reaching the national semifinals three times, losing to UCLA in 1996 and 1998; and

WHEREAS, Lewis University, which began as an aeronautical school, is a Catholic and Lasallian university where aviation continues to be a hallmark program; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINENTY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the team members and coaches of the Lewis University Men's Volleyball Team on winning the NCAA national title; and be it further

RESOLVED, That a suitable copy of this resolution be presented to University President Brother James Gaffney, FSC and to each of the coaches and members of the team as a token of our respect and an expression of our esteem.

HOUSE RESOLUTION 290

Offered by Representative McAuliffe:

WHEREAS, Education is one of the most noble pursuits a person can undertake and those who do deserve our utmost respect and admiration; and

WHEREAS, It has come to our attention that Allen Schau, Superintendent of Ridgewood High School

District 234 in Norridge, is retiring following the 2002-2003 school year; and

WHEREAS, Mr. Schau was born in Michigan and attended elementary and high school in Galien, Michigan; he received his master's degree from Western Michigan University and briefly played semi-pro football in Grand Rapids, Michigan; and

WHEREAS, Mr. Schau worked as a teacher and coach for several years; his first administrative job was as Assistant Principal at Muskegon Reeths-Puffer High School; he then served as Principal at Kent City High School and Niles Community High School consecutively; and

WHEREAS, Mr. Schau's first Superintendent position was with the Buchanan Community Schools from 1987 until 1993; he retired from the Michigan educational system in 1993 and came to Illinois where he has been the Superintendent of Ridgewood High School District 234 in Norridge for the past ten years; and

WHEREAS, Mr. Schau has served as president of several educational and civic organizations, including the Suburban Prairie Conference Superintendents Organization, the Leyden Area Superintendents Organization, the West Cook Division of the Illinois Association of School Administrators, and the Rotary Club of Norridge/Harwood Heights; and

WHEREAS, Mr. Schau is married to Pam and has five children; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Mr. Allen Schau on the occasion of his retirement as Superintendent of the Ridgewood High School District 234 after 10 years of service and many years in education; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Mr. Schau as an expression of our respect and esteem and with best wishes for a peaceful and relaxing retirement.

HOUSE RESOLUTION 292

Offered by Representative Eddy:

WHEREAS, The members of the House of Representatives of the State of Illinois wish to congratulate the Oblong High School Math Team on winning the regional competition for the twentieth consecutive year; and

WHEREAS, Each year, the team goes on to compete in the Illinois Council on Teachers of Mathematics' State Math Team Tournament, and the team has earned third place three times, second place nine times, and the championship five times, including back to back championships in 2000 and 2001; and

WHEREAS, The 2002-2003 Math Team placed second at the 2003 Illinois Council on Teachers of Mathematics' State Math Team Tournament Finals; the coach of the Math Team is Mrs. Pam Hoke; the team was founded and coached for many years by Mr. Steve Woodland who still serves as mentor; and

WHEREAS, Members of the Math Team for Algebra I are Jeremy Ackman, Tara Bennett, Sarah Brooks, Daniel Dallmier, Alex Harmon, Emily Harris, Matthew Mundhenk, Derek Sholders, Hannah Waller, Kevin Walls, and Jessica Wilson; members of the team for Geometry are Sarah Boehl, LaDonna Jenkins, Laurin Ruddell, Emily Sholders, Nathan Stewart, and Heidi Wheeler; members of the team for Algebra II are Christian Alumbaugh, Hannah Burris, Brandon Catt, Carrie Drewes, Stacey Fear, Jesse Randolph, and Ashley Strole; and members of the team for Pre-Calculus are Shanna Alexander, Lance Baker, Bruce Boehl, Adam Herr, April Huey, Frannie Schalasky, Tyler Price, and Nathan Wesley; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the members of the Oblong High School Math Team on winning the regional math competition for the twentieth consecutive year and on placing second at the Illinois Council on Teachers of Mathematics' State Math Team Tournament Finals; and be it further

RESOLVED, That a suitable copy of this resolution be presented to each of the members of the Oblong High School Math Team as well as Mrs. Pam Hoke and Mr. Steve Woodland as an expression of our respect and esteem.

HOUSE RESOLUTION 293

Offered by Representative Phelps:

WHEREAS, The highest award the National Council of the Boy Scouts of America can bestow upon a Scout is that of Eagle Scout; and

WHEREAS, Aaron David Goldsberry of Boy Scout Troop 114, in Jonesboro, will receive the Eagle Scout Award at a Court of Honor to be held in mid-May 2003; and

WHEREAS, In order to qualify as an Eagle Scout, a young man must demonstrate outstanding qualities of leadership, a willingness to be of help to others, and superior skills in camping, lifesaving, and first aid; and

WHEREAS, Aaron attends Anna Jonesboro High School and this is his 2nd year in the local Honor Society; he received the Outstanding Service Award from the Anna Jonesboro High School for having completed over 200 hours of volunteerism in the last year; he is a member of the Order of Arrow and the 2nd Vice Chief of the Chapter Lodge Society; for his Eagle Project he collected 3500 articles of winter clothing for a local shelter; he is a junior leader in special needs troop 851; and he has served on staff at Cub Scouts and Webelos Camp; and

WHEREAS, Aaron has served as Den Chief, Troop Guide, Patrol Leader, Jamboree Reporter, and Patrol Quartermaster; and

WHEREAS, In earning this high rank, Aaron joins an elite and honorable fraternity of achievers that counts among its members an extraordinary number of this nation's great leaders in business, government, education, and other sectors of society; and

WHEREAS, The achievement of the rank of Eagle Scout reflects favorably upon the recipient, his justly proud family, his Scoutmaster, and his fellow scouts; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we join his family and friends in congratulating Aaron David Goldsberry upon attaining the coveted rank of Eagle Scout and commend him upon the unswerving dedication to excellence that is the hallmark of the Eagle Scout; and be it further

RESOLVED, That we thank Eagle Scout Goldberry for taking time out of his busy schedule to help his community through his scouting activities; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Eagle Scout Aaron David Goldsberry as an expression of our respect and esteem.

HOUSE RESOLUTION 294

Offered by Representative Flider:

WHEREAS, The members of the Illinois House of Representatives congratulate Richard "Ike" Boyd as he retires after 51 years of service with the Lovington Fire Protection District on June 21, 2003; and

WHEREAS, Mr. Boyd has served as Chief of the Lovington Fire Department for over 24 years and as a trustee for the Lovington Fire Protection District for over 21 years; and

WHEREAS, Mr. Boyd shared his expertise to secure and maintain essential emergency equipment and supported the building of the current fire station and addition; he designed the Fire Department's 1967 pumper, which is still in service today; and

WHEREAS, Mr. Boyd has organized training sessions for all firefighters, and he has served as one of the organizers and first board members of the Lovington Community Ambulance Service; in addition, he has supported the formation of the Okaw Valley Fire Protection Association, which has promoted vital training and mutual aide services for eleven area fire protections district, the Moultrie County Sheriff's Department, and the Moultrie County Emergency Services Agency; and

WHEREAS, Mr. Boyd genuinely cares about the people of his community; he has a passion to help others in need; he represents the very best of volunteer firefighters: courageous, determined, and responsible; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Mr. Richard "Ike" Boyd as he retires after 51 years of service with the Lovington Fire Protection District and thank him for his dedication to the community of Lovington; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Richard "Ike" Boyd as an expression of our respect and esteem.

HOUSE RESOLUTION 295

Offered by Representative Joyce:

WHEREAS, The highest award the National Council of the Boy Scouts of America can bestow upon a Scout is that of Eagle Scout; and

WHEREAS, Jason Salerno of Boy Scout Troop 380, in Palos Park, will receive the Eagle Scout Award at a Court of Honor to be held on June 1, at 2:00 p.m. at Morgan Park Academy in Chicago; and

WHEREAS, In order to qualify as an Eagle Scout, a young man must demonstrate outstanding qualities of leadership, a willingness to be of help to others, and superior skills in camping, lifesaving, and first aid; and

WHEREAS, Jason's Eagle Project included beautifying the grounds and painting the multi-purpose room of Morgan Park Academy; and

WHEREAS, In earning this high rank, Jason joins an elite and honorable fraternity of achievers that counts among its members an extraordinary number of this nation's great leaders in business, government, education, and other sectors of society; and

WHEREAS, The achievement of the rank of Eagle Scout reflects favorably upon the recipient, his justly proud family, his Scoutmaster, and his fellow scouts; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we join his family and friends in congratulating Jason Salerno upon attaining the coveted rank of Eagle Scout and commend him upon the unswerving dedication to excellence that is the hallmark of the Eagle Scout; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Eagle Scout Jason Salerno as an expression of our respect and esteem.

HOUSE RESOLUTION 296

Offered by Representative Lindner:

WHEREAS, The members of the Illinois House of Representatives would like to recognize Ernest David Sinclair as he celebrates his 50th birthday on May 10, 2003; and

WHEREAS, Mr. Sinclair was born on May 10, 1953 at Elmhurst Memorial Hospital to Ernest and Eleanore Sinclair; and

WHEREAS, Mr. Sinclair attended York High School; he was a member of the cross country team and the wrestling team; he received a bachelor's degree from the University of Northern Colorado; and he received his juris doctorate from Thomas Jefferson School of Law in San Diego, California; and

WHEREAS, Mr. Sinclair worked as a bail officer for 12 years in San Diego before returning to Illinois to work for the Illinois House Republican Staff where he staffs the Judicial Committee on Criminal Law and he has previously staffed Personnel and Pensions; he is currently serving his fourth legislative session; and

WHEREAS, Mr. Sinclair has one brother, Don; and two sisters, Elizabeth and Deborah; he enjoys good cigars, riding motorcycles, and rehabilitating his home; he will be celebrating his birthday with a Harley Davidson Motorcycle tour of northern Illinois; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we wish Ernest David Sinclair a happy 50th birthday and good health and happiness; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Ernest David Sinclair.

HOUSE RESOLUTION 297

Offered by Representative Morrow:

WHEREAS, The members of the House of Representatives of the State of Illinois wish to offer congratulations to the Sammy Dyer School of the Theater on the occasion of its 70th anniversary; and

WHEREAS, The Sammy Dyer School of Dancing was established in May of 1931 by the late Sammy Vashon Dyer; the school was Chicago's first of its kind, for both African American children and white children to be trained in dance; in 1951, Mr. Dyer created a line of girls known as the Dyerettes; the Dyerettes toured the east coast and other parts of the world; and

WHEREAS, After a lingering illness, Mr. Dyer passed away in August of 1960; the school was then directed by Shirley Hall; she established the Sammy Dyer School of the Theater as a memorial to the late Mr. Dyer; she developed a line of dancers known as "The Vashonettes", who toured with Sammy Davis Jr.; she went on to form an extended line known as the "Junior Vashonettes"; students of hers have credits in stage, film, and television, including the television series "Star Trek"; "Coco"; Pearl Bailey's "Hello Dolly!"; "Don't Bother Me, I Can't Cope"; "The Nutcracker"; "Porgy and Bess"; the movie "Piece of the Action"; Playboy Casinos in Nassau, Bahamas, and Las Vegas, Nevada; and the Broadway shows "Black and Blue" and "Jelly's Last Jam"; and

WHEREAS, Miss Hall married music entrepreneur Ralph Bass and continued teaching in Chicago for 36 years after Mr. Dyer's death; she promoted the foreign exchange culture programs to Nassau, Bahamas and Paris, France, enabling young persons to acquire an understanding of people and culture of other countries; and

WHEREAS, Mrs. Hall-Bass passed away in 1998 and the Sammy Dyer School of the Theater Board of Directors assumed the administrative duties of the school; they have pledged to continue the goals and objectives established by Mr. Dyer and Mrs. Hall-Bass and to pursue contemporary endeavors to prepare young people for the arts of the new millennium; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the Sammy Dyer School of the Theater on the occasion of its 70th anniversary; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Board of Directors of the Sammy Dyer School of the Theater as an expression of our respect and esteem for the work the school does to further the arts in the lives of young people.

SENATE BILLS ON SECOND READING

SENATE BILL 690. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Administration, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 690 on page 2, by replacing lines 26 through 28 with the following:
"person reasonable attorneys' fees and costs. If, however, the court finds".

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

Having been printed, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 805 and 809.

SENATE BILL 881. Having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 881 on page 1, line 7, by replacing "Leukemia" with "Leukemia, lymphoma, and myeloma"; and
on page 1, line 10, by replacing "leukemia" with "leukemia, lymphoma, and myeloma".

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 881, AS AMENDED, by replacing Section 5 with the following:

"Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-357 as follows:

(20 ILCS 2310/2310-357 new)

Sec. 2310-357. Leukemia, lymphoma, and myeloma grants. The Department of Public Health may make grants to public and private hospitals, medical centers, medical schools, and other organizations for education on and treatment of leukemia, lymphoma, and myeloma from appropriations to the Department from the Leukemia Treatment and Education Fund, a special fund created in the State treasury.".

There being no further amendments, the foregoing Amendments No. 1 and 2 were adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 886. Having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 886 on page 10, by replacing lines 9 through 17 with the following:

"If a county notifies or a county requires a developer to notify a public utility before or after issuing a permit or other authorization for the construction of residential buildings, then the county or developer shall, at the same time, similarly notify any community antenna television system franchised by or within that county."; and

on page 20, by replacing lines 13 through 21 with the following:

"If a municipality notifies or a municipality requires a developer to notify a public utility before or after issuing a permit or other authorization for the construction of residential buildings, then the municipality or developer shall, at the same time, similarly notify any community antenna television system franchised by or within that municipality.".

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

Having been printed, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 890 and 901.

SENATE BILL 946. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary II - Criminal Law, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 946 by replacing the title with the following:

"AN ACT concerning peace officers."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Uniform Peace Officers' Disciplinary Act is amended by changing Section 3.8 as follows:

(50 ILCS 725/3.8) (from Ch. 85, par. 2561)

Sec. 3.8. Admissions; counsel; verified complaint. (a) No officer shall be interrogated without first being advised in writing that admissions made in the course of the interrogation may be used as evidence of misconduct or as the basis for charges seeking suspension, removal, or discharge; and without first being advised in writing that he or she has the right to counsel of his or her choosing who may be present to advise him or her at any stage of any interrogation.

(b) Anyone filing a complaint against a sworn peace officer must have the complaint supported by a sworn affidavit. (Source: P.A. 83-981.)".

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

Having been printed, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILL 891.

SENATE BILL 689. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Administration, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 689 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Lottery Law is amended by changing Section 13 and adding Section 13.1 as follows:

(20 ILCS 1605/13) (from Ch. 120, par. 1163)

Sec. 13. Except as otherwise provided in Section 13. 1, no prize, nor any portion of a prize, nor any right of any person to a prize awarded shall be assignable. Any prize, or portion thereof remaining unpaid at the death of a prize winner, may be paid to the estate of such deceased prize winner, or to the trustee under a revocable living trust established by the deceased prize winner as settlor, provided that a copy of such a trust has been filed with the Department along with a notarized letter of direction from the settlor and no written notice of revocation has been received by the Department prior to the settlor's death. Following such a settlor's death and prior to any payment to such a successor trustee, the Director shall obtain from the trustee and each trust beneficiary a written agreement to indemnify and hold the Department harmless with respect to any claims that may be asserted against the Department arising from payment to or through the trust. Notwithstanding any other provision of this Section, any person pursuant to an appropriate judicial order may be paid the prize to which a winner is entitled, and all or part of any prize otherwise payable by State warrant under this Section shall be withheld upon certification to the State Comptroller from the Illinois Department of Public Aid as provided in Section 10-17.5 of The Illinois Public Aid Code. The Director shall be discharged of all further liability upon payment of a prize pursuant to this Section. (Source: P.A. 85-1224.)

(20 ILCS 1605/13.1 new)

Sec. 13.1. Assignment of prizes payable in installments.

(a) The right of any person to receive payments under a prize that is paid in installments over time by the Department may be voluntarily assigned, in whole or in part, if the assignment is made to a person or entity designated pursuant to an order of a court of competent jurisdiction located in the judicial circuit where the assigning prize winner resides or where the headquarters of the Department is located. A court may issue an order approving a voluntary assignment and directing the Department to make prize payments in whole or in part to the designated assignee, if the court finds that all of the following conditions have been met:

(1) The assignment is in writing, is executed by the assignor, and is, by its terms, subject to the laws of this State.

(2) The purchase price being paid for the payments being assigned represents a present value of the payments being assigned, discounted at an annual rate that does not exceed 10 percentage points over the Wall Street Journal prime rate published on the business day prior to the date of execution of the contract.

(3) The contract of assignment expressly states that the assignor has 3 business days after the contract was signed to cancel the assignment.

(4) The assignor provides a sworn affidavit attesting that he or she:

(i) is of sound mind, is in full command of his or her faculties, and is not acting under duress;

(ii) has been advised regarding the assignment by his or her own independent legal counsel, who is unrelated to and is not being compensated by the assignee or any of the assignee's affiliates, and has received independent financial or tax advice concerning the effects of the assignment from a lawyer or other professional who is unrelated to and is not being compensated by the assignee or any

of the assignee's affiliates;

(iii) understands that he or she will not receive the prize payments or portions thereof for the years assigned;

(iv) understands and agrees that, with regard to the assigned payments, the Department and its officials and employees will have no further liability or responsibility to make the assigned payments to him or her;

(v) has been provided with a one-page written disclosure statement setting forth, in bold type of not less than 14 points, the payments being assigned, by amounts and payment dates; the purchase price being paid; the rate of discount to present value, assuming daily compounding and funding on the contract date; and the amount, if any, of any origination or closing fees that will be charged to him or her; and

(vi) was advised in writing, at the time he or she signed the assignment contract, that he or she had the right to cancel the contract, without any further obligation, within 3 business days following the date on which the contract was signed.

(5) Written notice of the proposed assignment and any court hearing concerning the proposed assignment is provided to the Department's counsel at least 30 days prior to any court hearing. The Department is not required to appear in or be named as a party to any such action seeking judicial confirmation of an assignment under this Section, but may intervene as of right in any such proceeding.

(b) A certified copy of a court order approving a voluntary assignment must be provided to the Department no later than 30 days before the date on which the payment is to be made.

(c) A court order obtained pursuant to this Section, together with all such prior orders, shall not require the Department to divide any single prize payment among more than 3 different persons. Nothing in this Section shall prohibit substituting assignees as long as there are no more than 3 assignees at any one time for any one prize payment.

(d) If a husband and wife are co-owners of a prize, any assignment of the prize must be made jointly.

(e) A voluntary assignment may not include portions of payments that are subject to offset on account of a defaulted or delinquent child support obligation, non-wage garnishment, or criminal restitution obligation or on account of a debt owed to a State agency. Each court order issued under subsection (a) shall provide that any delinquent child support or criminal restitution obligations of the assigning prize winner and any debts owed to a State agency by the assigning prize winner, as of the date of the court order, shall be set off by the Department first against remaining payments or portions thereof due the prize winner and then against payments due the assignee.

(f) The Department and its respective officials and employees shall be discharged of all liability upon payment of an assigned prize under this Section. The assignor and assignee shall hold harmless and indemnify the Department, the State of Illinois, and its employees and agents from all claims, actions, suits, complaints, and liabilities related to the assignment.

(g) The Department may establish a reasonable fee to defray any administrative expenses associated with assignments made under this Section, including the cost to the Department of any processing fee that may be imposed by a private annuity provider. The fee amount shall reflect the direct and indirect costs associated with processing assignments.

(h) If at any time the Internal Revenue Service or a court of competent jurisdiction issues a determination letter, revenue ruling, other public ruling of the Internal Revenue Service, or published decision to the Department or to any lottery prize winner declaring that the voluntary assignment of prizes will affect the federal income tax treatment of prize winners who do not assign their prizes, the Department shall immediately file a copy of that letter, ruling, or published decision with the Attorney General, the Secretary of State, and the Administrative Office of the Illinois Courts. A court may not issue an order authorizing a voluntary assignment under this Section after the date any such ruling, letter, or published decision is filed.

(i) A contract of assignment in which the assignor is a lottery winner shall include a sworn affidavit from the assignee. The form of the affidavit shall be established by the Department and shall include:

(1) a summary of assignee contacts with the winner;

(2) a summary of any lawsuits, claims, and other legal actions from lottery winners regarding conduct of the assignee or its agents;

(3) a statement that the assignee is in good standing in its state of domicile and with any other licensing or regulatory agency as may be required in the conduct of its business;

(4) a brief business history of the assignee;

(5) a statement describing the nature of the business of the assignee; and

(6) a statement of the assignee's privacy and non-harassment policies and express affirmation that the assignee has followed those policies in Illinois.
(j) The assignee shall notify the Department of its business location and mailing address for payment purposes during the entire course of the assignment.".

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

Having been printed, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 1003, 1030 and 1056.

SENATE BILL 1066. Having been printed, was taken up and read by title a second time.
The following amendment was offered in the Committee on Environment & Energy, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1066 on page 2, line 8, after the period, by inserting the following:
"The solicitation letter from the Department must be sized so as to fit into the utility's standard bill envelope, and must be of sufficiently light weight so as not to cause any increase in postage cost to the utility."; and
on page 2, line 15, before the period, by inserting the following:
", except that the Department may use up to 10% of the moneys donated for the Fund for the expenses of the Department and the local area agency incurred in administering the Fund"; and
on page 2, line 27, after the period, by inserting the following:
"The Department shall ensure that moneys donated for the Fund (other than moneys used for administrative expenses as authorized in Section 25) are distributed to low-income consumers who reside in the county from which those moneys were received.".

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

Having been printed, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 1079, 1122, 1204 and 1212.

Having been printed, the following bill was taken up, read by title a second time and held on the order of Second Reading: SENATE BILL 1362.

Having been printed, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILL 1383.

SENATE BILL 1401. Having been printed, was taken up and read by title a second time.
The following amendment was offered in the Committee on Revenue, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1401 on page 1, by replacing lines 4 through 8 with the following:
"Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-373 as follows:
(20 ILCS 2310/2310-373 new)
Sec. 2310-373. The Asthma and Lung Research Fund. There".

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

SENATE BILL 1414. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary I - Civil Law, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1414 by replacing everything after the enacting clause with the following:

"Section 5. The Hospital Licensing Act is amended by changing Section 6.17 as follows:

(210 ILCS 85/6.17)

Sec. 6.17. Protection of and confidential access to medical records and information.

(a) Every hospital licensed under this Act shall develop a medical record for each of its patients as required by the Department by rule.

(b) All information regarding a hospital patient gathered by the hospital's medical staff and its agents and employees shall be the property and responsibility of the hospital and must be protected from inappropriate disclosure as provided in this Section.

(c) Every hospital shall preserve its medical records in a format and for a duration established by hospital policy and for not less than 10 years, provided that if the hospital has been notified in writing by an attorney before the expiration of the 10 year retention period that there is litigation pending in court involving the record of a particular patient as possible evidence and that the patient is his client or is the person who has instituted such litigation against his client, then the hospital shall retain the record of that patient until notified in writing by the plaintiff's attorney, with the approval of the defendant's attorney of record, that the case in court involving such record has been concluded or for a period of 12 years from the date that the record was produced, whichever occurs first in time.

(d) No member of a hospital's medical staff and no agent or employee of a hospital shall disclose the nature or details of services provided to patients, except that the information may be disclosed to the patient, persons authorized by the patient, the party making treatment decisions, if the patient is incapable of making decisions regarding the health services provided, those parties directly involved with providing treatment to the patient or processing the payment for that treatment, those parties responsible for peer review, utilization review or~~,~~ quality assurance, risk management, or defense of claims brought against the hospital arising out of the care, and those parties required to be notified under the Abused and Neglected Child Reporting Act, the Illinois Sexually Transmissible Disease Control Act, or where otherwise authorized or required by law.

(e) The hospital's medical staff members and the hospital's agents and employees may communicate, at any time and in any fashion, with legal counsel for the hospital concerning the patient medical record privacy and retention requirements of this Section and any care or treatment they provided or assisted in providing to any patient within the scope of their employment or affiliation with the hospital.

(e-5) Notwithstanding subsections (d) and (e), for actions filed on or after January 1, 2004, after a complaint for healing art malpractice is served upon the hospital or upon its agents or employees, members of the hospital's medical staff who are not actual or alleged agents, employees, or apparent agents of the hospital may not communicate with legal counsel for the hospital or with risk management of the hospital concerning the claim alleged in the complaint for healing art malpractice against the hospital except with the patient's consent or in discovery authorized by the Code of Civil Procedure or the Supreme Court rules. For the purposes of this subsection (e-5), "hospital" includes a hospital affiliate as defined in subsection (b) of Section 10.8 of this Act.

(f) Each hospital licensed under this Act shall provide its federally designated organ procurement agency and any tissue bank with which it has an agreement with access to the medical records of deceased patients for the following purposes:

(1) estimating the hospital's organ and tissue donation potential;

(2) identifying the educational needs of the hospital with respect to organ and tissue donation; and

(3) identifying the number of organ and tissue donations and referrals to potential organ and tissue donors.

(g) All hospital and patient information, interviews, reports, statements, memoranda, and other data obtained or created by a tissue bank or federally designated organ procurement agency from the medical

records review described in subsection (f) shall be privileged, strictly confidential, and used only for the purposes put forth in subsection (f) of this Section and shall not be admissible as evidence nor discoverable in an action of any kind in court or before a tribunal, board, agency, or person.

(h) Any person who, in good faith, acts in accordance with the terms of this Section shall not be subject to any type of civil or criminal liability or discipline for unprofessional conduct for those actions under any professional licensing statute.

(i) Any individual who wilfully or wantonly discloses hospital or medical record information in violation of this Section is guilty of a Class A misdemeanor. As used in this subsection, "wilfully or wantonly" means a course of action that shows an actual or deliberate intention to cause harm or that, if not intentional, shows an utter indifference to or conscious disregard for the safety of others or their property.

(j) The changes to this Section made by this amendatory Act of the 93rd General Assembly apply to any action filed on or after January 1, 2004. (Source: P.A. 91-526, eff. 1-1-00.)

Section 99. Effective date. This Act takes effect on January 1, 2004.".

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

SENATE BILL 1440. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary II - Criminal Law, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1440 as follows:

on page 2, line 17, by inserting after the period the following:

"Leave of court may be granted only if a petitioner demonstrates cause for his or her failure to bring the claim in his or her initial post-conviction proceedings and prejudice results from that failure. For purposes of this subsection (f): (1) a prisoner shows cause by identifying an objective factor that impeded his or her ability to raise a specific claim during his or her initial post-conviction proceedings; and (2) a prisoner shows prejudice by demonstrating that the claim not raised during his or her initial post-conviction proceedings so infected the trial that the resulting conviction or sentence violated due process.".

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

Having been printed, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILL 1453.

SENATE BILL 1457. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary II - Criminal Law, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1457 as follows:

on page 1, by replacing lines 4 and 5 with the following:

"Section 5. The Unified Code of Corrections is amended by changing Sections 5-6-3 and 5-6-3.1 and by adding Sections 5-5-10 and 5-9-1.12 as follows:

(730 ILCS 5/5-5-10 new)

Sec. 5-5-10. Community service fee. When an offender or defendant is ordered by the court to perform community service and the offender is not otherwise assessed a fee for probation services, the court shall impose a fee of $50 for each month the community service ordered by the court is supervised by a probation and court services department, unless after determining the inability of the person sentenced to community service to pay the fee, the court assesses a lesser fee. The court may not impose a fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only on an offender who is actively supervised by the probation and

court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee in excess of $25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, not to exceed $5 of that fee collected per month may be used to provide services to crime victims and their families.

(730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

Sec. 5-6-3. Conditions of Probation and of Conditional Discharge. (a) The conditions of probation and of conditional discharge shall be that the person:

(1) not violate any criminal statute of any jurisdiction;

(2) report to or appear in person before such person or agency as directed by the court;

(3) refrain from possessing a firearm or other dangerous weapon;

(4) not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer. Transfer of a person's probation or conditional discharge supervision to another state is subject to acceptance by the other state pursuant to the Interstate Compact for Adult Offender Supervision;

(5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;

(6) perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act;

(7) if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a public institution of education to obtain the educational or vocational training required by this clause (7). The court shall revoke the probation or conditional discharge of a person who wilfully fails to comply with this clause (7). The person on probation or conditional discharge shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall resentence the offender whose probation or conditional discharge has been revoked as provided in Section 5-6-4. This clause (7) does not apply to a person who has a high school diploma or has successfully passed the GED test. This clause (7) does not apply to a person who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program;

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court; and

(9) if convicted of a felony, physically surrender at a time and place designated by the court, his or her Firearm Owner's Identification Card and any and all firearms in his or her possession.

(b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the

rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:

(1) serve a term of periodic imprisonment under Article 7 for a period not to exceed that specified in paragraph (d) of Section 5-7-1;

(2) pay a fine and costs;

(3) work or pursue a course of study or vocational training;

(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;

(5) attend or reside in a facility established for the instruction or residence of defendants on probation;

(6) support his dependents;

(7) and in addition, if a minor:

(i) reside with his parents or in a foster home;

(ii) attend school;

(iii) attend a non-residential program for youth;

(iv) contribute to his own support at home or in a foster home;

(v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is convicted of a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;

(8) make restitution as provided in Section 5-5-6 of this Code;

(9) perform some reasonable public or community service;

(10) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the offender:

(i) remain within the interior premises of the place designated for his confinement during the hours designated by the court;

(ii) admit any person or agent designated by the court into the offender's place of confinement at any time for purposes of verifying the offender's compliance with the conditions of his confinement; and

(iii) if further deemed necessary by the court or the Probation or Court Services Department, be placed on an approved electronic monitoring device, subject to Article 8A of Chapter V;

(iv) for persons convicted of any alcohol, cannabis or controlled substance violation who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the offender to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code; and

(v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed

the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer, if the defendant has been placed on probation or advance approval by the court, if the defendant was placed on conditional discharge;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug.

(c) The court may as a condition of probation or of conditional discharge require that a person under 18 years of age found guilty of any alcohol, cannabis or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If such person is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(d) An offender sentenced to probation or to conditional discharge shall be given a certificate setting forth the conditions thereof.

(e) Except where the offender has committed a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code, the court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6 month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2. This 6 month limit does not apply to a person sentenced to probation as a result of a conviction of a fourth or subsequent violation of subsection (c-4) of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

(f) The court may combine a sentence of periodic imprisonment under Article 7 or a sentence to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.

(g) An offender sentenced to probation or to conditional discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, involved in a successful probation program for the county. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of such probation or conditional discharge or supervised community service, a fee of $50 ~~$25~~ for each month of probation or conditional discharge supervision or supervised community service ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge or supervised community service to pay the fee,

the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee in excess of $25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, not to exceed $5 of that fee collected per month may be used to provide services to crime victims and their families.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act. (Source: P.A. 91-325, eff. 7-29-99; 91-696, eff. 4-13-00; 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571, eff. 6-26-02; 92-651, eff. 7-11-02.)

(730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

Sec. 5-6-3.1. Incidents and Conditions of Supervision. (a) When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of such supervision, and shall defer further proceedings in the case until the conclusion of the period.

(b) The period of supervision shall be reasonable under all of the circumstances of the case, but may not be longer than 2 years, unless the defendant has failed to pay the assessment required by Section 10.3 of the Cannabis Control Act or Section 411.2 of the Illinois Controlled Substances Act, in which case the court may extend supervision beyond 2 years. Additionally, the court shall order the defendant to perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, when the offense (1) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang; or (2) is a violation of any Section of Article 24 of the Criminal Code of 1961 where a disposition of supervision is not prohibited by Section 5-6-1 of this Code. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by violation of Section 21-1.3 of the Criminal Code of 1961 and similar damages to property located within the municipality or county in which the violation occurred. Where possible and reasonable, the community service should be performed in the offender's neighborhood.

For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the court require that the person:

(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of supervision;

(2) pay a fine and costs;

(3) work or pursue a course of study or vocational training;

(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;

(5) attend or reside in a facility established for the instruction or residence of defendants on probation;

(6) support his dependents;

(7) refrain from possessing a firearm or other dangerous weapon;

(8) and in addition, if a minor:

(i) reside with his parents or in a foster home;

(ii) attend school;

(iii) attend a non-residential program for youth;

(iv) contribute to his own support at home or in a foster home; or

(v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is placed on supervision for a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;

(9) make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss or make restitution under Section 5-5-6 to a domestic violence shelter. The court shall determine the amount and conditions of payment;

(10) perform some reasonable public or community service;

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory. If the court has ordered the defendant to make a report and appear in person under paragraph (1) of this subsection, a copy of the order of protection shall be transmitted to the person or agency so designated by the court;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of person, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(17) refrain from operating any motor vehicle not equipped with an ignition interlock device as defined in Section 1-129.1 of the Illinois Vehicle Code. Under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment.

(d) The court shall defer entering any judgment on the charges until the conclusion of the supervision.

(e) At the conclusion of the period of supervision, if the court determines that the defendant has successfully complied with all of the conditions of supervision, the court shall discharge the defendant and enter a judgment dismissing the charges.

(f) Discharge and dismissal upon a successful conclusion of a disposition of supervision shall be deemed without adjudication of guilt and shall not be termed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime. Two years after the discharge and dismissal under this Section, unless the disposition of supervision was for a violation of Sections 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which case it shall be 5 years after discharge and dismissal, a person may have his record of arrest sealed or expunged as may be provided by law. However, any defendant placed on supervision before January 1, 1980, may move for sealing or expungement of his arrest record, as provided by law, at any time after discharge and dismissal under this Section. A person placed on supervision for a sexual offense committed against a minor as defined in subsection (g) of Section 5 of the Criminal Identification Act or for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance shall not have his or her record of arrest sealed or expunged.

(g) A defendant placed on supervision and who during the period of supervision undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay the costs incidental to such mandatory drug or alcohol testing, or both, and costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic

monitoring, of all defendants placed on supervision. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) A disposition of supervision is a final order for the purposes of appeal.

(i) The court shall impose upon a defendant placed on supervision after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of supervision or supervised community service, a fee of $50 ~~$25~~ for each month of supervision or supervised community service ordered by the court, unless after determining the inability of the person placed on supervision or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon a defendant who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund pursuant to Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee in excess of $25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, not to exceed $5 of that fee collected per month may be used to provide services to crime victims and their families.

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

(k) A defendant at least 17 years of age who is placed on supervision for a misdemeanor in a county of 3,000,000 or more inhabitants and who has not been previously convicted of a misdemeanor or felony may as a condition of his or her supervision be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The defendant placed on supervision must attend a public institution of education to obtain the educational or vocational training required by this subsection (k). The defendant placed on supervision shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall revoke the supervision of a person who wilfully fails to comply with this subsection (k). The court shall resentence the defendant upon revocation of supervision as provided in Section 5-6-4. This subsection (k) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (k) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(l) The court shall require a defendant placed on supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and after a finding by the court that the person is addicted, to undergo treatment at a substance abuse program approved by the court.

(m) The Secretary of State shall require anyone placed on court supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance to give proof of his or her financial responsibility as defined in Section 7-315 of the Illinois Vehicle Code. The proof shall be maintained by the individual in a manner satisfactory to the Secretary of State for a minimum period of one year after the date the proof is first filed. The proof shall be limited to a single action per arrest and may not be affected by any post-sentence disposition. The Secretary of State shall suspend the driver's license of any person determined by the Secretary to be in violation of this subsection. (Source: P.A. 91-127, eff. 1-1-00; 91-696, eff. 4-13-00; 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-458, eff. 8-22-01; 92-651, eff. 7-11-02.)

"; and
on page 1, by inserting below line 27 the following:
"Section 99. Effective date. This Act takes effect upon becoming law.".

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

Having been printed, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILL 1503.

SENATE BILL 1506. Having been printed, was taken up and read by title a second time.
The following amendment was offered in the Committee on Judiciary I - Civil Law, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1506 on page 58, line 31, after "1-20,", by inserting "1-25, 5-1,"; and
on page 65, after line 21, by inserting the following:
"(805 ILCS 180/1-25)
Sec. 1-25. Nature of business. A limited liability company may be formed for any lawful purpose or business except:
(1) banking, exclusive of fiduciaries organized for the purpose of accepting and executing trusts;
(2) insurance unless, for the purpose of carrying on business as a member of a group including incorporated and individual unincorporated underwriters, the Director of Insurance finds that the group meets the requirements of subsection (3) of Section 86 of the Illinois Insurance Code and the limited liability company, if insolvent, is subject to liquidation by the Director of Insurance under Article XIII of the Illinois Insurance Code;
(3) the practice of dentistry unless all the members and managers are licensed as dentists under the Illinois Dental Practice Act; or
(4) the practice of medicine unless all the managers, if any, are licensed to practice medicine under the Medical Practice Act of 1987 and each member is either ~~any of the following conditions apply~~:
(A) ~~the member or members are~~ licensed to practice medicine under the Medical Practice Act of 1987; or
(B) ~~the member or members are~~ a registered medical corporation or corporations organized pursuant to the Medical Corporation Act; or
(C) ~~the member or members are~~ a professional corporation organized pursuant to the Professional Service Corporation Act of physicians licensed to practice medicine in all its branches; or
(D) ~~the member or members are~~ a ~~medical~~ limited liability company that satisfies the requirements of subparagraph (A), (B), or (C) ~~or companies~~.
(Source: P.A. 91-593, eff. 8-14-99; 92-144, eff. 7-24-01.)
(805 ILCS 180/5-1)
Sec. 5-1. Organization. (a) One or more persons, other than natural persons under 18 years of age, may organize a limited liability company by executing and delivering articles of organization to the Secretary of State as specified in Sections 5-5 and 5-45. The organizers need not be members of the limited liability company. Each organizer of a limited liability company organized to engage in the practice of medicine shall be a licensed physician of this State or an attorney licensed to practice law in this State. The execution of the articles of organization constitutes an affirmation by the person, under penalty of perjury, that the facts stated therein are true.
(b) A limited liability company shall have one or more members.
(c) A limited liability company is a legal entity distinct from its members. (Source: P.A. 89-201, eff. 1-1-96; 90-424, eff. 1-1-98.)".

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

SENATE BILL 1527. Having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1527 on page 1, immediately below line 31, by inserting the following:

"(7) Recreational hunting does not include the intentional capture, trapping, or dispatching of dogs and cats. Dogs and cats are under the sole jurisdiction of the Department of Agriculture.".

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

SENATE BILL 1530. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Administration, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1530 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by adding Section 50-10.5 and changing Section 50-60 as follows:

(30 ILCS 500/50-10.5 new)

Sec. 50-10.5. Prohibited bidders and contractors.

(a) Unless otherwise provided, no business shall bid or enter into a contract with the State of Illinois or any State agency if the business or any officer, director, partner, or other managerial agent of the business has been convicted of a felony under the Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under the Illinois Securities Law of 1953 for a period of 5 years from the date of conviction.

(b) Every bid submitted to and contract executed by the State shall contain a certification by the bidder or contractor that the contractor is not barred from being awarded a contract under this Section and that the contractor acknowledges that the contracting State agency shall declare the contract void if the certification completed pursuant to this subsection (b) is false.

(c) If a business is not a natural person, the prohibition in subsection (a) applies only if:

(1) the business itself is convicted of a felony referenced in subsection (a); or

(2) the business is ordered to pay punitive damages based on the conduct of any officer, director, partner, or other managerial agent who has been convicted of a felony referenced in subsection (a).

(d) A natural person who is convicted of a felony referenced in subsection (a) remains subject to Section 50-10.

(30 ILCS 500/50-60)

Sec. 50-60. Voidable contracts. (a) If any contract is entered into or purchase or expenditure of funds is made in violation of this Code or any other law, the contract may be declared void by the chief procurement officer or may be ratified and affirmed, provided the chief procurement officer determines that ratification is in the best interests of the State. If the contract is ratified and affirmed, it shall be without prejudice to the State's rights to any appropriate damages.

(b) If, during the term of a contract, the contracting agency determines that the contractor is delinquent in the payment of debt as set forth in Section 50-11 of this Code, the State agency may declare the contract void if it determines that voiding the contract is in the best interests of the State. The Debt Collection Board shall adopt rules for the implementation of this subsection (b).

(c) If, during the term of a contract, the contracting agency determines that the contractor is in violation of Section 50-10.5 of this Code, the contracting agency shall declare the contract void. (Source: P.A. 92-404, eff. 7-1-02.)".

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

SENATE BILL 1542. Having been printed, was taken up and read by title a second time.
The following amendment was offered in the Committee on Local Government, adopted and printed:

AMENDMENT NO. 1
AMENDMENT NO. 1. Amend Senate Bill 1542 on page 4, by deleting lines 16 through 22.

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

Having been printed, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILL 877.

RECALL

By unanimous consent, on motion of Representative Hoffman, SENATE BILL 685 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

SENATE BILLS ON SECOND READING

Having been printed, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 1546 and 1869.

SENATE BILL 686. Having been printed, was taken up and read by title a second time.
The following amendment was offered in the Committee on Judiciary II - Criminal Law, adopted and printed:

AMENDMENT NO. 1
AMENDMENT NO. 1. Amend Senate Bill 686 as follows:
on page 8, line 9, by inserting "firearms,", after "firearm,"; and
on page 8, line 11, by inserting ", firearms,", after "devices"; and
on page 8, line 14, by inserting ", firearms,", after "devices".

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

SENATE BILL 680. Having been printed, was taken up and read by title a second time.
The following amendment was offered in the Committee on State Government Administration, adopted and printed:

AMENDMENT NO. 1
AMENDMENT NO. 1. Amend Senate Bill 680 on page 1, by replacing lines 7 through 23 with the following:
"Sec. 6.6. Immigrant Assistance Program.
(a) Purpose and policy. The immigrant population of the State of Illinois constitutes a significant portion of the population of the State. These immigrants often require assistance in order to obtain the government services to which they are entitled under the law. It is imperative that State government is aware of the needs of the State's immigrant community and sensitive to the barriers that may prevent them from seeking and obtaining services. The Office of the Attorney General should be equipped to assist immigrants by increasing accessibility to the Office and providing outreach services to the community,

which will serve to educate immigrants as to their rights and responsibilities as residents of the State.

(b) Immigrant Assistance Program. Within the Office of the Attorney General, there shall be established an Immigrant Assistance Program, which shall be charged with the responsibility of assessing the needs of the State's immigrant community with regard to access to government and other services. In addition, the Immigrant Assistance Program shall be empowered to provide education and outreach services to the immigrant community of the State, subject to funding availability. These services may include, but are not limited to, consumer issues, civil rights issues, employee rights, and other issues of particular interest to the immigrant communities in the State.".

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

SENATE BILL 641. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary II - Criminal Law, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 641 as follows:
on page 1, line 11, by inserting after "contain" the following:
": (1) either"; and
on page 1, line 13, by inserting after "Act" the following:
"or (2) the informational brochure described in subsection (f) of Section 120 of the Sex Offender and Child Murderer Community Notification Law"; and
on page 13 line 13, by replacing "A" with "Either (1) a"; and
on page 13, line 15, by inserting after "Act" the following:
"or (2) the informational brochure described in subsection (f) of Section 120 of the Sex Offender and Child Murderer Community Community Notification Law"; and
on page 13, by inserting below line 28 the following:

"Section 15. The Sex Offender and Child Murderer Community Notification Law is amended by changing Section 120 as follows:

(730 ILCS 152/120)

Sec. 120. Community notification of sex offenders. (a) The sheriff of the county, except Cook County, shall disclose to the following the name, address, date of birth, place of employment, school attended, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

(1) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the county where the sex offender is required to register, resides, is employed, or is attending an institution of higher education; and

(2) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located in the county where the sex offender is required to register or is employed; and

(3) Child care facilities located in the county where the sex offender is required to register or is employed.

(a-2) The sheriff of Cook County shall disclose to the following the name, address, date of birth, place of employment, school attended, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

(1) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located within the region of Cook County, as those public school districts and nonpublic schools are identified in LEADS, other than the City of Chicago, where the sex offender is required to register or is employed; and

(2) Child care facilities located within the region of Cook County, as those child care facilities are identified in LEADS, other than the City of Chicago, where the sex offender is required to register or is employed; and

(3) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the county, other than the City of Chicago, where the sex offender is required to register, resides, is employed, or attending an institution of higher

education.

(a-3) The Chicago Police Department shall disclose to the following the name, address, date of birth, place of employment, school attended, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

(1) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located in the police district where the sex offender is required to register or is employed if the offender is required to register or is employed in the City of Chicago; and

(2) Child care facilities located in the police district where the sex offender is required to register or is employed if the offender is required to register or is employed in the City of Chicago; and

(3) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the police district where the sex offender is required to register, resides, is employed, or attending an institution of higher education in the City of Chicago.

(a-4) The Department of State Police shall provide a list of sex offenders required to register to the Illinois Department of Children and Family Services.

(b) The Department of State Police and any law enforcement agency may disclose, in the Department's or agency's discretion, the following information to any person likely to encounter a sex offender, or sexual predator:

(1) The offender's name, address, and date of birth.

(2) The offense for which the offender was convicted.

(3) Adjudication as a sexually dangerous person.

(4) The offender's photograph or other such information that will help identify the sex offender.

(5) Offender employment information, to protect public safety.

(c) The name, address, date of birth, and offense or adjudication for sex offenders required to register under Section 3 of the Sex Offender Registration Act shall be open to inspection by the public as provided in this Section. Every municipal police department shall make available at its headquarters the information on all sex offenders who are required to register in the municipality under the Sex Offender Registration Act. The sheriff shall also make available at his or her headquarters the information on all sex offenders who are required to register under that Act and who live in unincorporated areas of the county. Sex offender information must be made available for public inspection to any person, no later than 72 hours or 3 business days from the date of the request. The request must be made in person, in writing, or by telephone. Availability must include giving the inquirer access to a facility where the information may be copied. A department or sheriff may charge a fee, but the fee may not exceed the actual costs of copying the information. An inquirer must be allowed to copy this information in his or her own handwriting. A department or sheriff must allow access to the information during normal public working hours. The sheriff or a municipal police department may publish the photographs of sex offenders where any victim was 13 years of age or younger and who are required to register in the municipality or county under the Sex Offender Registration Act in a newspaper or magazine of general circulation in the municipality or county or may disseminate the photographs of those sex offenders on the Internet or on television. The law enforcement agency may make available the information on all sex offenders residing within any county.

(d) The Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, place the information specified in subsection (b) on the Internet or in other media.

(e) The Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, only provide the information specified in subsection (b), with respect to an adjudicated juvenile delinquent, to any person when that person's safety may be compromised for some reason related to the juvenile sex offender.

(f) The Department of State Police shall, subject to the availability of funds appropriated for such purpose, prepare and print an informational brochure that explains to the general public the information regarding sex offenders and child murderers that is available to the public under the provisions of this Act.

(Source: P.A. 91-48, eff. 7-1-99; 91-221, eff. 7-22-99; 91-224, eff. 7-1-00; 91-357, eff. 7-29-99; 91-394, eff. 1-1-00; 92-16, 6-28-01; 92-828, eff. 8-22-02.)".

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

Having been printed, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 565, 564, 533, 406 and 348.

SENATE BILL 339. Having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 339 on page 6, by replacing lines 26 through 33 with the following:

"(110 ILCS 947/52)

Sec. 52. Illinois Future Teacher Corps ~~ITEACH Teacher Shortage Scholarship~~ Program.

(a) In order to encourage academically talented Illinois students, especially minority students, to pursue teaching careers, especially in teacher shortage disciplines (which shall be defined to include early childhood education) or at hard-to-staff schools (as defined by the Commission in consultation with the State Board of Education), the Commission shall, each year, receive and consider applications for scholarship assistance under this Section. An applicant is eligible for a scholarship under this Section when the Commission finds that the applicant is:

(1) a United States citizen or eligible noncitizen;

(2) a resident of Illinois;

(3) a high school graduate or a person who has received a General Educational Development Certificate;

(4) enrolled or accepted for enrollment at or above the junior level, on at least a half-time basis, at an Illinois institution of higher learning; and

(5) pursuing a postsecondary course of study leading to initial certification ~~in a teacher shortage discipline~~ or pursuing additional course work needed to gain State Board of Education approval to teach, including alternative teacher certification~~, in an approved specialized area in which a teacher shortage exists~~.

(b) Recipients shall be selected from among applicants qualified pursuant to subsection (a) based on a combination of the following criteria as set forth by the Commission: (1) academic excellence; (2) status as a minority student as defined in Section 50; and (3) financial need. Preference may be given to previous recipients of assistance under this Section, provided they continue to maintain eligibility and maintain satisfactory academic progress as determined by the institution of higher learning at which they enroll. ~~Preference may also be given to qualified applicants enrolled at or above the junior level.~~

(c) Each scholarship awarded under this Section shall be in an amount sufficient to pay the tuition and fees and room and board costs of the Illinois institution of higher learning at which the recipient is enrolled, up to an annual maximum of $5,000; except that in the case of a recipient who does not reside on-campus at the institution of higher learning at which he or she is enrolled, the amount of the scholarship shall be sufficient to pay tuition and fee expenses and a commuter allowance, up to an annual maximum of $5,000. For recipients who agree to teach in a teacher shortage discipline or at a hard-to-staff school under subsection (i) of this Section, the Commission may, by rule and subject to appropriation, increase the annual maximum amount to $10,000. If a recipient agrees to teach in both a teacher shortage discipline and at a hard-to-staff school under subsection (i) of this Section, the Commission may increase the amount of the scholarship awarded by up to an additional $5,000.

(d) The total amount of scholarship assistance awarded by the Commission under this Section to an individual in any given fiscal year, when added to other financial assistance awarded to that individual for that year, shall not exceed the cost of attendance at the institution of higher learning at which the student is enrolled.

(e) A recipient may receive up to 4 ~~8~~ semesters or 6 ~~12~~ quarters of scholarship assistance under this Section.

(f) All applications for scholarship assistance to be awarded under this Section shall be made to the Commission in a form as set forth by the Commission. The form of application and the information required to be set forth therein shall be determined by the Commission, and the Commission shall require eligible applicants to submit with their applications such supporting documents as the Commission deems necessary.

(g) Subject to a separate appropriation made for such purposes, payment of any scholarship awarded

under this Section shall be determined by the Commission. There shall be a separate appropriation made for scholarships awarded to recipients who agree to teach in a teacher shortage discipline or at a hard-to-staff school under subsection (i) of this Section. All scholarship funds distributed in accordance with this Section shall be paid to the institution on behalf of the recipients. Scholarship funds are applicable toward 2 semesters or 3 quarters of enrollment within an academic year.

(h) The Commission shall administer the ~~ITEACH Teacher Shortage~~ scholarship program established by this Section and shall make all necessary and proper rules not inconsistent with this Section for its effective implementation.

(i) Prior to receiving scholarship assistance for any academic year, each recipient of a scholarship awarded under this Section shall be required by the Commission to sign an agreement under which the recipient pledges that, within the one-year period following the termination of the academic program for which the recipient was awarded a scholarship, the recipient: (i) shall begin teaching ~~in a teacher shortage discipline~~ for a period of not less than 5 years ~~one year for each year of scholarship assistance awarded under this Section~~, (ii) shall fulfill this teaching obligation at a nonprofit Illinois public, private, or parochial preschool or an Illinois public elementary or secondary school, and (iii) shall, upon request of the Commission, provide the Commission with evidence that he or she is fulfilling or has fulfilled the terms of the teaching agreement provided for in this subsection.

(j) If a recipient of a scholarship awarded under this Section fails to fulfill the teaching obligation set forth in subsection (i) of this Section, the Commission shall require the recipient to repay the amount of the scholarships received, prorated according to the fraction of the teaching obligation not completed, plus interest at a rate of 5% and if applicable, reasonable collection fees. The Commission is authorized to establish rules relating to its collection activities for repayment of scholarships under this Section. Payments received by the Commission under this subsection (j) shall be remitted to the State Comptroller for deposit into the General Revenue Fund, except that that portion of a recipient's repayment that equals the amount in expenses that the Commission has reasonably incurred in attempting collection from that recipient shall be remitted to the State Comptroller for deposit into the Commission's Accounts Receivable Fund.

(k) A recipient of a scholarship awarded by the Commission under this Section shall not be in violation of the agreement entered into pursuant to subsection (i) if the recipient (i) enrolls on a full-time basis as a graduate student in a course of study related to the field of teaching at an institution of higher learning; (ii) is serving as a member of the armed services of the United States; (iii) is temporarily totally disabled, as established by sworn affidavit of a qualified physician; or (iv) is seeking and unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (i) and is able to provide evidence of that fact. Any such extension of the period during which the teaching requirement must be fulfilled shall be subject to limitations of duration as established by the Commission. (Source: P.A. 91-670, eff. 12-22-99; 92-845, eff. 1-1-03.)

"; and

by deleting pages 7 through 9; and

on page 10, by deleting lines 1 through 9; and

on page 15, immediately below line 1, by inserting the following:

"Section 10. The Illinois Vehicle Code is amended by changing 3-648 as follows:

(625 ILCS 5/3-648)

Sec. 3-648. Education license plates. (a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Education license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates shall be determined by a contest that every elementary school pupil in the State of Illinois is eligible to enter. The designs submitted for the contest shall be judged on September 30, 2002, and the winning design shall be selected by a committee composed of the Secretary, the Director of State Police, 2 members of the Senate, one member chosen by the President of the Senate and one member chosen by the Senate Minority Leader, and 2 members of the House of Representatives, one member chosen by the Speaker of the House and one member chosen by the House Minority Leader. The Secretary may allow the plates to be issued as vanity or personalized plates under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance, in addition to the

appropriate registration fee. Of this $40 additional original issuance fee, $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs, and $25 shall be deposited into the Illinois Future Teacher Corps Scholarship Fund. For each registration renewal period, a $40 fee, in addition to the appropriate registration fee, shall be charged. Of this $40 additional renewal fee, $2 shall be deposited into the Secretary of State Special License Plate Fund and $38 shall be deposited into the Illinois Future Teacher Corps Scholarship Fund. Each fiscal year, once deposits from the additional original issuance and renewal fees into the Secretary of State Special License Plate Fund have reached $500,000, all the amounts received for the additional fees for the balance of the fiscal year shall be deposited into the Illinois Future Teacher Corps Scholarship Fund.

(d) The Illinois Future Teacher Corps Scholarship Fund is created as a special fund in the State treasury. Ninety-five percent of the moneys in the Illinois Future Teacher Corps Scholarship Fund shall be appropriated to the Illinois Student Assistance Commission for scholarships under Section 52 ~~or 65.65~~ of the Higher Education Student Assistance Act, and 5% of the moneys in the Illinois Future Teacher Corps Scholarship Fund shall be appropriated to the State Board of Education for grants to the Golden Apple Foundation for Excellence in Teaching, a recognized charitable organization that meets the requirements of Title 26, Section 501(c)(3) of the United States Code. (Source: P.A. 92-445, eff. 8-17-01; 92-651, eff. 7-11-02; 92-845, eff. 1-1-03.)

(110 ILCS 947/65.65 rep.)

Section 15. The Higher Education Student Assistance Act is amended by repealing Section 65.65.".

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

SENATE BILL 319. Having been printed, was taken up and read by title a second time.

The following amendments were offered in the Committee on Human Services, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 319 on page 1, by inserting immediately below line 3 the following:

"Section 3. The Abused and Neglected Long Term Care Facility Residents Reporting Act is amended by changing Section 4 as follows:

(210 ILCS 30/4) (from Ch. 111 1/2, par. 4164)

Sec. 4. Any long term care facility administrator, agent or employee or any physician, hospital, surgeon, dentist, osteopath, chiropractor, podiatrist, ~~Christian Science practitioner,~~ coroner, social worker, social services administrator, registered nurse, law enforcement officer, field personnel of the Illinois Department of Public Aid, field personnel of the Illinois Department of Public Health and County or Municipal Health Departments, personnel of the Department of Human Services (acting as the successor to the Department of Mental Health and Developmental Disabilities or the Department of Public Aid), personnel of the Guardianship and Advocacy Commission, personnel of the State Fire Marshal, local fire department inspectors or other personnel, or personnel of the Illinois Department on Aging, or its subsidiary Agencies on Aging, or employee of a facility licensed under the Assisted Living and Shared Housing Act, having reasonable cause to believe any resident with whom they have direct contact has been subjected to abuse or neglect shall immediately report or cause a report to be made to the Department. Persons required to make reports or cause reports to be made under this Section include all employees of the State of Illinois who are involved in providing services to residents, including professionals providing medical or rehabilitation services and all other persons having direct contact with residents; and further include all employees of community service agencies who provide services to a resident of a public or private long term care facility outside of that facility. Any long term care surveyor of the Illinois Department of Public Health who has reasonable cause to believe in the course of a survey that a resident has been abused or neglected and initiates an investigation while on site at the facility shall be exempt from making a report under this Section but the results of any such investigation shall be forwarded to the central register in a manner and form described by the Department.

The requirement of this Act shall not relieve any long term care facility administrator, agent or employee of responsibility to report the abuse or neglect of a resident under Section 3-610 of the Nursing Home Care Act.

In addition to the above persons required to report suspected resident abuse and neglect, any other

person may make a report to the Department, or to any law enforcement officer, if such person has reasonable cause to suspect a resident has been abused or neglected.

This Section also applies to residents whose death occurs from suspected abuse or neglect before being found or brought to a hospital.

A person required to make reports or cause reports to be made under this Section who fails to comply with the requirements of this Section is guilty of a Class A misdemeanor. A person who is required to make reports or cause reports to be made under this Section who suffers damages as a result of making or causing to be made a report of a violation committed by a licensee or its agents or employees may bring an action against the licensee and its agents and employees.

A person who knowingly transmits or causes to be transmitted a false report to the Department commits the offense of disorderly conduct under item (8.5) of subsection (a) of Section 26-1 of the Criminal Code of 1961. (Source: P.A. 91-656, eff. 1-1-01.)

"; and

on page 1, line 5, by replacing "Section 3-608" with "Sections 3-608 and 3-702"; and

on page 1, immediately below line 19, by inserting the following:

"(210 ILCS 45/3-702) (from Ch. 111 1/2, par. 4153-702)

Sec. 3-702. (a) A person who believes that this Act or a rule promulgated under this Act may have been violated may request an investigation. The request may be submitted to the Department in writing, by telephone, or by personal visit. An oral complaint shall be reduced to writing by the Department. The Department shall request information identifying the complainant, including the name, address and telephone number, to help enable appropriate follow-up. The Department shall act on such complaints via on-site visits or other methods deemed appropriate to handle the complaints with or without such identifying information, as otherwise provided under this Section. The complainant shall be informed that compliance with such request is not required to satisfy the procedures for filing a complaint under this Act.

(b) The substance of the complaint shall be provided in writing to the licensee, owner or administrator no earlier than at the commencement of an on-site inspection of the facility which takes place pursuant to the complaint.

(c) The Department shall not disclose the name of the complainant unless the complainant consents in writing to the disclosure or the investigation results in a judicial proceeding, or unless disclosure is essential to the investigation. The complainant shall be given the opportunity to withdraw the complaint before disclosure. Upon the request of the complainant, the Department may permit the complainant or a representative of the complainant to accompany the person making the on-site inspection of the facility.

(d) Upon receipt of a complaint, the Department shall determine whether this Act or a rule promulgated under this Act has been or is being violated. The Department shall investigate all complaints of ~~alleging~~ abuse or neglect that ~~within 7 days after the receipt of the complaint except that complaints of abuse or neglect which~~ indicate that a resident's life or safety is in imminent danger ~~shall be investigated~~ within 24 hours after receipt of the complaint. Complaints alleging immediate jeopardy to a resident's health or safety shall be investigated within 2 working days after receipt of the complaint. All other complaints shall be investigated during the facility's next annual survey ~~within 30 days after the receipt of the complaint~~. The Department employees investigating a complaint shall conduct a brief, informal exit conference with the facility to alert its administration of any suspected serious deficiency that poses a direct threat to the health, safety or welfare of a resident to enable an immediate correction for the alleviation or elimination of such threat. Such information and findings discussed in the brief exit conference shall become a part of the investigating record but shall not in any way constitute an official or final notice of violation as provided under Section 3-301. All complaints shall be classified as "an invalid report", "a valid report", or "an undetermined report". For any complaint classified as "a valid report", the Department must determine within 30 working days if any rule or provision of this Act has been or is being violated.

(d-1) The Department shall, whenever possible, combine an on-site investigation of a complaint in a facility with other inspections in order to avoid duplication of inspections.

(e) In all cases, the Department shall inform the complainant of its findings within 10 days of its determination unless otherwise indicated by the complainant, and the complainant may direct the Department to send a copy of such findings to another person. The Department's findings may include comments or documentation provided by either the complainant or the licensee pertaining to the complaint. The Department shall also notify the facility of such findings within 10 days of the determination, but the name of the complainant or residents shall not be disclosed in this notice to the facility. The notice of such findings shall include a copy of the written determination; the correction order, if any; the warning notice, if any; the inspection report; or the State licensure form on which the violation is listed.

(f) A written determination, correction order, or warning notice concerning a complaint, together with the facility's response, shall be available for public inspection, but the name of the complainant or resident shall not be disclosed without his consent.

(g) A complainant who is dissatisfied with the determination or investigation by the Department may request a hearing under Section 3-703. The facility shall be given notice of any such hearing and may participate in the hearing as a party. If a facility requests a hearing under Section 3-703 which concerns a matter covered by a complaint, the complainant shall be given notice and may participate in the hearing as a party. A request for a hearing by either a complainant or a facility shall be submitted in writing to the Department within 30 days after the mailing of the Department's findings as described in subsection (e) of this Section. Upon receipt of the request the Department shall conduct a hearing as provided under Section 3-703.

(h) Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(8) of Section 26-1 of the "Criminal Code of 1961". (Source: P.A. 85-1378.)

"; and

on page 1, line 21, by replacing "Section" with "Sections 2, 4, and"; and

on page 1, immediately below line 21, by inserting the following:

"(320 ILCS 20/2) (from Ch. 23, par. 6602)

Sec. 2. Definitions. As used in this Act, unless the context requires otherwise:

(a) "Abuse" means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse or neglect for the sole reason that he or she is being furnished with or relies upon treatment by spiritual means through prayer alone, in accordance with the tenets and practices of a recognized church or religious denomination.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse because of health care services provided or not provided by licensed health care professionals.

(a-5) "Abuser" means a person who abuses, neglects, or financially exploits an eligible adult.

(a-7) "Caregiver" means a person who either as a result of a family relationship, voluntarily, or in exchange for compensation has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily living.

(b) "Department" means the Department on Aging of the State of Illinois.

(c) "Director" means the Director of the Department.

(d) "Domestic living situation" means a residence where the eligible adult lives alone or with his or her family or a caregiver, or others, or a board and care home or other community-based unlicensed facility, but is not:

(1) A licensed facility as defined in Section 1-113 of the Nursing Home Care Act;

(2) A "life care facility" as defined in the Life Care Facilities Act;

(3) A home, institution, or other place operated by the federal government or agency thereof or by the State of Illinois;

(4) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor, which is required to be licensed under the Hospital Licensing Act;

(5) A "community living facility" as defined in the Community Living Facilities Licensing Act;

(6) A "community residential alternative" as defined in the Community Residential Alternatives Licensing Act; and

(7) A "community-integrated living arrangement" as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.

(e) "Eligible adult" means a person 60 years of age or older who resides in a domestic living situation and is, or is alleged to be, abused, neglected, or financially exploited by another individual.

(f) "Emergency" means a situation in which an eligible adult is living in conditions presenting a risk of death or physical, mental or sexual injury and the provider agency has reason to believe the eligible adult is unable to consent to services which would alleviate that risk.

(f-5) "Mandated reporter" means any of the following persons while engaged in carrying out their professional duties:

(1) a professional or professional's delegate while engaged in: (i) social services, (ii) law enforcement, (iii) education, (iv) the care of an eligible adult or eligible adults, or (v) any of the occupations required to be licensed under the Clinical Psychologist Licensing Act, the Clinical Social

Work and Social Work Practice Act, the Illinois Dental Practice Act, the Dietetic and Nutrition Services Practice Act, the Marriage and Family Therapy Licensing Act, the Medical Practice Act of 1987, the Naprapathic Practice Act, the Nursing and Advanced Practice Nursing Act, the Nursing Home Administrators Licensing and Disciplinary Act, the Illinois Occupational Therapy Practice Act, the Illinois Optometric Practice Act of 1987, the Pharmacy Practice Act of 1987, the Illinois Physical Therapy Act, the Physician Assistant Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Respiratory Care Practice Act, the Professional Counselor and Clinical Professional Counselor Licensing Act, the Illinois Speech-Language Pathology and Audiology Practice Act, the Veterinary Medicine and Surgery Practice Act of 1994, and the Illinois Public Accounting Act;

(2) an employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;

(3) an administrator, employee, or person providing services in or through an unlicensed community based facility;

(4) (blank) ~~a Christian Science Practitioner~~;

(5) field personnel of the Department of Public Aid, Department of Public Health, and Department of Human Services, and any county or municipal health department;

(6) personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies, and the Office of State Long Term Care Ombudsman;

(7) any employee of the State of Illinois not otherwise specified herein who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and all other persons having direct contact with eligible adults; or

(8) a person who performs the duties of a coroner or medical examiner.

(g) "Neglect" means another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or medical care. This subsection does not create any new affirmative duty to provide support to eligible adults. Nothing in this Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals.

(h) "Provider agency" means any public or nonprofit agency in a planning and service area appointed by the regional administrative agency with prior approval by the Department on Aging to receive and assess reports of alleged or suspected abuse, neglect, or financial exploitation.

(i) "Regional administrative agency" means any public or nonprofit agency in a planning and service area so designated by the Department, provided that the designated Area Agency on Aging shall be designated the regional administrative agency if it so requests. The Department shall assume the functions of the regional administrative agency for any planning and service area where another agency is not so designated.

(j) "Substantiated case" means a reported case of alleged or suspected abuse, neglect, or financial exploitation in which a provider agency, after assessment, determines that there is reason to believe abuse, neglect, or financial exploitation has occurred. (Source: P.A. 91-259, eff. 1-1-00; 91-357, eff. 7-29-99; 91-533, eff. 8-13-99; 92-16, eff. 6-28-01.)

(320 ILCS 20/4) (from Ch. 23, par. 6604)

Sec. 4. Reports of abuse or neglect. (a) Any person who suspects the abuse, neglect, or financial exploitation of an eligible adult may report this suspicion to an agency designated to receive such reports under this Act or to the Department.

(a-5) If any mandated reporter has reason to believe that an eligible adult, who because of dysfunction is unable to seek assistance for himself or herself, has, within the previous 12 months, been subjected to abuse, neglect, or financial exploitation, the mandated reporter shall, within 24 hours after developing such belief, report this suspicion to an agency designated to receive such reports under this Act or to the Department. Whenever a mandated reporter is required to report under this Act in his or her capacity as a member of the staff of a medical or other public or private institution, facility, board and care home, or agency, he or she shall make a report to an agency designated to receive such reports under this Act or to the Department in accordance with the provisions of this Act and may also notify the person in charge of the institution, facility, board and care home, or agency or his or her designated agent that the report has been made. Under no circumstances shall any person in charge of such institution, facility, board and care home, or agency, or his or her designated agent to whom the notification has been made, exercise any control, restraint, modification, or other change in the report or the forwarding of the report to an agency designated to receive such reports under this Act or to the Department. The privileged quality of

communication between any professional person required to report and his or her patient or client shall not apply to situations involving abused, neglected, or financially exploited eligible adults and shall not constitute grounds for failure to report as required by this Act.

(a-7) A person making a report under this Act in the belief that it is in the alleged victim's best interest shall be immune from criminal or civil liability or professional disciplinary action on account of making the report, notwithstanding any requirements concerning the confidentiality of information with respect to such eligible adult which might otherwise be applicable.

(a-9) Law enforcement officers shall continue to report incidents of alleged abuse pursuant to the Illinois Domestic Violence Act of 1986, notwithstanding any requirements under this Act.

(b) Any person, institution or agency participating in the making of a report, providing information or records related to a report, assessment, or services, or participating in the investigation of a report under this Act in good faith, or taking photographs or x-rays as a result of an authorized assessment, shall have immunity from any civil, criminal or other liability in any civil, criminal or other proceeding brought in consequence of making such report or assessment or on account of submitting or otherwise disclosing such photographs or x-rays to any agency designated to receive reports of alleged or suspected abuse or neglect. Any person, institution or agency authorized by the Department to provide assessment, intervention, or administrative services under this Act shall, in the good faith performance of those services, have immunity from any civil, criminal or other liability in any civil, criminal, or other proceeding brought as a consequence of the performance of those services. For the purposes of any civil, criminal, or other proceeding, the good faith of any person required to report, permitted to report, or participating in an investigation of a report of alleged or suspected abuse, neglect, or financial exploitation shall be presumed.

(c) The identity of a person making a report of alleged or suspected abuse or neglect under this Act may be disclosed by the Department or other agency provided for in this Act only with such person's written consent or by court order.

(d) The Department shall by rule establish a system for filing and compiling reports made under this Act.

(e) A person who knowingly transmits or causes to be transmitted a false report to the Department commits the offense of disorderly conduct under item (8.6) of subsection (a) of Section 26-1 of the Criminal Code of 1961. (Source: P.A. 90-628, eff. 1-1-99.)

"; and

on page 2, by inserting immediately below line 6 the following:

"Section 15. The Criminal Code of 1961 is amended by changing Section 26-1 as follows:

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

Sec. 26-1. Elements of the Offense. (a) A person commits disorderly conduct when he knowingly:

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

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

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

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

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

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

(7) Transmits or causes to be transmitted a false report to the Department of Children and Family Services under Section 4 of the "Abused and Neglected Child Reporting Act"; or

(8) Transmits or causes to be transmitted a false report to the Department of Public Health under the

Nursing Home Care Act; or

(8.5) Transmits or causes to be transmitted a false report to the Department of Public Health under the Abused and Neglected Long Term Care Facility Residents Reporting Act; or

(8.6) Transmits or causes to be transmitted a false report to the Department on Aging under the Elder Abuse and Neglect Act; or

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

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

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

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

(b) Sentence. A violation of subsection (a)(1) of this Section is a Class C misdemeanor. A violation of subsection (a)(5), (a)(7), (a)(8), (a)(8.5), (a)(8.6), (a)(11), or (a)(12) of this Section is a Class A misdemeanor. A violation of subsection ~~(a)(8) or~~ (a)(10) of this Section is a Class B misdemeanor. A violation of subsection (a)(2), (a)(4), or (a)(9) of this Section is a Class 4 felony. A violation of subsection (a)(3) of this Section is a Class 3 felony, for which a fine of not less than $3,000 and no more than $10,000 shall be assessed in addition to any other penalty imposed.

A violation of subsection (a)(6) of this Section is a Business Offense and shall be punished by a fine not to exceed $3,000. A second or subsequent violation of subsection (a)(7), (a)(8), (a)(8.5), (a)(8.6), (a)(11), or (a)(12) of this Section is a Class 4 felony. A third or subsequent violation of subsection (a)(5) of this Section is a Class 4 felony.

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

This subsection does not apply when the court imposes a sentence of incarceration. (Source: P.A. 91-115, eff. 1-1-00; 91-121, eff. 7-15-99; 92-16, eff. 6-28-01; 92-502, eff. 12-19-01.)".

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 319, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 3, line 11, after the period, by inserting "For the purposes of this paragraph, "person" does not include a resident."; and
on page 3, line 29, after the period, by inserting "Nothing in this Section requires an investigation to include an on-site visit."; and
on page 4, line 15, after the period, by inserting "Upon receipt of a complaint alleging abuse or neglect of a resident, the Department shall conduct an initial investigation and make an initial determination whether the report is a good faith indication of alleged abuse or neglect. If the Department determines the report is a good faith indication of alleged abuse or neglect, a formal investigation shall commence."; and
on page 4, line 16, by replacing "complaints of ~~alleging~~ abuse or neglect" with "reports of alleged abuse or neglect made in good faith ~~complaints alleging abuse or neglect~~"; and
on page 4, by replacing lines 24 and 25 with the following:
"investigated within 30 days after the receipt of the complaint. The Department"; and
on page 5, line 6, after the period, by inserting "The Department may extend the period in which such determinations must be made in individual cases for additional periods of up to 30 days each for good cause shown. The Department shall by rule establish what shall constitute good cause."; and
on page 12, line 33, after the period, by inserting "For the purposes of this subsection, "person" does not include the subject of the report.".

There being no further amendments, the foregoing Amendments numbered 1 and 2 were adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 280. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary II - Criminal Law, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 280 as follows:
by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by changing Section 5-4-3 as follows:

(730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

Sec. 5-4-3. Persons convicted of, or found delinquent for, certain offenses or institutionalized as sexually dangerous; specimens; genetic marker groups.

(a) Any person convicted of, found guilty under the Juvenile Court Act of 1987 for, or who received a disposition of court supervision for, a qualifying offense or attempt of a qualifying offense, convicted or found guilty of any offense classified as a felony under Illinois law, found guilty or given supervision for any offense classified as a felony under the Juvenile Court Act of 1987, or institutionalized as a sexually dangerous person under the Sexually Dangerous Persons Act, or committed as a sexually violent person under the Sexually Violent Persons Commitment Act shall, regardless of the sentence or disposition imposed, be required to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section, provided such person is:

(1) convicted of a qualifying offense or attempt of a qualifying offense on or after July 1, 1990 ~~the effective date of this amendatory Act of 1989,~~ and sentenced to a term of imprisonment, periodic imprisonment, fine, probation, conditional discharge or any other form of sentence, or given a disposition of court supervision for the offense;~~, or~~

(1.5) found guilty or given supervision under the Juvenile Court Act of 1987 for a qualifying offense or attempt of a qualifying offense on or after January 1, 1997; ~~the effective date of this amendatory Act of 1996, or~~

(2) ordered institutionalized as a sexually dangerous person on or after July 1, 1990; ~~the effective date of this amendatory Act of 1989, or~~

(3) convicted of a qualifying offense or attempt of a qualifying offense before July 1, 1990 ~~the effective date of this amendatory Act of 1989~~ and is presently confined as a result of such conviction in any State correctional facility or county jail or is presently serving a sentence of probation, conditional discharge or periodic imprisonment as a result of such conviction;~~, or~~

(3.5) convicted or found guilty of any offense classified as a felony under Illinois law or found guilty or given supervision for such an offense under the Juvenile Court Act of 1987 on or after August 22, 2002; ~~the effective date of this amendatory Act of the 92nd General Assembly, or~~

(4) presently institutionalized as a sexually dangerous person or presently institutionalized as a person found guilty but mentally ill of a sexual offense or attempt to commit a sexual offense; ~~or~~

(4.5) ordered committed as a sexually violent person on or after the effective date of the Sexually Violent Persons Commitment Act; or

(5) seeking transfer to or residency in Illinois under Sections 3-3-11.05 through 3-3-11.5 of the Unified Code of Corrections and the Interstate Compact for Adult Offender Supervision or the Interstate Agreements on Sexually Dangerous Persons Act.

Notwithstanding other provisions of this Section, any person incarcerated in a facility of the Illinois Department of Corrections on or after August 22, 2002 ~~the effective date of this amendatory Act of the 92nd General Assembly~~ shall be required to submit a specimen of blood, saliva, or tissue prior to his or her final discharge or release on parole or mandatory supervised release, as a condition of his or her parole or mandatory supervised release.

(a-5) Any person who was otherwise convicted of or received a disposition of court supervision for any other offense under the Criminal Code of 1961 or who was found guilty or given supervision for such a violation under the Juvenile Court Act of 1987, may, regardless of the sentence imposed, be required by an order of the court to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section.

(b) Any person required by paragraphs (a)(1), (a)(1.5), (a)(2), (a)(3.5), and (a-5) to provide specimens of blood, saliva, or tissue shall provide specimens of blood, saliva, or tissue within 45 days after sentencing or disposition at a collection site designated by the Illinois Department of State Police.

(c) Any person required by paragraphs (a)(3), (a)(4), and (a)(4.5) to provide specimens of blood, saliva, or tissue shall be required to provide such samples prior to final discharge, parole, or release at a collection site designated by the Illinois Department of State Police.

(c-5) Any person required by paragraph (a)(5) to provide specimens of blood, saliva, or tissue shall, where feasible, be required to provide the specimens before being accepted for conditioned residency in Illinois under the interstate compact or agreement, but no later than 45 days after arrival in this State.

(c-6) The Illinois Department of State Police may determine which type of specimen or specimens, blood, saliva, or tissue, is acceptable for submission to the Division of Forensic Services for analysis.

(d) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of blood samples. The collection of samples shall be performed in a medically approved manner. Only a physician authorized to practice medicine, a registered nurse or other qualified person trained in venipuncture may withdraw blood for the purposes of this Act. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-1) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of saliva samples. The collection of saliva samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting saliva may collect saliva for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-2) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of tissue samples. The collection of tissue samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting tissue may collect tissue for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-5) To the extent that funds are available, the Illinois Department of State Police shall contract with qualified personnel and certified laboratories for the collection, analysis, and categorization of known samples.

(d-6) Agencies designated by the Illinois Department of State Police and the Illinois Department of State Police may contract with third parties to provide for the collection or analysis of DNA, or both, of an offender's blood, saliva, and tissue samples.

(e) The genetic marker groupings shall be maintained by the Illinois Department of State Police, Division of Forensic Services.

(f) The genetic marker grouping analysis information obtained pursuant to this Act shall be confidential and shall be released only to peace officers of the United States, of other states or territories, of the insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois and to all prosecutorial agencies. The genetic marker grouping analysis information obtained pursuant to this Act shall be used only for (i) valid law enforcement identification purposes and as required by the Federal Bureau of Investigation for participation in the National DNA database, ~~or~~ (ii) technology validation purposes, (iii) a population statistics database, or (iv) quality assurance purposes if personally identifying information is removed. Notwithstanding any other statutory provision to the contrary, all information obtained under this Section shall be maintained in a single State data base, which may be uploaded into a national database, and which information may be subject to expungement only as set forth in subsection (f-1).

(f-1) Upon receipt of notification of a reversal of a conviction based on actual innocence, or of the granting of a pardon pursuant to Section 12 of Article V of the Illinois Constitution, if that pardon document specifically states that the reason for the pardon is the actual innocence of an individual whose DNA record has been stored in the State or national DNA identification index in accordance with this Section by the Illinois Department of State Police, the DNA record shall be expunged from the DNA identification index, and the Department shall by rule prescribe procedures to ensure that the record and any samples, analyses, or other documents relating to such record, whether in the possession of the Department or any law enforcement or police agency, or any forensic DNA laboratory, including any duplicates or copies thereof, are destroyed and a letter is sent to the court verifying the expungement is

completed.

(f-5) Any person who intentionally uses genetic marker grouping analysis information, or any other information derived from a DNA sample, beyond the authorized uses as provided under this Section, or any other Illinois law, is guilty of a Class 4 felony, and shall be subject to a fine of not less than $5,000.

(f-6) The Illinois Department of State Police may contract with third parties for the purposes of implementing this amendatory Act of the 93rd General Assembly. Any other party contracting to carry out the functions of this Section shall be subject to the same restrictions and requirements of this Section insofar as applicable, as the Illinois Department of State Police, and to any additional restrictions imposed by the Illinois Department of State Police.

(g) For the purposes of this Section, "qualifying offense" means any of the following:

(1) any violation or inchoate violation of Section 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or 12-16 of the Criminal Code of 1961;~~, or~~

(1.1) any violation or inchoate violation of Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which persons are convicted on or after July 1, 2001;~~, or~~

(2) any former statute of this State which defined a felony sexual offense;~~, or~~

(3) (blank);~~, or~~

(4) any inchoate violation of Section 9-3.1, 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961;~~,~~ or

(5) any violation or inchoate violation of Article 29D of the Criminal Code of 1961.

(g-5) (Blank).

(h) The Illinois Department of State Police shall be the State central repository for all genetic marker grouping analysis information obtained pursuant to this Act. The Illinois Department of State Police may promulgate rules for the form and manner of the collection of blood, saliva, or tissue samples and other procedures for the operation of this Act. The provisions of the Administrative Review Law shall apply to all actions taken under the rules so promulgated.

(i)(1) A person required to provide a blood, saliva, or tissue specimen shall cooperate with the collection of the specimen and any deliberate act by that person intended to impede, delay or stop the collection of the blood, saliva, or tissue specimen is a Class A misdemeanor.

(2) In the event that a person's DNA sample is not adequate for any reason, the person shall provide another DNA sample for analysis. Duly authorized law enforcement and corrections personnel may employ reasonable force in cases in which an individual refuses to provide a DNA sample required under this Act.

(j) Any person required by subsection (a) to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police for analysis and categorization into genetic marker grouping, in addition to any other disposition, penalty, or fine imposed, shall pay an analysis fee of $200. If the analysis fee is not paid at the time of sentencing, the court shall establish a fee schedule by which the entire amount of the analysis fee shall be paid in full, such schedule not to exceed 24 months from the time of conviction. The inability to pay this analysis fee shall not be the sole ground to incarcerate the person.

(k) All analysis and categorization fees provided for by subsection (j) shall be regulated as follows:

(1) The State Offender DNA Identification System Fund is hereby created as a special fund in the State Treasury.

(2) All fees shall be collected by the clerk of the court and forwarded to the State Offender DNA Identification System Fund for deposit. The clerk of the circuit court may retain the amount of $10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.

(3) Fees deposited into the State Offender DNA Identification System Fund shall be used by Illinois State Police crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made pursuant to existing laws and shall be designated for the exclusive use of State crime laboratories. These uses may include, but are not limited to, the following:

(A) Costs incurred in providing analysis and genetic marker categorization as required by subsection (d).

(B) Costs incurred in maintaining genetic marker groupings as required by subsection (e).

(C) Costs incurred in the purchase and maintenance of equipment for use in performing analyses.

(D) Costs incurred in continuing research and development of new techniques for analysis and genetic marker categorization.

(E) Costs incurred in continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.

(l) The failure of a person to provide a specimen, or of any person or agency to collect a specimen, within the 45 day period shall in no way alter the obligation of the person to submit such specimen, or the authority of the Illinois Department of State Police or persons designated by the Department to collect the specimen, or the authority of the Illinois Department of State Police to accept, analyze and maintain the specimen or to maintain or upload results of genetic marker grouping analysis information into a State or national database.

(m) If any provision of this amendatory Act of the 93rd General Assembly is held unconstitutional or otherwise invalid, the remainder of this amendatory Act of the 93rd General Assembly is not affected.

(Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01; 92-40, eff. 6-29-01; 92-571, eff. 6-26-02; 92-600, eff. 6-28-02; 92-829, eff. 8-22-02; 92-854, eff. 12-5-02; revised 1-20-03.)".

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

Having been printed, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILL 267.

SENATE BILL 263. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Human Services, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 263, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Perinatal HIV Prevention Act.

Section 5. Definitions. In this Act:

"Health care professional" means a physician licensed to practice medicine in all its branches, a physician assistant who has been delegated the provision of health services by his or her supervising physician, or an advanced practice registered nurse who has a written collaborative agreement with a collaborating physician that authorizes the provision of health services.

"Health care facility" or "facility" means any hospital or other institution that is licensed or otherwise authorized to deliver health care services.

"Health care services" means any prenatal medical care or labor or delivery services to a pregnant woman and her newborn infant, including hospitalization.

Section 10. HIV counseling and offer of HIV testing required.

(a) Every health care professional who provides health care services to a pregnant woman shall provide the woman with HIV counseling and offer HIV testing, unless she has already received an HIV test during pregnancy. HIV testing shall be provided with the woman's consent. A health care professional shall provide the counseling and offer the testing as early in the woman's pregnancy as possible. For women at continued risk of exposure to HIV infection in the judgment of the health care professional, a repeat test should be offered late in pregnancy. The counseling and offer of testing shall be documented in the woman's medical record.

(b) Every health care professional or facility that cares for a pregnant woman during labor or delivery shall provide the woman with HIV counseling and offer HIV testing. HIV testing shall be provided with the woman's consent. No counseling or offer of testing is required if already provided during the woman's pregnancy. The counseling and offer of testing shall be documented in the woman's medical record. Any testing or test results shall be documented in accordance with the AIDS Confidentiality Act.

(c) Every health care professional or facility caring for a newborn infant shall, upon delivery or within 48 hours after the infant's birth, provide counseling to the parent or guardian of the infant and perform HIV testing, when the HIV status of the infant's mother is unknown, if the parent or guardian does not refuse. The health care professional or facility shall document in the woman's medical record that counseling and the offer of testing were given, and that no written refusal was given.

(d) The counseling required under this Section must be provided in accordance with the AIDS Confidentiality Act and must include the following:

(1) The benefits of HIV testing for the pregnant woman, including the prevention of transmission.

(2) The benefit of HIV testing for the newborn infant, including interventions to prevent HIV

transmission.

(3) The side effects of interventions to prevent HIV transmission.

(4) The statutory confidentiality provisions that relate to HIV and acquired immune deficiency syndrome ("AIDS") testing.

(5) The voluntary nature of the testing, including the opportunity to refuse testing of a newborn infant in writing.

(e) All counseling and testing must be performed in accordance with the standards set forth in the AIDS Confidentiality Act, with the exception of the requirement of consent for testing of newborn infants. Consent for testing of a newborn infant shall be presumed when a health care professional or health care facility seeks to perform a test on a newborn infant whose mother's HIV status is not known, provided that the counseling required under subsection (d) has taken place and the newborn infant's parent or guardian has not indicated in writing that he or she refuses to allow the newborn infant to receive HIV testing.

(f) The Illinois Department of Public Health shall adopt necessary rules to implement this Act.

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

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

SENATE BILL 222. Having been printed, was taken up and read by title a second time.

The following amendments were offered in the Committee on Environment & Energy, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 222 by deleting lines 6 through 30 on page 1 and lines 1 through 28 on page 2; and

by replacing lines 13 through 33 on page 38 and lines 1 through 23 on page 39 with the following:

"(415 ILCS 5/28.6 new)

Sec. 28.6. Rulemaking to update incorporation by reference.

(a) Any person may file a proposal with the Board to update an incorporation by reference included in a Board rule. The Board or the Agency may also make such a proposal on its own initiative.

(b) A rulemaking to update an incorporation by reference under this Section shall be for the sole purpose of replacing a reference to an older or obsolete version of a document with a reference to the current version of that document or its successor document.

(c) A rulemaking to update an incorporation by reference under this Section shall comply with Sections 5-40 and 5-75 of the Illinois Administrative Procedure Act. Sections 27 and 28 of this Act do not apply to rulemaking under this Section.

(d) If an objection to the proposed amendment is filed during the public comment period required under Section 5-40 of the Illinois Administrative Procedure Act, then the proposed amendment shall not be adopted pursuant to this Section. Nothing in this Section precludes the adoption of a change to an incorporation by reference through other lawful rulemaking procedures.

(e) The Board may adopt procedural rules to implement this Section.".

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 222 by replacing lines 32 through 34 on page 64 and line 1 on page 65 with the following: "paid for a single occurrence surpass $100,000 ~~$2,000,000, provided that this limitation shall not render any portion of the judgment enforceable against the response action contractor~~.".

There being no further amendments, the foregoing Amendments numbered 1 and 2 were adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 125. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary II - Criminal Law, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 125 as follows:
on page 8, line 19, by inserting after "Act", the following:
"; except that a certificate of relief from disabilities may not be granted to provide for the issuance or restoration of a license under the Animal Welfare Act for any person convicted of violating Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane Care for Animals Act or Section 26-5 of the Criminal Code of 1961".

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

Having been printed, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILL 618.

SENATE BILL 1785. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary I - Civil Law, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1785 by replacing lines 31 through 34 on page 9 and lines 1 through 8 on page 10 with the following:

"(2) Persons present. The investigator conducting the examination shall exclude from the place where the examination is held all persons except the person giving the testimony, the attorney for and any other representative of the person giving the testimony, the attorney for the State, any person who may be agreed upon by the attorney for the State and the person giving the testimony, the officer before whom the testimony is to be taken, and any stenographer taking such testimony."; and
on page 10, by replacing lines 12 through 14 with the following:
"taken in the county within which such person resides, is found, or transacts business, or in such other place as may be".

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

DISTRIBUTION OF SUPPLEMENTAL CALENDAR

Supplemental Calendar No. 1 was distributed to the Members at 10:45 o'clock a.m.

SENATE BILLS ON SECOND READING

SENATE BILL 155. Having been printed, was taken up and read by title a second time.

Representative Madigan offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 155 on page 1, line 5, by replacing "Section 7" with "Sections 7 and 8"; and
on page 3, immediately below line 15, by inserting the following:

"(30 ILCS 540/8 new)

Sec. 8. Priority of payment.

(a) Definition. As used in this Section, "qualified provider" means a not-for-profit organization that provides non-residential services for the mentally ill or developmentally disabled and is reimbursed or otherwise paid for providing those services by the Illinois Department of Human Services. A "qualified provider" does not include a hospital licensed under the Hospital Licensing Act, a long-term care facility

licensed under the Nursing Home Care Act only with respect to services provided in the licensed facility to residents, or a local governmental unit or university. A "qualified provider" also includes an entity licensed under the Community-Integrated Living Arrangements Licensure and Certification Act, but only with respect to the services provided for a community-integrated living arrangement. The Department of Human Services shall make the determination of who is a "qualified provider".

(b) Processing by official or agency. Except as provided in subsection (d), a bill or invoice for goods or services furnished to the State submitted by a qualified provider and a grant award payment to a qualified provider must be given priority in processing. Any bill or invoice and any grant award payment meeting these criteria that is submitted to an official or agency must be processed and forwarded for payment before any other bill, invoice, or grant award payment is processed or forwarded for payment.

(c) Payment by Comptroller. Except as provided in subsection (d), a voucher for payment for goods or services furnished to the State by a qualified provider and a grant award payment to a qualified provider submitted by an official or agency to the Comptroller for payment must be given priority in payment. Any voucher meeting these criteria that is submitted to the Comptroller by an official or agency for payment from a given fund must be paid before any other bill, invoice, or grant award is paid from that fund. If 2 or more vouchers eligible for priority payment are received by the Comptroller in the same day for payment out of the same fund and there is not enough money in the fund to pay them all, then each bill, invoice, or grant award shall be paid in the order in which it is received.

(d) The processing and payment of (i) debt service obligations of the State and (ii) payroll obligations of the State shall have priority over the processing and payment of items as required by this Section.

Section 99. Effective date. This Section and the changes to Section 8 of the State Prompt Payment Act take effect upon becoming law.".

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

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

SENATE BILL 1668. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Veterans Affairs, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1668 by replacing the title with the following:

"AN ACT concerning veterans' affairs."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois National Guardsman's Compensation Act is amended by changing Section 3 as follows:

(20 ILCS 1825/3) (from Ch. 129, par. 403)

Sec. 3. If a claim therefor is made within one year of the date of the death of the guardsman, compensation shall be paid to the person designated by such guardsman killed while on duty. The amount of compensation shall be equal to the greater of (i) $100,000 or (ii) the amount of compensation payable under Section 3 of the Line of Duty ~~Law Enforcement Officers, Civil Defense Workers, Civil Air Patrol Members, Paramedics, Firemen, Chaplains, and State Employees~~ Compensation Act when an individual to whom that Act applies is killed in the line of duty. If no beneficiary is designated or surviving at the death of the guardsman killed while on duty, the compensation shall be paid as follows:

(a) When there is a surviving spouse, the entire sum shall be paid to the spouse.

(b) When there is no surviving spouse, but a surviving descendant of the decedent, the entire sum shall be paid to the decedent's descendants per stirpes.

(c) When there is neither a surviving spouse nor a surviving descendant, the entire sum shall be paid to the parents of the decedent in equal parts, allowing to the surviving parent, if one is dead, the entire sum.

(d) When there is no surviving spouse, descendant or parent of the decedent, but there are surviving brothers or sisters, or descendants of a brother or sister, who were receiving their principal support from the decedent at his death, the entire sum shall be paid, in equal parts, to the dependent brothers or sisters or dependent descendant of a brother or sister. Dependency shall be determined by the Court of Claims

based upon the investigation and report of the Attorney General.

When there is no beneficiary designated or surviving at the death of the guardsman killed while on duty and no surviving spouse, descendant, parent, dependent brother or sister, or dependent descendant of a brother or sister, no compensation shall be payable under this Act.

No part of such compensation may be paid to any other person for any efforts in securing such compensation. (Source: P.A. 91-357, eff. 7-29-99.)

Section 10. The Court of Claims Act is amended by changing Sections 8 and 21 as follows:

(705 ILCS 505/8) (from Ch. 37, par. 439.8)

Sec. 8. Court of Claims jurisdiction. The court shall have exclusive jurisdiction to hear and determine the following matters:

(a) All claims against the State founded upon any law of the State of Illinois or upon any regulation adopted thereunder by an executive or administrative officer or agency; provided, however, the court shall not have jurisdiction (i) to hear or determine claims arising under the Workers' Compensation Act or the Workers' Occupational Diseases Act, or claims for expenses in civil litigation, or (ii) to review administrative decisions for which a statute provides that review shall be in the circuit or appellate court.

(b) All claims against the State founded upon any contract entered into with the State of Illinois.

(c) All claims against the State for time unjustly served in prisons of this State where the persons imprisoned shall receive a pardon from the governor stating that such pardon is issued on the ground of innocence of the crime for which they were imprisoned; provided, the court shall make no award in excess of the following amounts: for imprisonment of 5 years or less, not more than $15,000; for imprisonment of 14 years or less but over 5 years, not more than $30,000; for imprisonment of over 14 years, not more than $35,000; and provided further, the court shall fix attorney's fees not to exceed 25% of the award granted. On December 31, 1996, the court shall make a one-time adjustment in the maximum awards authorized by this subsection (c), to reflect the increase in the cost of living from the year in which these maximum awards were last adjusted until 1996, but with no annual increment exceeding 5%. Thereafter, the court shall annually adjust the maximum awards authorized by this subsection (c) to reflect the increase, if any, in the Consumer Price Index For All Urban Consumers for the previous calendar year, as determined by the United States Department of Labor, except that no annual increment may exceed 5%. For both the one-time adjustment and the subsequent annual adjustments, if the Consumer Price Index decreases during a calendar year, there shall be no adjustment for that calendar year. The changes made by Public Act 89-689 apply to all claims filed on or after January 1, 1995 that are pending on December 31, 1996 and all claims filed on or after December 31, 1996.

(d) All claims against the State for damages in cases sounding in tort, if a like cause of action would lie against a private person or corporation in a civil suit, and all like claims sounding in tort against the Medical Center Commission, the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, or the Board of Trustees of the Illinois Mathematics and Science Academy; provided, that an award for damages in a case sounding in tort, other than certain cases involving the operation of a State vehicle described in this paragraph, shall not exceed the sum of $100,000 to or for the benefit of any claimant. The $100,000 limit prescribed by this Section does not apply to an award of damages in any case sounding in tort arising out of the operation by a State employee of a vehicle owned, leased or controlled by the State. The defense that the State or the Medical Center Commission or the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, or the Board of Trustees of the Illinois Mathematics and Science Academy is not liable for the negligence of its officers, agents, and employees in the course of their employment is not applicable to the hearing and determination of such claims.

(e) All claims for recoupment made by the State of Illinois against any claimant.

(f) All claims pursuant to the Line of Duty ~~Law Enforcement Officers, Civil Defense Workers, Civil Air Patrol Members, Paramedics, Firemen, Chaplains, and State Employees~~ Compensation Act.

(g) All claims filed pursuant to the Crime Victims Compensation Act.

(h) All claims pursuant to the Illinois National Guardsman's Compensation Act.

(i) All claims authorized by subsection (a) of Section 10-55 of the Illinois Administrative Procedure Act for the expenses incurred by a party in a contested case on the administrative level. (Source: P.A. 89-4, eff. 1-1-96; 89-689, eff. 12-31-96; 90-492, eff. 8-17-97.)

(705 ILCS 505/21) (from Ch. 37, par. 439.21)

Sec. 21. The court is authorized to impose, by uniform rules, a fee of $15 for the filing of a petition in any case in which the award sought is more than $50 and less than $1,000 and $35 in any case in which the award sought is $1,000 or more; and to charge and collect for copies of opinions or other documents filed in the Court of Claims such fees as may be prescribed by the rules of the Court. All fees and charges so collected shall be forthwith paid into the State Treasury.

A petitioner who is a prisoner in an Illinois Department of Corrections facility who files a pleading, motion, or other filing that purports to be a legal document against the State, the Illinois Department of Corrections, the Prisoner Review Board, or any of their officers or employees in which the court makes a specific finding that it is frivolous shall pay all filing fees and court costs in the manner provided in Article XXII of the Code of Civil Procedure.

In claims based upon lapsed appropriations or lost warrant or in claims filed under the Line of Duty ~~Law Enforcement Officers, Civil Defense Workers, Civil Air Patrol Members, Paramedics, Firemen, Chaplains, and State Employees~~ Compensation Act, the Illinois National Guardsman's Compensation Act, or the Crime Victims Compensation Act or in claims filed by medical vendors for medical services rendered by the claimant to persons eligible for Medical Assistance under programs administered by the Illinois Department of Public Aid, no filing fee shall be required. (Source: P.A. 90-492, eff. 8-17-97; 90-505, eff. 8-19-97; 90-655, eff. 7-30-98.)

Section 15. The Good Samaritan Act is amended by changing Section 70 as follows:

(745 ILCS 49/70)

Sec. 70. Law enforcement officers or firemen; exemption from civil liability for emergency care. Any law enforcement officer or fireman as defined in Section 2 of the Line of Duty ~~Law Enforcement Officers, Civil Defense Workers, Civil Air Patrol Members, Paramedics, Firemen, Chaplains, and State Employees~~ Compensation Act, who in good faith provides emergency care without fee to any person shall not, as a result of his or her acts or omissions, except willful and wanton misconduct on the part of the person, in providing the care, be liable to a person to whom such care is provided for civil damages. (Source: P.A. 89-607, eff. 1-1-97; 90-742, eff. 8-13-98.)

Section 20. The Law Enforcement Officers, Civil Defense Workers, Civil Air Patrol Members, Paramedics, Firemen, Chaplains, and State Employees Compensation Act is amended by changing Sections 1, 2, 3, and 4 as follows:

(820 ILCS 315/1) (from Ch. 48, par. 281)

Sec. 1. This Act shall be known and may be cited as the Line of Duty ~~"Law Enforcement Officers, Civil Defense Workers, Civil Air Patrol Members, Paramedics, Firemen, Chaplains, and State Employees~~ Compensation Act~~"~~. (Source: P.A. 89-323, eff. 1-1-96.)

(820 ILCS 315/2) (from Ch. 48, par. 282)

Sec. 2. As used in this Act, unless the context otherwise requires:

(a) "Law enforcement officer" or "officer" means any person employed by the State or a local governmental entity as a policeman, peace officer, auxiliary policeman or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life. This includes supervisors, wardens, superintendents and their assistants, guards and keepers, correctional officers, youth supervisors, parole agents, school teachers and correctional counsellors in all facilities of both the Juvenile and Adult Divisions of the Department of Corrections, while within the facilities under the control of the Department of Corrections or in the act of transporting inmates or wards from one location to another or while performing their official duties, and all other Department of Correction employees who have daily contact with inmates.

The death of the foregoing employees of the Department of Corrections in order to be included herein must be by the direct or indirect willful act of an inmate, ward, work-releasee, parolee, parole violator, person under conditional release, or any person sentenced or committed, or otherwise subject to confinement in or to the Department of Corrections.

(b) "Fireman" means any person employed by the State or a local governmental entity as, or otherwise serving as, a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, including volunteer firemen.

(c) "Local governmental entity" includes counties, municipalities and municipal corporations.

(d) "State" means the State of Illinois and its departments, divisions, boards, bureaus, commissions,

authorities and colleges and universities.

(e) "Killed in the line of duty" means losing one's life as a result of injury received in the active performance of duties as a law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, or chaplain if the death occurs within one year from the date the injury was received and if that injury arose from violence or other accidental cause. In the case of a State employee, "killed in the line of duty" means losing one's life as a result of injury received in the active performance of one's duties as a State employee, if the death occurs within one year from the date the injury was received and if that injury arose from a willful act of violence by another State employee committed during such other employee's course of employment and after January 1, 1988. The term excludes death resulting from the willful misconduct or intoxication of the officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee. However, the burden of proof of such willful misconduct or intoxication of the officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee is on the Attorney General. Subject to the conditions set forth in subsection (a) with respect to inclusion under this Act of Department of Corrections employees described in that subsection, for the purposes of this Act, instances in which a law enforcement officer receives an injury in the active performance of duties as a law enforcement officer include but are not limited to instances when:

(1) the injury is received as a result of a wilful act of violence committed other than by the officer and a relationship exists between the commission of such act and the officer's performance of his duties as a law enforcement officer, whether or not the injury is received while the officer is on duty as a law enforcement officer;

(2) the injury is received by the officer while the officer is attempting to prevent the commission of a criminal act by another or attempting to apprehend an individual the officer suspects has committed a crime, whether or not the injury is received while the officer is on duty as a law enforcement officer;

(3) the injury is received by the officer while the officer is travelling to or from his employment as a law enforcement officer or during any meal break, or other break, which takes place during the period in which the officer is on duty as a law enforcement officer.

In the case of an Armed Forces member, "killed in the line of duty" means losing one's life while on active duty in the Iraq and Arabian Peninsula Combat Zone between January 1, 2003 and the date that all United States Armed Forces have been redeployed from Iraq.

(f) "Volunteer fireman" means a person having principal employment other than as a fireman, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district, and includes a volunteer member of a fire department organized under the "General Not for Profit Corporation Act", approved July 17, 1943, as now or hereafter amended, which is under contract with any city, village, incorporated town, fire protection district, or persons residing therein, for fire fighting services. "Volunteer fireman" does not mean an individual who volunteers assistance without being regularly enrolled as a fireman.

(g) "Civil defense worker" means any person employed by the State or a local governmental entity as, or otherwise serving as, a member of a civil defense work force, including volunteer civil defense work forces engaged in serving the public interest during periods of disaster, whether natural or man-made.

(h) "Civil air patrol member" means any person employed by the State or a local governmental entity as, or otherwise serving as, a member of the organization commonly known as the "Civil Air Patrol", including volunteer members of the organization commonly known as the "Civil Air Patrol".

(i) "Paramedic" means an Emergency Medical Technician-Paramedic certified by the Illinois Department of Public Health under the Emergency Medical Services (EMS) Systems Act, and all other emergency medical personnel certified by the Illinois Department of Public Health who are members of an organized body or not-for-profit corporation under the jurisdiction of a city, village, incorporated town, fire protection district or county, that provides emergency medical treatment to persons of a defined geographical area.

(j) "State employee" means any employee as defined in Section 14-103.05 of the Illinois Pension Code, as now or hereafter amended.

(k) "Chaplain" means an individual who:

(1) is a chaplain of (i) a fire department or (ii) a police department or other agency consisting of law enforcement officers; and

(2) has been designated a chaplain by (i) the fire department, police department, or other agency or an officer or body having jurisdiction over the department or agency or (ii) a labor organization

representing the firemen or law enforcement officers.

(l) "Armed Forces member" means an Illinois resident who is: a member of the Armed Forces of the United States; a member of the Illinois National Guard while on active military service pursuant to an order of the President of the United States; or a member of any reserve component of the Armed Forces of the United States while on active military service pursuant to an order of the President of the United States.

(m) "Iraq and Arabian Peninsula Combat Zone" means the Arabian Peninsula Areas, Airspace, and Adjacent Waters designated as a Combat Zone in Presidential Executive Order 12744 of January 21, 1991, consisting of the following locations, including the airspace above such locations: the Persian Gulf; the Red Sea; the Gulf of Oman; that portion of the Arabian Sea that lies north of 10 degrees north latitude and west of 68 degrees east longitude; the Gulf of Aden; and the total land areas of Iraq, Kuwait, Saudi Arabia, Oman, Bahrain, Qatar, and the United Arab Emirates. (Source: P.A. 89-323, eff. 1-1-96.)

(820 ILCS 315/3) (from Ch. 48, par. 283)

Sec. 3. Duty death benefit. If a claim therefor is made within one year of the date of death of a law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, ~~or~~ State employee, or Armed Forces member killed in the line of duty, compensation shall be paid to the person designated by the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, ~~or~~ State employee, or Armed Forces member.

The amount of compensation shall be $10,000 if the death in the line of duty occurred prior to January 1, 1974; $20,000 if such death occurred after December 31, 1973 and before July 1, 1983; $50,000 if such death occurred on or after July 1, 1983 and before January 1, 1996; $100,000 if the death occurred on or after January 1, 1996 and before May 18, 2001; $118,000 if the death occurred on or after May 18, 2001 and before the effective date of this amendatory Act of the 92nd General Assembly; and $259,038 if the death occurs on or after the effective date of this amendatory Act of the 92nd General Assembly and before January 1, 2003.

For deaths occurring on or after January 1, 2003, the death compensation rate for death in the line of duty occurring in a particular calendar year shall be the death compensation rate for death occurring in the previous calendar year (or in the case of deaths occurring in 2003, the rate in effect on December 31, 2002) increased by a percentage thereof equal to the percentage increase, if any, in the index known as the Consumer Price Index for All Urban Consumers: U.S. city average, unadjusted, for all items, as published by the United States Department of Labor, Bureau of Labor Statistics, for the 12 months ending with the month of June of that previous calendar year.

If no beneficiary is designated or surviving at the death of the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, ~~or~~ State employee, or Armed Forces member killed in the line of duty, the compensation shall be paid as follows:

(a) when there is a surviving spouse, the entire sum shall be paid to the spouse;

(b) when there is no surviving spouse, but a surviving descendant of the decedent, the entire sum shall be paid to the decedent's descendants per stirpes;

(c) when there is neither a surviving spouse nor a surviving descendant, the entire sum shall be paid to the parents of the decedent in equal parts, allowing to the surviving parent, if one is dead, the entire sum; and

(d) when there is no surviving spouse, descendant or parent of the decedent, but there are surviving brothers or sisters, or descendants of a brother or sister, who were receiving their principal support from the decedent at his death, the entire sum shall be paid, in equal parts, to the dependent brothers or sisters or dependent descendant of a brother or sister. Dependency shall be determined by the Court of Claims based upon the investigation and report of the Attorney General.

When there is no beneficiary designated or surviving at the death of the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, ~~or~~ State employee, or Armed Forces member killed in the line of duty and no surviving spouse, descendant, parent, dependent brother or sister, or dependent descendant of a brother or sister, no compensation shall be payable under this Act.

No part of such compensation may be paid to any other person for any efforts in securing such compensation. (Source: P.A. 92-3, eff. 5-18-01; 92-609, eff. 7-1-02.)

(820 ILCS 315/4) (from Ch. 48, par. 284)

Sec. 4. Notwithstanding Section 3, no compensation is payable under this Act unless a claim therefor is filed, within the time specified by that Section with the Court of Claims on an application prescribed and furnished by the Attorney General and setting forth:

(a) the name, address and title or designation of the position in which the officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, ~~or~~ State employee, or Armed Forces member was

serving at the time of his death;

(b) the names and addresses of person or persons designated by the officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, ~~or~~ State employee, or Armed Forces member to receive the compensation and, if more than one, the percentage or share to be paid to each such person, or if there has been no such designation, the name and address of the personal representative of the estate of the officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, ~~or~~ State employee, or Armed Forces member;

(c) a full, factual account of the circumstances resulting in or the course of events causing the death of the officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, ~~or~~ State employee, or Armed Forces member; and

(d) such other information as the Court of Claims reasonably requires.

When a claim is filed, the Attorney General shall make an investigation for substantiation of matters set forth in such an application. (Source: P.A. 89-323, eff. 1-1-96.)

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

Representative Madigan offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1668, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, by replacing lines 33 and 34 on page 9 and line 1 on page 10 with the following:
"connection with Operation Enduring Freedom or Operation Iraqi Freedom."; and
on page 11, by deleting lines 23 through 32; and
on page 12, line 10 by inserting after the period the following:
"However, if the Armed Forces member was killed in the line of duty before the effective date of this amendatory Act of the 93rd General Assembly, the claim must be made within one year of the effective date of this amendatory Act of the 93rd General Assembly.".

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

There being no further amendments, the foregoing Amendments No. 1 and 2 were adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 1154. Having been recalled on May 14, 2003, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

RESOLUTIONS

Having been reported out of the Committee on State Government Administration on May 9, 2003, HOUSE RESOLUTION 87 was taken up for consideration.

Representative Churchill moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

Having been reported out of the Committee on Aging on May 9, 2003, HOUSE RESOLUTION 92 was taken up for consideration.

Representative McGuire moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

Having been reported out of the Committee on Aging on May 9, 2003, HOUSE JOINT RESOLUTION 14 was taken up for consideration.

Representative McGuire moved the adoption of the resolution.

And on that motion, a vote was taken resulting as follows:

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

(ROLL CALL 2)
The motion prevailed and the Resolution was adopted.
Ordered that the Clerk inform the Senate and ask their concurrence.

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 268, 269, 271, 272, 273, 274, 275, 276, 277, 278, 279, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 293, 294, 295, 296 and 297 were taken up for consideration.
Representative Currie moved the adoption of the agreed resolutions.
The motion prevailed and the Agreed Resolutions were adopted.

RESOLUTION

Having been reported out of the Committee on State Government Administration on May 9, 2003, HOUSE RESOLUTION 227 was taken up for consideration.
Representative Burke moved the adoption of the resolution.
The motion prevailed and the Resolution was adopted.

ADJOURNMENT RESOLUTION
HOUSE JOINT RESOLUTION 35

Representative Currie offered the following resolution:

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the House of Representatives adjourns on Friday, May 9, 2003, it stands adjourned until Tuesday, May 13, 2003 at 1:00 o'clock p.m.; and when the Senate adjourns on Friday, May 9, 2003, it stands adjourned until Monday, May 12, 2003 at 3:00 o'clock p.m.

The motion prevailed and the resolution was placed in the Committee on Rules.

Having been reported out of the Committee on Rules on May 9, 2003, HOUSE JOINT RESOLUTION 35 was taken up for consideration.
Representative Currie moved the adoption of the resolution.
The motion prevailed and the resolution was adopted.
Ordered that the Clerk inform the Senate and ask their concurrence.

At the hour of 11:15 o'clock a.m., Representative Currie moved that the House do now adjourn.
The motion prevailed.
And in accordance therewith and pursuant to HOUSE JOINT RESOLUTION 35, the House stood adjourned until Tuesday, May 13, 2003, at 1:00 o’clock p.m.

NO. 1

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
QUORUM ROLL CALL FOR ATTENDANCE

May 09, 2003

0 YEAS 0 NAYS 114 PRESENT

P Acevedo
P Aguilar
P Bailey
P Bassi
P Beaubien
P Bellock
P Berrios
P Biggins
E Black
P Boland
P Bost
P Bradley
P Brady
P Brauer
P Brosnahan
P Burke
P Capparelli
P Chapa LaVia
P Churchill
P Collins
P Colvin
P Coulson
P Cross
P Cultra
P Currie
P Daniels
P Davis, Monique
P Davis, Steve
P Davis, Will
P Delgado
P Dunkin
P Dunn
P Eddy
P Feigenholtz
P Flider
P Flowers
P Forby
P Franks
E Fritchey
P Froehlich
P Giles
P Graham
P Granberg
P Grunloh
P Hamos
P Hannig
P Hassert
P Hoffman
P Holbrook
P Howard
P Hultgren
P Jakobsson
P Jefferson
E Jones
P Joyce
P Kelly
P Kosel
P Krause
P Kurtz
P Lang
P Leitch
P Lindner
P Lyons, Eileen
P Lyons, Joseph
P Mathias
P Mautino
P May
P McAuliffe
P McCarthy
P McGuire
P McKeon
P Mendoza
P Meyer
P Miller
P Millner
P Mitchell, Bill
P Mitchell, Jerry
P Moffitt
P Molaro
P Morrow
P Mulligan
P Munson
P Myers
P Nekritz
P Novak
P O'Brien
P Osmond
P Osterman
P Pankau
P Parke
P Phelps
P Pihos
P Poe
P Reitz
P Rita
P Rose
P Ryg
P Sacia
P Saviano
P Schmitz
E Scully
P Slone
P Smith
P Sommer
P Soto
P Stephens
P Sullivan
P Tenhouse
P Turner
P Verschoore
P Wait
P Washington
P Watson
P Winters
P Wirsing
P Yarbrough
P Younge
P Mr. Speaker

E - Denotes Excused Absence

NO. 2

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE JOINT RESOLUTION 14
ALZHEIMER'S DISEASE TASK FORCE
ADOPTED

May 09, 2003

114 YEAS 0 NAYS 0 PRESENT

Y Acevedo
Y Aguilar
Y Bailey
Y Bassi
Y Beaubien
Y Bellock
Y Berrios
Y Biggins
E Black
Y Boland
Y Bost
Y Bradley
Y Brady
Y Brauer
Y Brosnahan
Y Burke
Y Capparelli
Y Chapa LaVia
Y Churchill
Y Collins
Y Colvin
Y Coulson
Y Cross
Y Cultra
Y Currie
Y Daniels
Y Davis, Monique
Y Davis, Steve
Y Davis, Will
Y Delgado
Y Dunkin
Y Dunn
Y Eddy
Y Feigenholtz
Y Flider
Y Flowers
Y Forby
Y Franks
E Fritchey
Y Froehlich
Y Giles
Y Graham
Y Granberg
Y Grunloh
Y Hamos
Y Hannig
Y Hassert
Y Hoffman
Y Holbrook
Y Howard
Y Hultgren
Y Jakobsson
Y Jefferson
E Jones
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Y Kosel
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Y Mitchell, Jerry
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Y Molaro
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Y Mulligan
Y Munson
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Y Nekritz
Y Novak
Y O'Brien
Y Osmond
Y Osterman
Y Pankau
Y Parke
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Y Reitz
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Y Rose
Y Ryg
Y Sacia
Y Saviano
Y Schmitz
E Scully
Y Slone
Y Smith
Y Sommer
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Y Verschoore
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Y Washington
Y Watson
Y Winters
Y Wirsing
Y Yarbrough
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Y Mr. Speaker

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