

**STATE OF ILLINOIS**



# **HOUSE JOURNAL**

**HOUSE OF REPRESENTATIVES**

**NINETY-THIRD GENERAL ASSEMBLY**

**121ST LEGISLATIVE DAY**

**THURSDAY, APRIL 29, 2004**

**12:00 O'CLOCK NOON**

**HOUSE OF REPRESENTATIVES  
Daily Journal Index  
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SB 3341	Senate Message – Passage of Senate Bill.....	10
SB 3342	Senate Message – Passage of Senate Bill.....	10
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SB 3352	Senate Message – Passage of Senate Bill.....	10
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SB 3355	Senate Message – Passage of Senate Bill .....	10
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SB 3358	Senate Message – Passage of Senate Bill .....	10
SB 3359	Senate Message – Passage of Senate Bill .....	10
SB 3360	Senate Message – Passage of Senate Bill .....	10
SB 3361	Senate Message – Passage of Senate Bill .....	10
SB 3362	Senate Message – Passage of Senate Bill .....	10
SB 3363	Senate Message – Passage of Senate Bill .....	10
SB 3364	Senate Message – Passage of Senate Bill .....	10
SB 3365	Senate Message – Passage of Senate Bill .....	10
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The House met pursuant to adjournment.  
 Speaker Madigan in the chair.  
 Prayer by Bishop William Persell with the Episcopal Diocese of Chicago in Chicago, IL., and Pastor Kirk Packer with the Sesser Christian Church in Sesser, IL.  
 Representative Hoffman 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:  
 116 present. (ROLL CALL 1)

By unanimous consent, Representatives Black and Pihos were excused from attendance.

### LETTER OF TRANSMITTAL

April 29, 2004

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

Dear Clerk Mahoney:

Please be advised that I am extending from April 29, 2004 to April 30, 2004 the final day for Standing and Special Committees of the House to report out Senate substantive bills.

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

### 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:

Public Utilities: SENATE BILL 2525.

### MOTIONS SUBMITTED

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

#### MOTION

Pursuant to Rule 18(g), I move to discharge the Committee on Rules from further consideration of HOUSE BILL 6959 and advance the bill to the order of Second Reading - Standard Debate..

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

#### MOTION

Pursuant to Rule 18(g), I move to discharge the Committee on Rules from further consideration of HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 27 and advance the HJRCA to the order of Second Reading - Standard Debate..

Representative Washington submitted the following written motion, which was placed on the order of Motions:

**MOTION**

Pursuant to Rule 65, and having voted on the prevailing side, I move to reconsider the vote by which House Bill No. 5736 passed in the House earlier today.

**FISCAL NOTES SUPPLIED**

Fiscal Notes have been supplied for HOUSE BILL 5856, as amended, and SENATE BILLS 2236, 2370 and 2707.

**REQUEST FOR FISCAL NOTE**

Representative William Davis requested that a Fiscal Note be supplied for HOUSE BILL 7294.

**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 adopted the following Senate Joint Resolution, in the adoption of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE JOINT RESOLUTION NO. 74

**RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN**, that when the two Houses adjourn on Thursday, April 29, 2004, the Senate stands adjourned until Tuesday, May 04, 2004 at 12:00 o'clock noon; and the House of Representatives stands adjourned until Tuesday, May 04, 2004, at 1:00 o'clock p.m.

Adopted by the Senate, April 29, 2004.

Linda Hawker, Secretary of the Senate

The foregoing message from the Senate reporting their adoption of SENATE JOINT RESOLUTION 74 was taken up for immediate consideration.

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 a bill of the following title to-wit:

HOUSE BILL NO. 4266

A bill for AN ACT concerning education.

Passed by the Senate, April 29, 2004.

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 passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

- A bill for AN ACT concerning appropriations.  
SENATE BILL NO. 3325
- A bill for AN ACT concerning appropriations.  
SENATE BILL NO. 3326
- A bill for AN ACT concerning appropriations.  
SENATE BILL NO. 3327
- A bill for AN ACT concerning appropriations.  
SENATE BILL NO. 3328
- A bill for AN ACT concerning appropriations.  
SENATE BILL NO. 3329
- A bill for AN ACT concerning appropriations.  
SENATE BILL NO. 3330
- A bill for AN ACT concerning appropriations.  
SENATE BILL NO. 3331
- A bill for AN ACT concerning appropriations.  
SENATE BILL NO. 3332
- A bill for AN ACT concerning appropriations.  
SENATE BILL NO. 3333
- A bill for AN ACT concerning appropriations.  
SENATE BILL NO. 3334
- A bill for AN ACT concerning appropriations.  
SENATE BILL NO. 3335
- A bill for AN ACT making appropriations.  
SENATE BILL NO. 3336
- A bill for AN ACT making appropriations.  
SENATE BILL NO. 3337
- A bill for AN ACT making appropriations.  
SENATE BILL NO. 3338
- A bill for AN ACT making appropriations.  
SENATE BILL NO. 3339
- A bill for AN ACT making appropriations.  
SENATE BILL NO. 3340
- A bill for AN ACT making appropriations.  
SENATE BILL NO. 3341
- A bill for AN ACT making appropriations.  
SENATE BILL NO. 3342
- A bill for AN ACT making appropriations.  
SENATE BILL NO. 3343
- A bill for AN ACT making appropriations.  
SENATE BILL NO. 3344
- A bill for AN ACT making appropriations.  
SENATE BILL NO. 3350
- A bill for AN ACT making appropriations.  
SENATE BILL NO. 3351
- A bill for AN ACT making appropriations.  
SENATE BILL NO. 3352
- A bill for AN ACT making appropriations.  
SENATE BILL NO. 3353
- A bill for AN ACT making appropriations.  
SENATE BILL NO. 3354
- A bill for AN ACT making appropriations.

SENATE BILL NO. 3355  
A bill for AN ACT making appropriations.  
SENATE BILL NO. 3356  
A bill for AN ACT making appropriations.  
SENATE BILL NO. 3357  
A bill for AN ACT making appropriations.  
SENATE BILL NO. 3358  
A bill for AN ACT making appropriations.  
SENATE BILL NO. 3359  
A bill for AN ACT making appropriations.  
SENATE BILL NO. 3360  
A bill for AN ACT making appropriations.  
SENATE BILL NO. 3361  
A bill for AN ACT making appropriations.  
SENATE BILL NO. 3362  
A bill for AN ACT making appropriations.  
SENATE BILL NO. 3363  
A bill for AN ACT making appropriations.  
SENATE BILL NO. 3364  
A bill for AN ACT making appropriations.  
SENATE BILL NO. 3365  
A bill for AN ACT making appropriations.  
SENATE BILL NO. 3366  
A bill for AN ACT making appropriations.  
SENATE BILL NO. 3367  
A bill for AN ACT making appropriations.  
SENATE BILL NO. 3368  
A bill for AN ACT making appropriations.  
SENATE BILL NO. 3369  
A bill for AN ACT making appropriations.  
Passed by the Senate, April 29, 2004.

Linda Hawker, Secretary of the Senate

The foregoing SENATE BILLS 3325, 3326, 3327, 3328, 3329, 3330, 3331, 3332, 3333, 3334, 3335, 3336, 3337, 3338, 3339, 3340, 3341, 3342, 3343, 3344, 3350, 3351, 3352, 3353, 3354, 3355, 3356, 3357, 3358, 3359, 3360, 3361, 3362, 3363, 3364, 3365, 3366, 3367, 3368 and 3369 were ordered printed and to a First Reading.

### REPORTS FROM STANDING COMMITTEES

Representative Burke, Chairperson, from the Committee on Executive to which the following were referred, action taken on April 28, 2004, 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 BILLS 2106, 2166, 2196, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2231, 2232, 2233, 2234, 2235, 2239, 2240, 2241, 2242, 2244, 2245, 2246, 2248, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2577, 2839, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3201, 3202, 3203 and 3204.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 2290.

The committee roll call vote on Senate Bill 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2231, 2232, 2233, 2234, 2235, 2239, 2240, 2241, 2242, 2244, 2245, 2246, 2248, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3201, 3202, 3203 and 3204 is as follows:

7, Yeas; 5, Nays; 0, Answering Present.

Y Burke,Daniel(D), Chairperson  
 N Biggins,Bob(R)  
 Y Capparelli,Ralph(D)  
 Y Jones,Lovana(D)  
 Y Molaro,Robert(D)  
 N Saviano,Angelo(R)

Y Acevedo,Edward(D)  
 Y Bradley,Richard(D), Vice-Chairperson  
 N Hassert,Brent(R)  
 Y McKeon,Larry(D) (Fritchey)  
 N Pankau,Carole(R), Republican Spokesperson  
 N Winters,Dave(R)

The committee roll call vote on Senate Bill 2106 is as follows:

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

Y Burke,Daniel(D), Chairperson  
 Y Biggins,Bob(R)  
 Y Capparelli,Ralph(D)  
 A Jones,Lovana(D)  
 A Molaro,Robert(D)  
 A Saviano,Angelo(R)

A Acevedo,Edward(D)  
 Y Bradley,Richard(D), Vice-Chairperson  
 Y Hassert,Brent(R)  
 Y McKeon,Larry(D) (Fritchey)  
 Y Pankau,Carole(R), Republican Spokesperson  
 Y Winters,Dave(R)

The committee roll call vote on Senate Bill 2577 is as follows:

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

Y Burke,Daniel(D), Chairperson  
 N Biggins,Bob(R)  
 Y Capparelli,Ralph(D)  
 A Jones,Lovana(D)  
 Y Molaro,Robert(D)  
 A Saviano,Angelo(R)

Y Acevedo,Edward(D)  
 Y Bradley,Richard(D), Vice-Chairperson  
 Y Hassert,Brent(R)  
 Y McKeon,Larry(D) (Fritchey)  
 N Pankau,Carole(R), Republican Spokesperson  
 N Winters,Dave(R)

The committee roll call vote on Senate Bill 2196 is as follows:

8, Yeas; 2, Nays; 0, Answering Present.

Y Burke,Daniel(D), Chairperson  
 Y Biggins,Bob(R)  
 Y Capparelli,Ralph(D)  
 A Jones,Lovana(D)  
 Y Molaro,Robert(D)  
 A Saviano,Angelo(R)

Y Acevedo,Edward(D)  
 Y Bradley,Richard(D), Vice-Chairperson  
 Y Hassert,Brent(R)  
 Y McKeon,Larry(D) (Fritchey)  
 N Pankau,Carole(R), Republican Spokesperson  
 N Winters,Dave(R)

The committee roll call vote on Senate Bill 2290 is as follows:

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

Y Burke,Daniel(D), Chairperson  
 Y Biggins,Bob(R)  
 Y Capparelli,Ralph(D)  
 A Jones,Lovana(D)  
 Y Molaro,Robert(D)  
 A Saviano,Angelo(R)

Y Acevedo,Edward(D)  
 Y Bradley,Richard(D), Vice-Chairperson  
 Y Hassert,Brent(R)  
 Y McKeon,Larry(D) (Fritchey)  
 Y Pankau,Carole(R), Republican Spokesperson  
 Y Winters,Dave(R)

The committee roll call vote on Senate Bill 2166 is as follows:

11, Yeas; 1, Nays; 0, Answering Present.

Y Burke,Daniel(D), Chairperson  
 Y Biggins,Bob(R)  
 Y Capparelli,Ralph(D)  
 Y Jones,Lovana(D)  
 Y Molaro,Robert(D)  
 Y Saviano,Angelo(R)

Y Acevedo,Edward(D)  
 Y Bradley,Richard(D), Vice-Chairperson  
 Y Hassert,Brent(R)  
 N McKeon,Larry(D) (Fritchey)  
 Y Pankau,Carole(R), Republican Spokesperson  
 Y Winters,Dave(R)

The committee roll call vote on Senate Bill 2839 is as follows:  
12, Yeas; 0, Nays; 0, Answering Present.

Y Burke, Daniel(D), Chairperson	Y Acevedo, Edward(D)
Y Biggins, Bob(R)	Y Bradley, Richard(D), Vice-Chairperson
Y Capparelli, Ralph(D)	Y Hassert, Brent(R)
Y Jones, Lovana(D)	Y McKeon, Larry(D) (Fritchey)
Y Molaro, Robert(D)	Y Pankau, Carole(R), Republican Spokesperson
Y Saviano, Angelo(R)	Y Winters, Dave(R)

Representative Fritchey, Chairperson, from the Committee on Judiciary I - Civil Law to which the following were referred, on April 28, 2004, 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 BILLS 2630, 2690 and 2946.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 2757, 2878 and 3186.

The committee roll call vote on Senate Bill 2630, 2690, 2757, 2878 and 2946 is as follows:  
18, Yeas; 0, Nays; 0, Answering Present.

Y Fritchey, John(D), Chairperson	Y Bailey, Patricia(D)
Y Berrios, Maria(D)	Y Bradley, John(D)
Y Brosnahan, James(D)	Y Cultra, Shane(R)
A Froehlich, Paul(R)	Y Hamos, Julie(D)
Y Hoffman, Jay(D)	Y Hultgren, Randall(R), Republican Spokesperson
Y Lang, Lou(D)	Y Mathias, Sidney(R)
Y May, Karen(D)	Y Nekritz, Elaine(D)
Y Osmond, JoAnn(R)	Y Rose, Chapin(R)
Y Sacia, Jim(R)	Y Scully, George(D), Vice-Chairperson
Y Wait, Ronald(R)	

The committee roll call vote on Senate Bill 3186 is as follows:  
11, Yeas; 0, Nays; 6, Answering Present.

Y Fritchey, John(D), Chairperson	Y Bailey, Patricia(D)
Y Berrios, Maria(D)	P Bradley, John(D)
Y Brosnahan, James(D)	P Cultra, Shane(R)
A Froehlich, Paul(R)	Y Hamos, Julie(D)
Y Hoffman, Jay(D)	Y Hultgren, Randall(R), Republican Spokesperson
A Lang, Lou(D)	Y Mathias, Sidney(R)
Y May, Karen(D)	Y Nekritz, Elaine(D)
P Osmond, JoAnn(R)	P Rose, Chapin(R)
P Sacia, Jim(R)	Y Scully, George(D), Vice-Chairperson
P Wait, Ronald(R)	

Representative Giles, Chairperson, from the Committee on Elementary & Secondary Education to which the following were referred, action taken on April 28, 2004, 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 BILLS 2360, 2362, 2918, 3091 and 3109.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 2940.

The committee roll call vote on Senate Bill 2360, 2362, 2940, 3091 and 3109 is as follows:  
18, Yeas; 0, Nays; 0, Answering Present.

Y Giles,Calvin(D), Chairperson	Y Bassi,Suzanne(R)
Y Collins,Annazette(D)	Y Colvin,Marlow(D)
Y Currie,Barbara(D)	Y Davis,Monique(D), Vice-Chairperson
Y Eddy,Roger(R)	Y Joyce,Kevin(D)
Y Kosel,Renee(R), Republican Spokesperson	Y Krause,Carolyn(R)
Y Miller,David(D)	Y Mitchell,Jerry(R)
Y Moffitt,Donald(R)	Y Mulligan,Rosemary(R)
Y Osterman,Harry(D)	Y Smith,Michael(D)
Y Watson,Jim(R)	Y Yarbrough,Karen(D)

The committee roll call vote on Senate Bill 2918 is as follows:

17, Yeas; 1, Nays; 0, Answering Present.

Y Giles,Calvin(D), Chairperson	N Bassi,Suzanne(R)
Y Collins,Annazette(D)	Y Colvin,Marlow(D)
Y Currie,Barbara(D)	Y Davis,Monique(D), Vice-Chairperson
Y Eddy,Roger(R)	Y Joyce,Kevin(D)
Y Kosel,Renee(R), Republican Spokesperson	Y Krause,Carolyn(R)
Y Miller,David(D)	Y Mitchell,Jerry(R)
Y Moffitt,Donald(R)	Y Mulligan,Rosemary(R)
Y Osterman,Harry(D)	Y Smith,Michael(D)
Y Watson,Jim(R)	Y Yarbrough,Karen(D)

Representative Delgado, Chairperson, from the Committee on Human Services to which the following were referred, action taken on April 28, 2004, 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 BILLS 2448, 2788, 2847, 2900 and 2944.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 2367 and 3013.

The committee roll call vote on Senate Bill 2367 and 2448 is as follows:

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

Y Delgado,William(D), Chairperson	Y Bellock,Patricia(R), Republican Spokesperson
Y Feigenholtz,Sara(D), Vice-Chairperson	A Flowers,Mary(D)
Y Howard,Constance(D)	Y Kurtz,Rosemary(R)
Y Lindner,Patricia(R)	Y Ryg,Kathleen(D)
Y Sullivan,Ed(R)	

The committee roll call vote on Senate Bill 2847 is as follows:

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

Y Delgado,William(D), Chairperson	Y Bellock,Patricia(R), Republican Spokesperson
Y Feigenholtz,Sara(D), Vice-Chairperson	Y Flowers,Mary(D)
Y Howard,Constance(D)	A Kurtz,Rosemary(R)
Y Lindner,Patricia(R)	Y Ryg,Kathleen(D)
Y Sullivan,Ed(R)	

The committee roll call vote on Senate Bill 2788, 2900 and 3013 is as follows:

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

Y Delgado,William(D), Chairperson	Y Bellock,Patricia(R), Republican Spokesperson
Y Feigenholtz,Sara(D), Vice-Chairperson	Y Flowers,Mary(D)
Y Howard,Constance(D)	Y Kurtz,Rosemary(R)
Y Lindner,Patricia(R)	Y Ryg,Kathleen(D)
Y Sullivan,Ed(R)	

The committee roll call vote on Senate Bill 2944 is as follows:

5, Yeas; 0, Nays; 2, Answering Present.

Y Delgado,William(D), Chairperson	Y Bellock,Patricia(R), Republican Spokesperson
Y Feigenholtz,Sara(D), Vice-Chairperson	A Flowers,Mary(D)
P Howard,Constance(D)	Y Kurtz,Rosemary(R)
A Lindner,Patricia(R)	P Ryg,Kathleen(D)
Y Sullivan,Ed(R)	

Representative McKeon, Chairperson, from the Committee on Labor to which the following were referred, action taken on April 28, 2004, 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 2665.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 2547.

The committee roll call vote on Senate Bill 2665 is as follows:

8, Yeas; 6, Nays; 0, Answering Present.

Y McKeon,Larry(D), Chairperson	Y Acevedo,Edward(D)
N Bellock,Patricia(R) (Brady)	N Cultra,Shane(R)
Y Delgado,William(D)	Y Hoffman,Jay(D)
Y Howard,Constance(D)	N Hultgren,Randall(R)
Y Jefferson,Charles(D)	Y Joyce,Kevin(D)
N Parke,Terry(R)	Y Soto,Cynthia(D), Vice-Chairperson
N Tenhouse,Art(R)	N Winters,Dave(R), Republican Spokesperson

The committee roll call vote on Senate Bill 2547 is as follows:

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

Y McKeon,Larry(D), Chairperson	Y Acevedo,Edward(D)
Y Bellock,Patricia(R) (Brady)	Y Cultra,Shane(R)
Y Delgado,William(D)	Y Hoffman,Jay(D)
Y Howard,Constance(D)	Y Hultgren,Randall(R)
Y Jefferson,Charles(D)	Y Joyce,Kevin(D)
Y Parke,Terry(R)	Y Soto,Cynthia(D), Vice-Chairperson
Y Tenhouse,Art(R)	Y Winters,Dave(R), Republican Spokesperson

Representative Holbrook, Chairperson, from the Committee on Environment & Energy to which the following were referred, action taken on April 28, 2004, 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 2370.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 2145.

The committee roll call vote on Senate Bill 2145 and 2370 is as follows:

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

Y Holbrook,Thomas(D), Chairperson	Y Bradley,Richard(D)
Y Churchill,Robert(R)	Y Collins,Annazette(D)
A Davis,Steve(D)	A Hamos,Julie(D)
Y Joyce,Kevin(D)	Y Kosel,Renee(R)
Y Leitch,David(R)	Y Meyer,James(R), Republican Spokesperson
Y Parke,Terry(R)	Y Reitz,Dan(D)
A Slone,Ricca(D), Vice-Chairperson	Y Tenhouse,Art(R)

Representative Scully, Chairperson, from the Committee on Commerce & Business Development to which the following were referred, action taken on April 28, 2004, 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 2375.

The committee roll call vote on Senate Bill 2375 is as follows:

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

Y Scully,George(D), Chairperson	Y Aguilar,Frank(R)
Y Bradley,John(D)	Y Chapa LaVia,Linda(D)
Y Dugan,Lisa(D)	Y Dunkin,Kenneth(D), Vice-Chairperson
Y Flider,Robert(D)	A Flowers,Mary(D)
Y Gordon,Careen(D)	Y Grunloh,William(D)
Y Kelly,Robin(D)	A Miller,David(D)
A Mitchell,Jerry(R)	Y Moffitt,Donald(R)
A Pihos,Sandra(R)	Y Poe,Raymond(R)
A Sacia,Jim(R)	Y Soto,Cynthia(D)
Y Watson,Jim(R), Republican Spokesperson	Y Winters,Dave(R) (Beaubien)
A Younge,Wyvetter(D)	

Representative McCarthy, Chairperson, from the Committee on Higher Education to which the following were referred, action taken on April 28, 2004, 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 BILLS 2755 and 3107.

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

Motion to concur with Senate Amendment No. 1 to HOUSE BILL 3088.

The committee roll call vote on Senate Bills 2755, 3107, and Motion to concur with Senate Amendment No. 1 to House Bill 3088 is as follows:

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

Y McCarthy,Kevin(D), Chairperson	Y Black,William(R)
Y Bost,Mike(R)	Y Brady,Dan(R), Republican Spokesperson
Y Brosnahan,James(D)	Y Davis,William(D)
Y Giles,Calvin(D)	Y Howard,Constance(D)
Y Jakobsson,Naomi(D)	Y Mendoza,Susana(D), Vice-Chairperson
Y Myers,Richard(R)	Y Pritchard,Robert(R)
Y Rose,Chapin(R)	

Representative McGuire, Chairperson, from the Committee on Aging to which the following were referred, action taken earlier today, 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 2768.

The committee roll call vote on Senate Bill 2768 is as follows:

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

Y McGuire,Jack(D), Chairperson	Y Bassi,Suzanne(R), Republican Spokesperson
A Coulson,Elizabeth(R)	Y Franks,Jack(D)
Y Holbrook,Thomas(D)	A Jefferson,Charles(D)
Y Joyce,Kevin(D)	Y Lyons,Joseph(D), Vice-Chairperson
Y Mathias,Sidney(R)	Y McKeon,Larry(D)
Y Mitchell,Jerry(R)	A Saviano,Angelo(R)
A Wait,Ronald(R)	

Representative Richard Bradley, Chairperson, from the Committee on Personnel & Pensions to which the following were referred, action taken earlier today, 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 3200.

The committee roll call vote on Senate Bill 3200 is as follows:

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

- |                                    |  |
|------------------------------------|--|
| Y Bradley, Richard(D), Chairperson | A Brauer, Rich(R)                          |
| Y Colvin, Marlow(D)                | A Leitch, David(R)                         |
| Y McCarthy, Kevin(D)               | Y Poe, Raymond(R), Republican Spokesperson |
| Y Reitz, Dan(D), Vice-Chairperson  | Y Schmitz, Timothy(R)                      |
| A Smith, Michael(D)                |  |

Representative Daniels, Chairperson, from the Committee on Develop Disabilities Mental Illness to which the following were referred, action taken earlier today, 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 3174.

The committee roll call vote on Senate Bill 3174 is as follows:

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

- |   |   |
|---|---|
| Y Daniels, Lee(R), Chairperson          | Y Bellock, Patricia(R), Republican Spokesperson |
| Y Brosnahan, James(D), Vice-Chairperson | Y Churchill, Robert(R)                          |
| Y Froehlich, Paul(R)                    | Y Jakobsson, Naomi(D)                           |
| Y Kurtz, Rosemary(R)                    | Y Ryg, Kathleen(D)                              |
| Y Washington, Eddie(D)                  |   |

Representative Molaro, Chairperson, from the Committee on Revenue to which the following were referred, action taken earlier today, 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 2140.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 2112, 2158, 2411 and 2635.

That the Floor Amendment be reported "recommends be adopted": Amendment No. 1 to HOUSE BILL 6034.

The committee roll call vote on Senate Bill 2140, 2158 and 2411 is as follows:

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

- |                                  |  |
|----------------------------------|--|
| Y Molaro, Robert(D), Chairperson | Y Beaubien, Mark(R), Republican Spokesperson |
| Y Biggins, Bob(R)                | Y Currie, Barbara(D), Vice-Chairperson       |
| A Hannig, Gary(D)                | Y Lang, Lou(D)                               |
| Y Pankau, Carole(R)              | Y Sullivan, Ed(R)                            |
| Y Turner, Arthur(D)              |  |

The committee roll call vote on Senate Bill 2635 is as follows:

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

- |                                  |  |
|----------------------------------|--|
| Y Molaro, Robert(D), Chairperson | Y Beaubien, Mark(R), Repub Spokesperson(Meyer) |
| Y Biggins, Bob(R)                | Y Currie, Barbara(D), Vice-Chairperson         |
| A Hannig, Gary(D)                | Y Lang, Lou(D)                                 |
| Y Pankau, Carole(R)              | Y Sullivan, Ed(R)                              |
| Y Turner, Arthur(D)              |  |



The committee roll call vote on Senate Bill 2112 is as follows:

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

Y Molaro,Robert(D), Chairperson	P Beaubien,Mark(R), Repub Spokesperson (Meyer)
P Biggins,Bob(R)	Y Currie,Barbara(D), Vice-Chairperson
A Hannig,Gary(D)	Y Lang,Lou(D)
Y Pankau,Carole(R)	P Sullivan,Ed(R)
Y Turner,Arthur(D)	

The committee roll call vote on Amendment No. 1 to House Bill 6034 is as follows:

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

Y Molaro,Robert(D), Chairperson	Y Beaubien,Mark(R), Republican Spokesperson
Y Biggins,Bob(R)	Y Currie,Barbara(D), Vice-Chairperson
A Hannig,Gary(D)	Y Lang,Lou(D)
Y Pankau,Carole(R)	Y Sullivan,Ed(R)
Y Turner,Arthur(D)	

Representative Delgado, Chairperson, from the Committee on Judiciary II - Criminal Law to which the following were referred, action taken earlier today, 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 BILLS 2201, 2386, 2578, 3014 and 3166.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 2495 and 2654.

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

Amendment No. 1 to HOUSE BILL 5417.

Amendment No. 1 to HOUSE BILL 5870.

The committee roll call vote on Senate Bill 2201, 2578, 2654 and 3166 is as follows:

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

Y Delgado,William(D), Co-Chairperson	Y Bailey,Patricia(D)
Y Bradley,Richard(D)	Y Collins,Annazette(D)
Y Gordon,Careen(D)	Y Howard,Constance(D)
Y Jones,Lovana(D)	Y Lindner,Patricia(R), Republican Spokesperson
Y Lyons,Eileen(R)	Y Millner,John(R)
Y Rose,Chapin(R)	Y Sacia,Jim(R)
Y Wait,Ronald(R)	

The committee roll call vote on Senate Bill 2386, 2495 and 3014 is as follows:

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

Y Delgado,William(D), Co-Chairperson	Y Bailey,Patricia(D)
Y Bradley,Richard(D)	A Collins,Annazette(D)
Y Gordon,Careen(D)	Y Howard,Constance(D)
Y Jones,Lovana(D)	Y Lindner,Patricia(R), Republican Spokesperson
Y Lyons,Eileen(R)	Y Millner,John(R)
Y Rose,Chapin(R)	Y Sacia,Jim(R)
Y Wait,Ronald(R)	

The committee roll call vote on Amendment No. 1 to House Bill 5417 is as follows:

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

Y Delgado,William(D), Co-Chairperson	Y Bailey,Patricia(D)
Y Bradley,Richard(D)	A Collins,Annazette(D)

Y Gordon,Careen(D)  
 Y Jones,Lovana(D)  
 Y Lyons,Eileen(R)  
 A Rose,Chapin(R)  
 A Wait,Ronald(R)

Y Howard,Constance(D)  
 Y Lindner,Patricia(R), Republican Spokesperson  
 Y Millner,John(R)  
 Y Sacia,Jim(R)

The committee roll call vote on Amendment No. 1 to House Bill 5870 is as follows:  
 11, Yeas; 2, Nays; 0, Answering Present.

Y Delgado,William(D), Co-Chairperson  
 Y Bradley,Richard(D)  
 N Gordon,Careen(D)  
 Y Jones,Lovana(D)  
 Y Lyons,Eileen(R)  
 Y Rose,Chapin(R)  
 Y Wait,Ronald(R)

Y Bailey,Patricia(D)  
 Y Collins,Annazette(D)  
 Y Howard,Constance(D)  
 Y Lindner,Patricia(R), Republican Spokesperson  
 Y Millner,John(R)  
 N Sacia,Jim(R)

**INTRODUCTION AND FIRST READING OF BILL**

The following bill was introduced, read by title a first time, ordered printed and placed in the Committee on Rules:

HOUSE BILL 7296. Introduced by Representative Acevedo, AN ACT concerning counties.

**RESOLUTIONS**

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

**HOUSE RESOLUTION 857**

Offered by Representative Rose:

WHEREAS, The Department of Central Management Services has decided to eliminate Health Alliance Medical Plans as a managed care plan option for State employees and some State retirees beginning in Fiscal Year 2005; and

WHEREAS, State government is Health Alliance's largest client and 90,000 downstate residents are covered by Health Alliance's HMO as a result of its contract with the State; and

WHEREAS, Developing a long-term relationship with a trusted family physician can greatly improve the quality of health care; however, as a result of this action by the Department of Central Management Services, some State employees who wish to remain in an HMO will not be able to keep their current primary physician, thereby disrupting the continuity of care for those employees and their families; and

WHEREAS, Job preservation is a high priority for the State of Illinois; because Health Alliance is headquartered in downstate Illinois, the enrollment of State employees with Health Alliance provides jobs to downstate Illinois residents; any movement of State employees to other managed care plans headquartered elsewhere could have the effect of moving jobs elsewhere; and

WHEREAS, All of the consequences of the action taken by the Department of Central Management Services should be fully considered in determining whether that action is in the best interests of the State of Illinois; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Department of Central Management Services to reconsider its decision to eliminate Health Alliance as a managed care plan option for State employees and some State retirees beginning in Fiscal Year 2005; and be it further

RESOLVED, That a copy of this resolution be delivered to Michael M. Rumman, the Director of Central Management Services.

## HOUSE RESOLUTION 862

Offered by Representative Younge:

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that there is created the Community Investment Corporation Development Task Force consisting of 9 members, who need not be members of the General Assembly, appointed as follows: one member appointed by the Director of Commerce and Economic Opportunity, 4 members appointed by the Speaker of the House of Representatives, and 4 members appointed by the Minority Leader of the House of Representatives; and be it further

RESOLVED, That the Task Force must gather information regarding the establishment and operation of community investment corporations in the State, including information:

(1) establishing policies regarding community investment corporations;

(2) approving community investment corporations in the State or regionally;

(3) establishing guidelines for local referenda to determine the participation plan for allocation, shareholder governance rights, and repurchase of shares of community investment corporations; and

(4) establishing tax incentives for community investment corporations in order to encourage their use and effectiveness; and be it further

RESOLVED, That the Task Force must report its findings to the General Assembly on or before December 31, 2004; and be it further

RESOLVED, That a copy of this resolution be presented to the Director of Commerce and Economic Opportunity, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

## HOUSE RESOLUTION 863

Offered by Representative Lang:

WHEREAS, Throughout the years, women in the State of Illinois have made important contributions to their communities, the State, this nation, and the world; and

WHEREAS, Women have broken the unseen barrier that was found in places of work and places of recreation; and

WHEREAS, Today, a woman can truly do any job that a man can do; and

WHEREAS, Each year the House of Representatives and the Senate of the State of Illinois have a softball match; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge that women have equal representation in the annual softball game between the House of Representatives and the Senate of the State of Illinois.

## HOUSE JOINT RESOLUTION 78

Offered by Representative Bellock:

WHEREAS, The percentage of Illinoisans without health care coverage has generally been rising for the last 15 years, growing from 9.7% in 1987 to 14.1% in 2002 and nationally the proportion of the population that is uninsured grew by 17.8% between 1987 and 2002, but it grew by 45.5% in Illinois; and

WHEREAS, Residents of rural areas face a difficult time in accessing health care due to geographic isolation, lack of transportation, economic disparity, and seasonal challenges which create obstacles for rural health care consumers; and

WHEREAS, More than 20% of the U.S. population, over 65 million people, live in rural areas, and yet, only 9% of physicians practice in rural areas; and

WHEREAS, Rural health care providers face financial barriers, including lower wages and reimbursement rates compared to urban counterparts, lower patient volumes, and fewer economies of scale;

and

WHEREAS, The elderly are disproportionately represented in rural areas, with approximately 18.4% of all rural residents being elderly, and Medicare is the dominant source of health care reimbursements for rural hospitals, accounting for approximately 47% of patient care in rural areas, compared to 36% in urban areas; and

WHEREAS, In rural areas persons with disabilities and others who need specialized care must overcome the added difficulties of lack of public transportation, long distance to health care providers, and limited support services; 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 the Joint Task Force on Rural Health is hereby created comprised of 8 members as follows: 2 members of the Senate appointed by the Senate President, 2 members of the Senate appointed by the Senate Minority Leader, 2 members of the House of Representatives appointed by the Speaker of the House and 2 members of the House of Representatives appointed by the House Minority Leader, with one member appointed by the Senate President serving as co-chairperson and one member appointed by the Speaker of the House serving as co-chairperson; and be it further

RESOLVED, That the Task Force shall meet to study issues of importance for improving access to quality, affordable health care for all residents of Illinois, particularly those that reside in a rural setting; and be it further

RESOLVED, That the Task Force shall study issues related to the best practices which ensure that an adequate and well-trained workforce is available to deliver health care services to Illinois residents living in rural communities; and be it further

RESOLVED, That the Illinois Rural Health Association shall provide expert technical assistance to the Task Force as the Task Force deems necessary; and be it further

RESOLVED, That the Task Force shall present its findings and recommendations on how best to improve health care in rural communities to the President of the Senate and the Speaker of the House no later than January 1, 2005.

#### HOUSE JOINT RESOLUTION 79

Offered by Representative Mulligan:

WHEREAS, The mission of the Illinois Coalition Against Sexual Assault (ICASA) is to end sexual assault and to alleviate the suffering of sexual assault victims; and

WHEREAS, There are thirty-three rape crisis centers in the State of Illinois that each maintain membership in the Illinois Coalition Against Sexual Assault; and

WHEREAS, Each center provides comprehensive sexual assault services including a 24-hour hotline, 24-hour medical and criminal justice advocacy services, in-person counseling, prevention education programs, professional training, information, and referrals; and

WHEREAS, The Illinois Coalition Against Sexual Assault sets standards for services and monitors each center to ensure program and fiscal accountability; and

WHEREAS, Rape crisis centers are awarded State and federal funds through the Illinois Coalition Against Sexual Assault; and

WHEREAS, Since 1982, the Illinois Coalition Against Sexual Assault's budget has grown from \$148,889 to \$14 million which has allowed the centers to expand counseling and advocacy services to meet the needs of adult survivors of child sexual abuse, children, teens, and male victims; and

WHEREAS, Centers have established volunteer training, developed curricula for prevention education, standardized professional training, and implemented protocols with hospitals and law enforcement agencies; and

WHEREAS, The need for services from the rape crisis centers continues to grow while the appropriations to the Illinois Coalition For Sexual Assault have not increased in four years; and

WHEREAS, In 2002, there were 6,037 rapes reported to the Illinois State Police, an increase of 418 rapes from 2001; and

WHEREAS, It is estimated that only three in ten rapes are reported; the reality is that an estimated 20,123 rapes occurred in Illinois in 2002; and

WHEREAS, In fiscal year 2003, 10,527 adult, adolescent, and child survivors of sexual assault, child

sexual abuse, and sexual harassment, and an additional 3,243 significant others, were served by the rape crisis centers of the Illinois Coalition Against Sexual Assault; and

WHEREAS, The total costs of rape to its victims are estimated to be \$127 billion annually in the United States, excluding the costs of child sexual abuse; the cost per sexual assault is estimated to be \$87,000 including short-term medical care, mental health services, lost productivity, and pain and suffering; and

WHEREAS, It is in the best interest of the State of Illinois and the United States to invest in sexual assault prevention and counseling services; and

WHEREAS, The United States Congress and the United States Department of Justice have begun to redirect funds from sexual assault prevention and counseling services to other programs and initiatives; and be it further

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we request the United States Congress to increase appropriations to the State of Illinois for sexual assault prevention and counseling services; and be it further

RESOLVED, That we recognize the thirty-three rape crisis centers in the State of Illinois for their hard work and dedication serving victims of sexual assault; and be it further

RESOLVED, That a suitable copy of this resolution be presented to each member of the Illinois Congressional delegation, the Conference of Women Legislators, and the Illinois Coalition Against Sexual Assault.

### AGREED RESOLUTIONS

The following resolutions were offered and placed on the Calendar on the order of Agreed Resolutions.  
HOUSE RESOLUTION 855

Offered by Representative Poe:

WHEREAS, The members of the Illinois House of Representatives wish to welcome home the members of the 233rd Illinois Army National Guard unit after a year of service in Operation Iraqi Freedom; and

WHEREAS, The 233rd Illinois Army National Guard, based out of Camp Lincoln in Springfield, was activated in February 2003 and began its tour of duty in Wisconsin and Kuwait before arriving in Iraq; and

WHEREAS, The 233rd Military Police Company was one of the first units into Baghdad, Iraq in April 2003 when the soldiers began their mission patrolling the streets of Baghdad, training and supervising Iraqi police, and conducting raids; and

WHEREAS, Members of the 233rd unit were awarded nineteen bronze stars, a Purple Heart, and four non-combat Soldiers Medals; and

WHEREAS, On April 25, 2004 family and friends welcomed members of this company as they arrived at their home base at Camp Lincoln following fourteen months of deployment; and

WHEREAS, Twenty-eight soldiers from the original 233rd unit continue to serve in Iraq after being transferred to other units; and

WHEREAS, The members of this company serve our nation with honor and pride and are owed an immense measure of gratitude; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we welcome home the courageous men and women of the 233rd Military Police from their duty in Iraq; and be it further

RESOLVED, That we salute the 233rd National Guard unit for its dedication to this State and to the United States of America; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the 233rd Military Police Company of the Illinois National Guard as an expression of our gratitude.

### HOUSE RESOLUTION 856

Offered by Representative Brosnahan:

WHEREAS, The members of the Illinois House of Representatives wish to congratulate Nina S. Appel,

Dean of Loyola University Chicago School of Law, on being the longest serving woman law school dean in United States history; and

WHEREAS, Nina Appel is a 1959 Columbia Law School graduate and was a Stone Scholar at Columbia; and

WHEREAS, Nina Appel joined Loyola University Chicago's law faculty in 1973, and served as associate dean from 1976 to 1983; during that time, she taught in the areas of torts, products liability, administrative law, and evidence; in 1983, she was named Loyola's ninth Law School dean; and

WHEREAS, Among her accomplishments are founding the law school's nationally ranked Institute for Health Law in 1984, co-founding Loyola's ChildLaw Center in 1993, and establishing the Elder Law Initiative in 2000; and

WHEREAS, In 2003, Dean Appel was presented the fourth-ever Distinguished Columbian in Teaching Award, which was presented in Washington, D.C., in recognition of her 30-year career at Loyola; she was honored during the Annual Meeting of the Association of American Law Schools (AALS) for her contributions to legal education and scholarship and received her award from fellow Columbia law alumna Supreme Court Justice Ruth Bader Ginsburg; and

WHEREAS, The American Bar Association named Dean Appel as the 2003 recipient of the prestigious Robert J. Kutak Award, which is presented annually by the ABA Section of Legal Education and Admissions to the Bar to an individual who meets the highest standards of professional responsibility and demonstrates substantial achievement toward increased understanding between legal education and the active of practice law; and

WHEREAS, In addition, she was named one of the 10 highly influential women leaders, in the "20th Century Hall of Fame," by Today's Chicago Woman; and

WHEREAS, During her career, she has served on a number of professional committees, including: Executive Council of the ABA Section on Legal Education and Admissions to the Bar; Co-chair of the Cook County Public Guardian Oversight Committee; member of the Chicago Bar Foundation Life Fellows' representative, the Civil Justice Reform Act Advisory Committee, and the Illinois State Bar Association's Education Committee; she served four consecutive terms on the Illinois Compensation Review Board; served on the Special Commission for the Administration of Justice in Cook County; served on the Board of Directors of the Chicago Bar Foundation; served as Board member and Director of the Illinois Institute of Continuing Legal Education; and on the Special Committee to Study Merit Selection of Judges for the Illinois State Bar Association; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Dean Nina S. Appel on her retirement after many years of dedicated service; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Nina S. Appel as a token of our respect and esteem.

#### HOUSE RESOLUTION 858

Offered by Representative Gordon:

WHEREAS, The members of the Illinois House of Representatives wish to recognize Illinois teachers in honor of National PTA Teacher Appreciation Week held May 2nd-8th, 2004; and

WHEREAS, The United States has made considerable progress in the social, technological, and scientific fields; and

WHEREAS, Much of this progress can be attributed to the qualified and dedicated teachers entrusted with the educational development of our children to their full potential; and

WHEREAS, Teachers should be accorded high public esteem, reflecting the value the community places on public education; and

WHEREAS, PTAs on every level nationwide are keenly aware of the importance and impact of teachers on children; and

WHEREAS, It is appropriate that teachers be recognized for their dedication and commitment to educating their students; and

WHEREAS, National PTA Teacher Appreciation Week offers the opportunity for citizens to reaffirm their commitment to parent-teacher partnerships; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL

ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize National PTA Teacher Appreciation Week and honor the teachers of Illinois; and be it further

RESOLVED, That suitable copies of this resolution be presented to the National PTA and the Illinois PTA.

#### HOUSE RESOLUTION 859

Offered by Representative Osmond:

WHEREAS, The members of the House of Representatives of the State of Illinois are pleased to congratulate Thomas Memorial A.M.E. Church of Zion on the occasion of its 20th anniversary; and

WHEREAS, Thomas Memorial A.M.E. Church held its first service on June 17, 1984, at the Zion Leisure Center in Zion, under the pastorship of Brother John Hurst; there were 7 people in attendance; regular Bible study was held in the home of Sister Ruth Cecil on Thursday evenings, and the average attendance was 6 people; and

WHEREAS, Thomas Memorial A.M.E. Church is named in honor of Reverend Garfield Thomas, one of the founders of Coleman Chapel in Kenosha, Wisconsin; in April of 1932, Garfield Thomas became a local preacher in the Kenosha area; in 1938, he was ordained a deacon, and later, he was ordained an elder; he served as an associate minister at Coleman Chapel; he passed away in October of 1963; and

WHEREAS, On September 30, 1984, Brother John Hurst was appointed pastor of Thomas Memorial A.M.E. Church by Bishop S.S. Morris at the Chicago Annual Conference; in March of 1986, land was purchased for the future home of the church, made possible by Mr. Charles Chatman and Mrs. Mildred Chatman signing for the loan; the total cost of the land was \$15,488; and

WHEREAS, In May of 1987, blueprints and building plans were purchased; on January 31, 1988, Pastor Hurst and the congregation celebrated the reality of a dream at their groundbreaking ceremony; and

WHEREAS, In 2 years, the land for the church was paid for in full; in August of 1988, construction began; the first service in the new church was held on May 16, 1989, and the church was dedicated on May 28, 1989 by Bishop Frank Madison Reid, Jr.; and

WHEREAS, Thomas Memorial A.M.E. Church sponsors many ministries, including Meals on Wheels for Zion Township, a prison ministry, monthly visits to several nursing homes in the area, and donation of items and clothes to the Stable House of Waukegan; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Thomas Memorial A.M.E. Church of Zion on the occasion of its 20th anniversary; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Thomas Memorial A.M.E. Church as an expression of our respect and esteem.

#### HOUSE RESOLUTION 860

Offered by Representatives Madigan, Hannig, Watson and Currie:

WHEREAS, The members of the House of Representatives of the State of Illinois learned with great sadness of the death of their colleague, Senator Vince Demuzio, on Tuesday, April 27, 2004; and

WHEREAS, Senator Demuzio was born on May 7, 1941, in Gillespie; he attended S & S Simon and Jude Catholic School and Gillespie High School; he received a Bachelor of Arts degree in education and human services from the University of Illinois at Springfield in 1981; he earned a Master of Arts degree in education and public policy from the same school in 1996; he received an Honorary Doctorate from Lewis & Clark Community College, and a Doctor of Laws, Honorist Causa, Degree from Blackburn College; and

WHEREAS, Senator Demuzio was currently the Senate Majority Leader, chairman of the Senate Rules Committee, and Dean of the Illinois Senate, having served in the upper chamber since 1975; he was also a member of the education, executive, and executive appointments committees; and

WHEREAS, Prior to his election to the Illinois Senate from the 49th legislative district, he served as Executive Director of the Illinois Valley Economic Development Corporation, a community action agency providing programs in job training, senior citizen nutrition, day care, sheltered workshops for the physically and mentally handicapped, and other social services; and

WHEREAS, Senator Demuzio was appointed Assistant Senate Majority Leader in the 83rd General Assembly (1983-1984) and was reappointed in the 84th, 85th, 86th, and 87th General Assemblies; in January of 1993, he was appointed Assistant Democratic Leader of the 88th General Assembly and again reappointed in January of 1995, 1997, 1999, and 2001; Senator Demuzio was one of the General Assembly's leading spokesmen for the interests of downstate Illinois; he was also a member of the Legislative Audit Commission and served on the Steering Committee to re-examine the Illinois Constitution; he served on both the 1991 and 2001 Legislative Redistricting Commissions; and

WHEREAS, Senator Demuzio was elected to the Illinois Democratic State Central Committee from the 20th Congressional District in 1982, and re-elected in 1986, 1990, 1994, and 1998; he was elected Chairman of the Illinois Democratic Party in April of 1986 and served through April of 1990; he also served as Chairman of the Illinois delegation to the Democratic National Convention in Atlanta in 1988 and as a member of the Democratic National Committee's Executive Committee; he was the first Chairman elected from downstate Illinois in more than 40 years and is credited with rebuilding the infrastructure of the Illinois Democratic Party; and

WHEREAS, In the post-Watergate era, Vince Demuzio is credited with bringing legislative and Democratic Party reforms with a like-minded group of lawmakers affectionately known as the "Crazy Eight"; and

WHEREAS, Senator Demuzio received numerous distinguished legislative service awards during his tenure; he served as Secretary of the Blackburn College Board of Trustees in Carlinville, Vice Chair of the Carlinville Hospital Board, and he was on the Board of Directors for Kemmerer Village, a child care agency, in Assumption; he was a member of numerous fraternal and social organizations; and

WHEREAS, Among the highlights of his legislative career, Senator Demuzio played a major role in securing funding for the creation of the Orr Research Center and the completion of Route 36 from Jacksonville to Quincy; he received national attention as part of a fight to clean up hazardous waste in Wilsonville and has helped obtain funding for major road improvements along the Route 67 corridor from Alton to Jacksonville; in 1999, he led a coalition from Christian County that convinced the Governor to appropriate funds in the Illinois FIRST program to turn Route 29 from Rochester to Taylorville into a four-lane road; he helped many small communities obtain funding for sewer and water improvements and was especially proud to sponsor legislation renaming the State's income tax check-off for breast and cervical cancer on the State income tax return in honor of the late State Senator Penny Severns; and

WHEREAS, The passing of Senator Vince Demuzio has been deeply felt by many across Illinois, especially his wife, Deanna (Clemonds); his son, Brad; his daughter, Stephanie Blair and her husband, Patrick; his mother, Catherine; his mother-in-law, Virginia; and his sisters, Marlene, Donna Burke, Cathy Visintin, and Bernadette Hosquin; 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 Senator Vince Demuzio, our colleague, who served the people with honor and distinction and exemplified the highest standards, which won him unequivocal admiration; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Senator Vince Demuzio as an expression of our sincerest condolences during their time of bereavement.

#### HOUSE RESOLUTION 861

Offered by Representative Flider:

WHEREAS, The members of the Illinois House of Representatives wish to congratulate the Mount Zion Swingsations show choir on their 25th year as a group; and

WHEREAS, The choir was organized in 1973 as a nine-member all-girl Mount Zion swing choir; the group was choreographed by founding member Roberta Vest and Decatur resident and former member of the Radio City Music City Hall Rockettes, Darlene Wittener; and

WHEREAS, In 1975, boys joined the group for the first time and to this day the group includes both male and female members; in 1979, the group became known as the Mount Zion Swingsations; and

WHEREAS, The Swingsations have won national dance championships in Florida, California, New York, Tennessee, Wisconsin, and Illinois; and

WHEREAS, Most recently, the Swingsations were awarded honors including the grand championship, best visual effect, best combo, best vocals, best female vocalist, and best male vocalist in Nashville,



Tennessee; and

WHEREAS, The director of the choir is Jeff Gemar; assistant director and combo director, Carla Moebius; choreographer, Dwight Jordan; and president of the parents' booster club, Rick McKibben; and

WHEREAS, This body also wishes to recognize former director, Connie Mulligan and former assistant director, Cyndi Johnson, under whose direction the Mount Zion Swingsations were crowned Grand Champion at Chicago Showstoppers in 1995 and at Terpsichore in Chicago in 1999; and former assistant director and alumna, Heather Pistorius; and

WHEREAS, The alumni of the Mount Zion Swingsations gather together for the group's annual dinner theater the weekend of April 28 through May 1, 2004; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the Mount Zion Swingsations show choir on celebrating their 25th year as a group; and be it further

RESOLVED, That suitable copies of this resolution be presented to the director, assistant director, choreographer, president of the parents' booster club, and to each member of the Mount Zion Swingsations show choir as a token of our respect.

#### HOUSE RESOLUTION 864

Offered by Representatives Parke, Bassi, Froehlich, Krause:

WHEREAS, The members of the Illinois House of Representatives wish to congratulate Dr. Lynne Rauch on her retirement after 34 years in education and 9 years as the Superintendent of Schools in Schaumburg Community Consolidated School District 54 on June 30, 2004; and

WHEREAS, Dr. Rauch came to District 54 in 1995 from Stockton, California, where she had spent five years as superintendent of Lincoln Public Schools; she received a bachelor and master's degree in education from Eastern Illinois University and a doctorate of education from the University of San Francisco; and

WHEREAS, Dr. Rauch is only the fifth superintendent to serve District 54 in its 51 years as a public school district; during her tenure in District 54, Dr. Rauch has initiated many unique educational programs, has involved the community within the district, and has led an excellent educational system for the students; and

WHEREAS, Dr. Rauch has helped District 54 stay in the black despite operating under a tax cap that limits the additional amount of revenues taxing bodies can collect each year; the school district has not had a tax referendum during her nine years in the district; while operating under this balanced budget, District 54 students have continued to exceed State averages on the Illinois Standards Achievement Tests given to students each spring; and

WHEREAS, Dr. Rauch has also led the district to develop stronger ties with State legislators, strengthening their understanding of the needs of education and finances in District 54; and

WHEREAS, School District 54 has received many awards and honors under the leadership of Dr. Rauch including: the Break the Mold Award; the Magna Award; the Honorary Award for Service to Persons with Disabilities; the Distinguished Service Award; Meritorious Budget Awards from the Association of School Business Officials since 1998; four National Blue Ribbon School Awards (Armstrong, Collins and Stevenson Elementary Schools and Mead Junior High School); two Service Recognition Awards from the Illinois Alliance for Arts Education in 2001; the Bright Red Apple Award each year; three Golden Apple Teacher Awards; seven Those Who Excel Awards; the 1999 Bilingual Teacher of the Year Award; and the 2000 Outstanding New Teacher of the Year Award (NEA); in addition, District 54's Open Enrollment Fair received the Golden Achievement Award from the National School Public Relations Association in 2002, and the District 54 50th Anniversary Celebration received the Achievement Award from the Illinois Chapter of the National School Public Relations Association in 2003; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Dr. Lynne Rauch on her retirement from many years of dedicated service to the field of education and wish her good health and happiness in all of her future endeavors; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Dr. Lynne Rauch as a token of our respect and esteem.

HOUSE RESOLUTION 865

Offered by Representative Tenhouse:

WHEREAS, The members of the Illinois House of Representatives wish to recognize St. Francis grade school in Quincy for performing the play "We the People" on April 23, 2004; and

WHEREAS, This year, St. Francis had the distinct honor of being the only grade school in the nation to be approved to perform this play; the play is an American themed production that begins with the Preamble to the Constitution and concludes with the events of September 11, 2001; and

WHEREAS, The "American" theme of the play has inspired the children of St. Francis to help our troops in Iraq; the school will be sending care packages to the local men and women who are serving in Iraq; each care package will include a videotape of the play as well as items that they enjoy and need; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize the students and faculty of St. Francis grade school for their patriotism and support of our troops in Iraq; and be it further

RESOLVED, That a suitable copy of this resolution be presented to St. Francis grade school as an expression of our respect.

HOUSE RESOLUTION 866

Offered by Representative Slone:

WHEREAS, The members of the House of Representatives would like to congratulate the Gems of the Prairie Quilters of Peoria on hosting the National Quilting Association, Inc.'s Quilt Show; and

WHEREAS, The National Quilting Association, Inc. is holding its 35th Anniversary Quilt Show entitled "The Heart of Quilting" in Peoria from June 24, 2004 to June 26, 2004; the show will include a Preview Party, a surprise program at the Thursday Night Banquet, a Little Quilt Auction, and classes and lectures; and

WHEREAS, The National Quilting Association, Inc. is a non-profit organization run by quilters for quilters and was founded in 1970 by 7 women in the Washington, D.C., area; the organization was established to create, stimulate, maintain, and record an interest in all matters pertaining to the making, collecting, and preserving of quilts and to establish and promote educational and philanthropic endeavors through quilts; and

WHEREAS, The Gems of the Prairie Quilters, the hosts of this year's Quilt Show, are happy to use their skills for worthwhile causes; and

WHEREAS, The Gems of the Prairie Quilters sponsor community projects, including making quilts for children; each year, the group holds a NICU quilt contest, in which members vote on quilts to determine the winners of 3 prizes, and the quilts are then donated to the nursery at St. Francis, where they add a homey touch to a necessarily sterile environment; approximately 100 quilts were donated last year after they were displayed at the quilt show; and

WHEREAS, The Gems of the Prairie Quilters also sponsor Little Gems Quilts for the St. Jude Peoria Affiliate at St. Francis Hospital; the quilts made for this project are given to the patients at the St. Jude Peoria Affiliate; approximately 50 quilts are donated to these young cancer patients every year; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the Gems of the Prairie Quilters of Peoria on hosting the National Quilting Association's Quilt Show from June 24, 2004 through June 26, 2004; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Gems of the Prairie Quilters as an expression of our best wishes for a successful event.

HOUSE RESOLUTION 867

Offered by Representative Steve Davis:

WHEREAS, President Thomas Jefferson instructed Meriwether Lewis and William Clark to lead an expedition to explore the Louisiana Territory in 1804 to gain knowledge of the territory and map a water route to the Pacific Ocean; and

WHEREAS, Lewis and Clark assembled their party at the confluence of the Mississippi and Missouri Rivers at a location now known as Hartford, Illinois; and

WHEREAS, Their journey into the Louisiana Territory departed from the confluence and began on May 14, 1804; and

WHEREAS, The anniversary of this event is a unique opportunity to exhibit Illinois' important role in our nation's history; and

WHEREAS, The commemoration of the journey is having a significant impact on Illinois tourism; the events commemorating the success of Lewis and Clark's journey are being held at the Hartford Interpretive Center May 14 through May 16, 2004; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize and honor Lewis and Clark on the two-hundredth anniversary of their expedition; and be it further

RESOLVED, That we commend and support the Illinois Lewis and Clark Bicentennial Commission, the Village of Hartford, and Lewis and Clark Community College for their work on the Eve of the Discovery National Signature Event on May 13, 2004; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Illinois Lewis and Clark Bicentennial Commission, the Village of Hartford, and Lewis and Clark Community College as a token of our respect.

#### HOUSE RESOLUTION 868

Offered by Representatives Mulligan and Krause:

WHEREAS, The members of the House of Representatives of the State of Illinois learned with regret of the death of Mary E. "Betty" Brosius of Arlington Heights on Friday, March 26, 2004; and

WHEREAS, Mary E. Hopp was born and raised in Des Plaines; she attended Maine Township East High School for 3 years and was a member of the first graduating class at Maine Township West High School in 1960; she lived her entire life in Des Plaines until a recent move to Arlington Heights; her husband, Dick, preceded her in death in 1979; and

WHEREAS, Mrs. Brosius believed that people deserved to be surrounded by love, comfort, and care when they die; because of this belief, she founded Rainbow Hospice in 1981; the hospice has gone from caring for less than a dozen patients and families in 1981, to serving an average of 160 patients and families each day; it was started as a volunteer hospice and now has over 120 professional employees and over 200 volunteers with sponsorship from Advocate and Resurrection Health Care Corporations; Mrs. Brosius served as the first Executive Director and, except for a brief hiatus, worked for Rainbow Hospice until her retirement in January of 2004; and

WHEREAS, The passing of Mary E. "Betty" Brosius has been deeply felt by many, especially her daughters, Carrie (Bill) Bending, Amy (Scott) Pracko, and Julie Brosius; her grandchildren, Cameron, Trevor, and Shane Parker, and Samantha and Matthew Pracko; her brother, Richard (Carol Ann) Hopp; her dear friend, Harvey Kretschmer; her many friends; and her Rainbow Hospice family; 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 E. "Betty" Brosius, and we extend our deepest sympathy to her family, friends, and all who knew and loved her; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Mary E. "Betty" Brosius as an expression of our sincere condolences.

#### HOUSE BILL ON THIRD READING

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Biggins, HOUSE BILL 6424 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 92, Yeas; 17, Nays; 6, Answering Present.

(ROLL CALL 2)

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

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Winters, HOUSE BILL 4195 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 108, Yeas; 6, Nays; 2, Answering Present.

(ROLL CALL 3)

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

Ordered that the Clerk inform the Senate and ask their concurrence.

### **HOUSE BILL ON SECOND READING**

HOUSE BILL 5736. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

Floor Amendment No. 1 remained in the Committee on Executive.

There being no further amendments, the bill was advanced to the order of Third Reading.

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

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Washington, HOUSE BILL 5736 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 115, Yeas; 1, Nays; 0, Answering Present.

(ROLL CALL 4)

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

Ordered that the Clerk inform the Senate and ask their concurrence.

### **HOUSE BILL ON SECOND READING**

HOUSE BILL 6034. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Meyer offered the following amendment and moved its adoption.

AMENDMENT NO.   1  . Amend House Bill 6034 by replacing everything after the enacting clause with the following:

"Section 5. The Use Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or

organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Personal property purchased by a governmental body, by a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or by a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active exemption identification number issued by the Department.

(5) Until July 1, 2003, a passenger car that is a replacement vehicle to the extent that the purchase price of the car is subject to the Replacement Vehicle Tax.

(6) ~~Graphic Until July 1, 2003, graphic~~ arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order, certified by the purchaser to be used primarily for graphic arts production, and including machinery and equipment purchased for lease. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(7) Farm chemicals.

(8) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(9) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(10) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(11) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (11). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (11) is exempt from the provisions of Section 3-90.

(12) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(13) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages purchased at retail from a retailer, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(14) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(15) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(16) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(17) Until July 1, 2003, distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(18) Manufacturing and assembling machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether that sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether that sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(19) Personal property delivered to a purchaser or purchaser's donee inside Illinois when the purchase order for that personal property was received by a florist located outside Illinois who has a florist located inside Illinois deliver the personal property.

(20) Semen used for artificial insemination of livestock for direct agricultural production.

(21) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(22) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any

reason, the lessor is liable to pay that amount to the Department.

(23) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(24) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(25) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(26) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-90.

(27) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(28) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-90.

(29) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-90.

(30) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and

prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(31) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(32) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(33) On and after July 1, 2003, the use in this State of motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds and that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. This exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act.

(Source: P.A. 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-651, eff. 7-11-02; 93-23, eff. 6-20-03; 93-24, eff. 6-20-03; revised 9-11-03.)

Section 10. The Service Use Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 110/3-5) (from Ch. 120, par. 439.33-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a non-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by



the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) ~~Graphic Until July 1, 2003, graphic~~ arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(6) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-75.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages acquired as an incident to the purchase of a service from a serviceman, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Proceeds from the sale of photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Semen used for artificial insemination of livestock for direct agricultural production.

(14) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for

prizes.

(15) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(16) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(17) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(19) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-75.

(20) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(21) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists

primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-75.

(22) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-75.

(23) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(24) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

(25) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

(Source: P.A. 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-651, eff. 7-11-02; 93-24, eff. 6-20-03.)

Section 15. The Service Occupation Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 115/3-5) (from Ch. 120, par. 439.103-5)

Sec. 3-5. Exemptions. The following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by any not-for-profit arts or cultural organization that establishes, by

proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) ~~Graphic~~ ~~Until July 1, 2003, graphic~~ arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-55.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for

lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(14) Semen used for artificial insemination of livestock for direct agricultural production.

(15) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(16) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(17) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(19) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(20) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-55.

(21) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(22) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-55.

(23) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending

machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-55.

(24) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(25) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(26) Beginning on January 1, 2002, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (26). The permit issued under this paragraph (26) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-488, eff. 8-23-01; 92-651, eff. 7-11-02; 93-24, eff. 6-20-03.)

Section 20. The Retailers' Occupation Tax Act is amended by changing Section 2-5 as follows:

(35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:

(1) Farm chemicals.

(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 2-70.

(3) Until July 1, 2003, distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) ~~Graphic~~ ~~Until July 1, 2003,~~ graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(5) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Until July 1, 2003, proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Tangible personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(12-5) On and after July 1, 2003, motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. This exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

(17) Tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(19) Until July 1 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(21) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(22) Fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) A motor vehicle sold in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a drive-away permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the drive-away permit or having the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will not be titled in this State.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.



(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 2-70.

(33) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 2-70.

(35) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 2-70.

(35-5) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(36) Beginning August 2, 2001, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(37) Beginning August 2, 2001, personal property sold to a lessor who leases the property, under a lease

of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(38) Beginning on January 1, 2002, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (38). The permit issued under this paragraph (38) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-488, eff. 8-23-01; 92-651, eff. 7-11-02; 92-680, eff. 7-16-02; 93-23, eff. 6-20-03; 93-24, eff. 6-20-03; revised 9-11-03.)"

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

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

### HOUSE BILL ON THIRD READING

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Cross, HOUSE BILL 6034 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 112, Yeas; 3, Nays; 1, Answering Present.  
(ROLL CALL 5)

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

Ordered that the Clerk inform the Senate and ask their concurrence.

### HOUSE BILLS ON SECOND READING

HOUSE BILL 6063. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Lindner offered the following amendment and moved its adoption.

AMENDMENT NO.   1  . Amend House Bill 6063 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 19-1 as follows:  
(105 ILCS 5/19-1) (from Ch. 122, par. 19-1)

Sec. 19-1. Debt limitations of school districts.

(a) School districts shall not be subject to the provisions limiting their indebtedness prescribed in "An Act to limit the indebtedness of counties having a population of less than 500,000 and townships, school districts and other municipal corporations having a population of less than 300,000", approved February 15, 1928, as amended.

No school districts maintaining grades K through 8 or 9 through 12 shall become indebted in any manner

or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 6.9% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

No school districts maintaining grades K through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 13.8% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

Notwithstanding the provisions of any other law to the contrary, in any case in which the voters of a school district have approved a proposition for the issuance of bonds of such school district at an election held prior to January 1, 1979, and all of the bonds approved at such election have not been issued, the debt limitation applicable to such school district during the calendar year 1979 shall be computed by multiplying the value of taxable property therein, including personal property, as ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness, by the percentage limitation applicable to such school district under the provisions of this subsection (a).

(b) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, additional indebtedness may be incurred in an amount not to exceed the estimated cost of acquiring or improving school sites or constructing and equipping additional building facilities under the following conditions:

(1) Whenever the enrollment of students for the next school year is estimated by the board of education to increase over the actual present enrollment by not less than 35% or by not less than 200 students or the actual present enrollment of students has increased over the previous school year by not less than 35% or by not less than 200 students and the board of education determines that additional school sites or building facilities are required as a result of such increase in enrollment; and

(2) When the Regional Superintendent of Schools having jurisdiction over the school district and the State Superintendent of Education concur in such enrollment projection or increase and approve the need for such additional school sites or building facilities and the estimated cost thereof; and

(3) When the voters in the school district approve a proposition for the issuance of bonds for the purpose of acquiring or improving such needed school sites or constructing and equipping such needed additional building facilities at an election called and held for that purpose. Notice of such an election shall state that the amount of indebtedness proposed to be incurred would exceed the debt limitation otherwise applicable to the school district. The ballot for such proposition shall state what percentage of the equalized assessed valuation will be outstanding in bonds if the proposed issuance of bonds is approved by the voters; or

(4) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection

(b), if the school board determines that additional facilities are needed to provide a quality educational program and not less than 2/3 of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose; or

(5) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection

(b), if (i) the school district has previously availed itself of the provisions of paragraph (4) of this subsection (b) to enable it to issue bonds, (ii) the voters of the school district have not defeated a proposition for the issuance of bonds since the referendum described in paragraph (4) of this subsection (b) was held, (iii) the school board determines that additional facilities are needed to provide a quality educational program, and (iv) a majority of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose.

In no event shall the indebtedness incurred pursuant to this subsection (b) and the existing indebtedness of the school district exceed 15% of the value of the taxable property therein to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979.

The indebtedness provided for by this subsection (b) shall be in addition to and in excess of any other debt limitation.

(c) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, in any case in which

a public question for the issuance of bonds of a proposed school district maintaining grades kindergarten through 12 received at least 60% of the valid ballots cast on the question at an election held on or prior to November 8, 1994, and in which the bonds approved at such election have not been issued, the school district pursuant to the requirements of Section 11A-10 may issue the total amount of bonds approved at such election for the purpose stated in the question.

(d) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) and (2) of this subsection (d) may incur an additional indebtedness in an amount not to exceed \$4,500,000, even though the amount of the additional indebtedness authorized by this subsection (d), when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this subsection (d), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable to that district under subsection (a):

(1) The additional indebtedness authorized by this subsection (d) is incurred by the school district through the issuance of bonds under and in accordance with Section 17-2.11a for the purpose of replacing a school building which, because of mine subsidence damage, has been closed as provided in paragraph (2) of this subsection (d) or through the issuance of bonds under and in accordance with Section 19-3 for the purpose of increasing the size of, or providing for additional functions in, such replacement school buildings, or both such purposes.

(2) The bonds issued by the school district as provided in paragraph (1) above are issued for the purposes of construction by the school district of a new school building pursuant to Section 17-2.11, to replace an existing school building that, because of mine subsidence damage, is closed as of the end of the 1992-93 school year pursuant to action of the regional superintendent of schools of the educational service region in which the district is located under Section 3-14.22 or are issued for the purpose of increasing the size of, or providing for additional functions in, the new school building being constructed to replace a school building closed as the result of mine subsidence damage, or both such purposes.

(e) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) through (5) of this subsection (e) may, without referendum, incur an additional indebtedness in an amount not to exceed the lesser of \$5,000,000 or 1.5% of the value of the taxable property within the district even though the amount of the additional indebtedness authorized by this subsection (e), when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring that additional indebtedness, causes the aggregate indebtedness of the district to exceed or increases the amount by which the aggregate indebtedness of the district already exceeds the debt limitation otherwise applicable to that district under subsection (a):

(1) The State Board of Education certifies the school district under Section 19-1.5 as a financially distressed district.

(2) The additional indebtedness authorized by this subsection (e) is incurred by the financially distressed district during the school year or school years in which the certification of the district as a financially distressed district continues in effect through the issuance of bonds for the lawful school purposes of the district, pursuant to resolution of the school board and without referendum, as provided in paragraph (5) of this subsection.

(3) The aggregate amount of bonds issued by the financially distressed district during a fiscal year in which it is authorized to issue bonds under this subsection does not exceed the amount by which the aggregate expenditures of the district for operational purposes during the immediately preceding fiscal year exceeds the amount appropriated for the operational purposes of the district in the annual school budget adopted by the school board of the district for the fiscal year in which the bonds are issued.

(4) Throughout each fiscal year in which certification of the district as a financially distressed district continues in effect, the district maintains in effect a gross salary expense and gross wage expense freeze policy under which the district expenditures for total employee salaries and wages do not exceed such expenditures for the immediately preceding fiscal year. Nothing in this paragraph, however, shall be deemed to impair or to require impairment of the contractual obligations, including collective bargaining agreements, of the district or to impair or require the impairment of the vested rights of any employee of the district under the terms of any contract or agreement in effect on the effective date of this amendatory Act of 1994.

(5) Bonds issued by the financially distressed district under this subsection shall bear interest at a rate not to exceed the maximum rate authorized by law at the time of the making of the

contract, shall mature within 40 years from their date of issue, and shall be signed by the president of the school board and treasurer of the school district. In order to issue bonds under this subsection, the school board shall adopt a resolution fixing the amount of the bonds, the date of the bonds, the maturities of the bonds, the rates of interest of the bonds, and their place of payment and denomination, and shall provide for the levy and collection of a direct annual tax upon all the taxable property in the district sufficient to pay the principal and interest on the bonds to maturity. Upon the filing in the office of the county clerk of the county in which the financially distressed district is located of a certified copy of the resolution, it is the duty of the county clerk to extend the tax therefor in addition to and in excess of all other taxes at any time authorized to be levied by the district. If bond proceeds from the sale of bonds include a premium or if the proceeds of the bonds are invested as authorized by law, the school board shall determine by resolution whether the interest earned on the investment of bond proceeds or the premium realized on the sale of the bonds is to be used for any of the lawful school purposes for which the bonds were issued or for the payment of the principal indebtedness and interest on the bonds. The proceeds of the bond sale shall be deposited in the educational purposes fund of the district and shall be used to pay operational expenses of the district. This subsection is cumulative and constitutes complete authority for the issuance of bonds as provided in this subsection, notwithstanding any other law to the contrary.

(f) Notwithstanding the provisions of subsection (a) of this Section or of any other law, bonds in not to exceed the aggregate amount of \$5,500,000 and issued by a school district meeting the following criteria shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness:

(1) At the time of the sale of such bonds, the board of education of the district shall have determined by resolution that the enrollment of students in the district is projected to increase by not less than 7% during each of the next succeeding 2 school years.

(2) The board of education shall also determine by resolution that the improvements to be financed with the proceeds of the bonds are needed because of the projected enrollment increases.

(3) The board of education shall also determine by resolution that the projected increases in enrollment are the result of improvements made or expected to be made to passenger rail facilities located in the school district.

(g) Notwithstanding the provisions of subsection (a) of this Section or any other law, bonds in not to exceed an aggregate amount of 25% of the equalized assessed value of the taxable property of a school district and issued by a school district meeting the criteria in paragraphs (i) through (iv) of this subsection shall not be considered indebtedness for purposes of any statutory limitation and may be issued pursuant to resolution of the school board in an amount or amounts, including existing indebtedness, in excess of any statutory limitation of indebtedness heretofore or hereafter imposed:

(i) The bonds are issued for the purpose of constructing a new high school building to replace two adjacent existing buildings which together house a single high school, each of which is more than 65 years old, and which together are located on more than 10 acres and less than 11 acres of property.

(ii) At the time the resolution authorizing the issuance of the bonds is adopted, the cost of constructing a new school building to replace the existing school building is less than 60% of the cost of repairing the existing school building.

(iii) The sale of the bonds occurs before July 1, 1997.

(iv) The school district issuing the bonds is a unit school district located in a county of less than 70,000 and more than 50,000 inhabitants, which has an average daily attendance of less than 1,500 and an equalized assessed valuation of less than \$29,000,000.

(h) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27.6% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than \$24,000,000;

(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which buildings were originally constructed not less than 40 years ago;

(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after March 19, 1996; and

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(i) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than \$44,600,000;

(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which existing buildings were originally constructed not less than 80 years ago;

(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after December 31, 1996; and

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(j) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than \$140,000,000 and a best 3 months average daily attendance for the 1995-96 school year of at least 2,800;

(ii) The bonds are issued to purchase a site and build and equip a new high school, and the school district's existing high school was originally constructed not less than 35 years prior to the sale of the bonds;

(iii) At the time of the sale of the bonds, the board of education determines by resolution that a new high school is needed because of projected enrollment increases;

(iv) At least 60% of those voting in an election held after December 31, 1996 approve a proposition for the issuance of the bonds; and

(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(k) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) through (4) of this subsection (k) may issue bonds to incur an additional indebtedness in an amount not to exceed \$4,000,000 even though the amount of the additional indebtedness authorized by this subsection (k), when incurred and added to the aggregate amount of indebtedness of the school district existing immediately prior to the school district incurring such additional indebtedness, causes the aggregate indebtedness of the school district to exceed or increases the amount by which the aggregate indebtedness of the district already exceeds the debt limitation otherwise applicable to that school district under subsection (a):

(1) the school district is located in 2 counties, and a referendum to authorize the additional indebtedness was approved by a majority of the voters of the school district voting on the proposition to authorize that indebtedness;

(2) the additional indebtedness is for the purpose of financing a multi-purpose room addition to the existing high school;

(3) the additional indebtedness, together with the existing indebtedness of the school district, shall not exceed 17.4% of the value of the taxable property in the school district, to be ascertained by the last assessment for State and county taxes; and

(4) the bonds evidencing the additional indebtedness are issued, if at all, within 120 days of the effective date of this amendatory Act of 1998.

(l) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 2000, a school district maintaining grades kindergarten through 8 may issue bonds up to an amount, including existing indebtedness, not exceeding 15% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) the district has an equalized assessed valuation for calendar year 1996 of less than \$10,000,000;

(ii) the bonds are issued for capital improvement, renovation, rehabilitation, or replacement of one or more school buildings of the district, which buildings were originally constructed not less than 70 years ago;

(iii) the voters of the district approve a proposition for the issuance of the bonds at a referendum held on or after March 17, 1998; and

(iv) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(m) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, an elementary school district maintaining grades K through 8 may issue bonds up to an amount, excluding existing indebtedness, not exceeding 18% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 or less than \$7,700,000;

(ii) The school district operates 2 elementary attendance centers that until 1976 were operated as the attendance centers of 2 separate and distinct school districts;

(iii) The bonds are issued for the construction of a new elementary school building to replace an existing multi-level elementary school building of the school district that is not handicapped accessible at all levels and parts of which were constructed more than 75 years ago;

(iv) The voters of the school district approve a proposition for the issuance of the bonds at a referendum held after July 1, 1998; and

(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(n) Notwithstanding the debt limitation prescribed in subsection (a) of this Section or any other provisions of this Section or of any other law, a school district that meets all of the criteria set forth in paragraphs (i) through (vi) of this subsection (n) may incur additional indebtedness by the issuance of bonds in an amount not exceeding the amount certified by the Capital Development Board to the school district as provided in paragraph (iii) of this subsection (n), even though the amount of the additional indebtedness so authorized, when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this subsection (n), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable by law to that district:

(i) The school district applies to the State Board of Education for a school construction project grant and submits a district facilities plan in support of its application pursuant to Section 5-20 of the School Construction Law.

(ii) The school district's application and facilities plan are approved by, and the district receives a grant entitlement for a school construction project issued by, the State Board of Education under the School Construction Law.

(iii) The school district has exhausted its bonding capacity or the unused bonding capacity of the district is less than the amount certified by the Capital Development Board to the district under Section 5-15 of the School Construction Law as the dollar amount of the school construction project's cost that the district will be required to finance with non-grant funds in order to receive a school construction project grant under the School Construction Law.

(iv) The bonds are issued for a "school construction project", as that term is defined in Section 5-5 of the School Construction Law, in an amount that does not exceed the dollar amount certified, as provided in paragraph (iii) of this subsection (n), by the Capital Development Board to the school district under Section 5-15 of the School Construction Law.

(v) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after the criteria specified in paragraphs (i) and (iii) of this subsection (n) are met.

(vi) The bonds are issued pursuant to Sections 19-2 through 19-7 of the School Code.

(o) Notwithstanding any other provisions of this Section or the provisions of any other law, until November 1, 2007, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 20% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) the school district has an equalized assessed valuation for calendar year 2001 of at least \$737,000,000 and an enrollment for the 2002-2003 school year of at least 8,500;

(ii) the bonds are issued to purchase school sites, build and equip a new high school, build and equip a new junior high school, build and equip 5 new elementary schools, and make technology and other improvements and additions to existing schools;

(iii) at the time of the sale of the bonds, the board of education determines by resolution that the sites and new or improved facilities are needed because of projected enrollment increases;

(iv) at least 57% of those voting in a general election held prior to January 1, 2003 approved a proposition for the issuance of the bonds; and

(v) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(p) Notwithstanding any other provisions of this Section or the provisions of any other law, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 2001 of at least \$295,741,187 and a best 3 months' average daily attendance for the 2002-2003 school year of at least 2,394.

(ii) The bonds are issued to build and equip 3 elementary school buildings; build and equip one middle school building; and alter, repair, improve, and equip all existing school buildings in the district.

(iii) At the time of the sale of the bonds, the board of education determines by resolution that the project is needed because of expanding growth in the school district and a projected enrollment increase.

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(Source: P.A. 93-13, eff. 6-9-03.)

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

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

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

### HOUSE BILL ON THIRD READING

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Lindner, HOUSE BILL 6063 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 68, Yeas; 46, Nays; 2, Answering Present.

(ROLL CALL 6)

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

Ordered that the Clerk inform the Senate and ask their concurrence.

### SENATE BILLS ON SECOND 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 1576.

SENATE BILL 1914. Having been read by title a second time on March 30, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Holbrook offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend Senate Bill 1914 by replacing the title with the following:

"AN ACT in relation to economic development."; and

by replacing everything after the enacting clause with the following:

"Section 5. Short title. This Act may be cited as the Western Illinois Economic Development Authority Act.

Section 10. Findings. The General Assembly determines and declares the following:

(1) that labor surplus areas currently exist in western Illinois;

(2) that the economic burdens resulting from involuntary unemployment fall, in part, upon the State in the form of increased need for public assistance and reduced tax revenues and, in the event that the unemployed worker and his or her family migrate elsewhere to find work, the burden may also fall upon the municipalities and other taxing districts within the areas of unemployment in the form of reduced tax revenues, thereby endangering their financial ability to support necessary governmental services for their



remaining inhabitants;

(3) that the State has a responsibility to help create a favorable climate for new and improved job opportunities for its citizens by encouraging the development of commercial and service businesses and industrial and manufacturing plants within the western region of Illinois;

(4) that a lack of decent housing contributes to urban blight, crime, anti-social behavior, disease, a higher need for public assistance, reduced tax revenues, and the migration of workers and their families away from areas which fail to offer adequate, decent, and affordable housing;

(5) that decent, affordable housing is a necessary ingredient of life affording each citizen basic human dignity, a sense of self-worth, confidence, and a firm foundation upon which to build a family and educate children;

(6) that in order to foster civic and neighborhood pride, citizens require access to educational institutions, recreation, parks and open spaces, entertainment, sports, a reliable transportation network, cultural facilities, and theaters; and

(7) that the main purpose of this Act is to promote industrial, commercial, residential, service, transportation, and recreational activities and facilities, thereby reducing the evils attendant upon unemployment and enhancing the public health, safety, morals, happiness, and general welfare of the State.

Section 15. Definitions. In this Act:

"Authority" means the Western Illinois Economic Development Authority.

"Governmental agency" means any federal, State, or local governmental body and any agency or instrumentality thereof, corporate or otherwise.

"Person" means any natural person, firm, partnership, corporation, both domestic and foreign, company, association or joint stock association and includes any trustee, receiver, assignee or personal representative thereof.

"Revenue bond" means any bond issued by the Authority, the principal and interest of which is payable solely from revenues or income derived from any project or activity of the Authority.

"Board" means the Board of Directors of the Western Illinois Economic Development Authority.

"Governor" means the Governor of the State of Illinois.

"City" means any city, village, incorporated town, or township within the geographical territory of the Authority.

"Industrial project" means the following:

(1) a capital project, including one or more buildings and other structures, improvements, machinery and equipment whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any manufacturing, industrial, research, transportation or commercial enterprise including but not limited to use as a factory, mill, processing plant, assembly plant, packaging plant, fabricating plant, ethanol plant, office building, industrial distribution center, warehouse, repair, overhaul or service facility, freight terminal, research facility, test facility, railroad facility, port facility, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, and including also the sites thereof and other rights in land therefore whether improved or unimproved, site preparation and landscaping and all appurtenances and facilities incidental thereto such as utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, dockage, wharfage, railroad roadbed, track, trestle, depot, terminal, switching and signaling equipment or related equipment and other improvements necessary or convenient thereto; or

(2) any land, buildings, machinery or equipment comprising an addition to or renovation, rehabilitation or improvement of any existing capital project.

"Commercial project" means any project, including, but not limited to, one or more buildings and other structures, improvements, machinery, and equipment, whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any retail or wholesale concern, distributorship, or agency.

"Project" means an industrial, housing, residential, commercial, or service project, or any combination thereof, provided that all uses fall within one of the categories described above. Any project automatically includes all site improvements and new construction involving sidewalks, sewers, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, parks, open spaces, wildlife sanctuaries, streets, highways, and runways.

"Lease agreement" means an agreement in which a project acquired by the Authority by purchase, gift, or lease is leased to any person or corporation that will use, or cause the project to be used, as a project, upon terms providing for lease rental payments at least sufficient to pay, when due, all principal of and interest and premium, if any, on any bonds, notes, or other evidences of indebtedness of the Authority,

issued with respect to the project, providing for the maintenance, insurance, and operation of the project on terms satisfactory to the Authority and providing for disposition of the project upon termination of the lease term, including purchase options or abandonment of the premises, with other terms as may be deemed desirable by the Authority.

"Loan agreement" means any agreement in which the Authority agrees to loan the proceeds of its bonds, notes, or other evidences of indebtedness, issued with respect to a project, to any person or corporation which will use or cause the project to be used as a project, upon terms providing for loan repayment installments at least sufficient to pay, when due, all principal of and interest and premium, if any, on any bonds, notes, or other evidences of indebtedness of the Authority issued with respect to the project, providing for maintenance, insurance, and operation of the project on terms satisfactory to the Authority and providing for other terms deemed advisable by the Authority.

"Financial aid" means the expenditure of Authority funds or funds provided by the Authority for the development, construction, acquisition or improvement of a project, through the issuance of revenue bonds, notes, or other evidences of indebtedness.

"Costs incurred in connection with the development, construction, acquisition or improvement of a project" means the following:

- (1) the cost of purchase and construction of all lands and improvements in connection therewith and equipment and other property, rights, easements, and franchises acquired which are deemed necessary for the construction;
- (2) financing charges;
- (3) interest costs with respect to bonds, notes, and other evidences of indebtedness of the Authority prior to and during construction and for a period of 6 months thereafter;
- (4) engineering and legal expenses; and
- (5) the costs of plans, specifications, surveys, and estimates of costs and other expenses necessary or incident to determining the feasibility or practicability of any project, together with such other expenses as may be necessary or incident to the financing, insuring, acquisition, and construction of a specific project and the placing of the same in operation.

#### Section 20. Creation.

(a) There is created a political subdivision, body politic, and municipal corporation named the Western Illinois Economic Development Authority. The territorial jurisdiction of the Authority is that geographic area within the boundaries of the following counties: Warren, Henderson, Hancock, McDonough, Fulton, Mason, Cass, Schuyler, Brown, Adams, Scott, Morgan, and Pike and any navigable waters and air space located therein.

(b) The governing and administrative powers of the Authority shall be vested in a body consisting of 21 members as follows:

(1) Ex officio members. The Director of Commerce and Economic Opportunity, or a designee of that Department, and the Director of Central Management Services, or a designee of that Department, shall serve as ex officio members.

(2) Public members. Six members shall be appointed by the Governor with the advice and consent of the Senate. The county board chairmen of the following counties shall each appoint one member: Warren, Henderson, Hancock, McDonough, Fulton, Mason, Cass, Schuyler, Brown, Adams, Scott, Morgan, and Pike. All public members shall reside within the territorial jurisdiction of the Authority. The public members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, state or local government, commercial agriculture, small business management, real estate development, community development, venture finance, organized labor, or civic or community organization.

(c) 11 members shall constitute a quorum.

(d) The chairman of the Authority shall be elected annually by the Board and must be a public member that resides within the territorial jurisdiction of the Authority.

(e) The terms of all initial members of the Authority shall begin 30 days after the effective date of this Act. Of the 6 original public members appointed by the Governor, 2 shall serve until the third Monday in January, 2005; 1 shall serve until the third Monday in January, 2006; 1 shall serve until the third Monday in January, 2007; 1 shall serve until the third Monday in January, 2008; and 1 shall serve until the third Monday in January, 2009. The initial terms of the original public members appointed by the county board chairman shall be determined by lot, according to the following schedule: (i) 3 shall serve until the third Monday in January, 2005, (ii) 3 shall serve until the third Monday in January, 2006, (iii) 3 shall serve until the third Monday in January, 2007, (iv) 2 shall serve until the third Monday in January, 2008, and (v) 2

shall serve until the third Monday in January, 2009. All successors to these original public members shall be appointed by the original appointing authority and all appointments made by the Governor shall be made with the advice and consent of the Senate, pursuant to subsection (b), and shall hold office for a term of 6 years commencing the third Monday in January of the year in which their term commences, except in the case of an appointment to fill a vacancy. Vacancies occurring among the public members shall be filled for the remainder of the term. In case of vacancy in a Governor-appointed membership when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate when a person shall be nominated to fill the office and, upon confirmation by the Senate, he or she shall hold office during the remainder of the term and until a successor is appointed and qualified. Members of the Authority are not entitled to compensation for their services as members but are entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

(f) The Governor may remove any public member of the Authority in case of incompetence, neglect of duty, or malfeasance in office. The chairman of a county board may remove any public member appointed by that chairman in the case of incompetence, neglect of duty, or malfeasance in office.

(g) The Board shall appoint an Executive Director who shall have a background in finance, including familiarity with the legal and procedural requirements of issuing bonds, real estate, or economic development and administration. The Executive Director shall hold office at the discretion of the Board. The Executive Director shall be the chief administrative and operational officer of the Authority, shall direct and supervise its administrative affairs and general management, perform such other duties as may be prescribed from time to time by the members, and receive compensation fixed by the Authority. The Department of Commerce and Community Affairs shall pay the compensation of the Executive Director from appropriations received for that purpose. The Executive Director shall attend all meetings of the Authority. However, no action of the Authority shall be invalid on account of the absence of the Executive Director from a meeting. The Authority may engage the services of the Illinois Finance Authority, attorneys, appraisers, engineers, accountants, credit analysts, and other consultants if the Western Illinois Economic Development Authority deems it advisable.

Section 25. Duty. All official acts of the Authority shall require the approval of at least 11 members. It shall be the duty of the Authority to promote development within the geographic confines of Warren, Henderson, Hancock, McDonough, Fulton, Mason, Cass, Schuyler, Brown, Adams, Scott, Morgan, and Pike counties. The Authority shall use the powers conferred upon it to assist in the development, construction, and acquisition of industrial, commercial, housing, or residential projects within those counties.

#### Section 30. Powers.

(a) The Authority possesses all the powers of a body corporate necessary and convenient to accomplish the purposes of this Act, including, without any intended limitation upon the general powers hereby conferred, the following powers:

- (1) to enter into loans, contracts, agreements, and mortgages in any matter connected with any of its corporate purposes and to invest its funds;
- (2) to sue and be sued;
- (3) to utilize services of the Illinois Finance Authority necessary to carry out its purposes;
- (4) to have and use a common seal and to alter the seal at its discretion;
- (5) to adopt all needful ordinances, resolutions, bylaws, rules, and regulations for the conduct of its business and affairs and for the management and use of the projects developed, constructed, acquired, and improved in furtherance of its purposes;
- (6) to designate the fiscal year for the Authority;
- (7) to accept and expend appropriations;
- (8) to acquire, own, lease, sell, or otherwise dispose of interests in and to real property and improvements situated on that real property and in personal property necessary to fulfill the purposes of the Authority;
- (9) to engage in any activity or operation which is incidental to and in furtherance of efficient operation to accomplish the Authority's primary purpose;
- (10) to acquire, own, construct, lease, operate, and maintain bridges, terminals, terminal facilities, and port facilities and to fix and collect just, reasonable, and nondiscriminatory charges for the use of such facilities. These charges shall be used to defray the reasonable expenses of the Authority and to pay the principal and interest of any revenue bonds issued by the Authority;
- (11) subject to any applicable condition imposed by this Act, to locate, establish and

maintain a public airport, public airports and public airport facilities within its corporate limits or within or upon any body of water adjacent thereto and to construct, develop, expand, extend and improve any such airport or airport facility; and

(12) to have and exercise all powers and be subject to all duties usually incident to boards of directors of corporations.

(b) The Authority shall not issue any bonds relating to the financing of a project located within the planning and subdivision control jurisdiction of any municipality or county unless: (i) notice, including a description of the proposed project and the financing for that project, is submitted to the corporate authorities of the municipality or, in the case of a proposed project in an unincorporated area, to the county board and (ii) the corporate authorities of the municipality do not, or the county board does not, adopt a resolution disapproving the project within 45 days after receipt of the notice.

(c) If any of the powers set forth in this Act are exercised within the jurisdictional limits of any municipality, all ordinances of the municipality remain in full force and effect and are controlling.

Section 35. Tax avoidance. Notwithstanding any other provision of law, the Authority shall not enter into any agreement providing for the purchase and lease of tangible personal property which results in the avoidance of taxation under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, or the Service Occupation Tax Act, without the prior written consent of the Governor.

#### Section 40. Bonds.

(a) The Authority, with the written approval of the Governor, shall have the continuing power to issue bonds, notes, or other evidences of indebtedness in an aggregate amount not to exceed \$250,000,000 for the following purposes: (i) development, construction, acquisition, or improvement of projects, including those established by business entities locating or expanding property within the territorial jurisdiction of the Authority; (ii) entering into venture capital agreements with businesses locating or expanding within the territorial jurisdiction of the Authority; (iii) acquisition and improvement of any property necessary and useful in connection therewith; and (iv) for the purposes of the Employee Ownership Assistance Act. For the purpose of evidencing the obligations of the Authority to repay any money borrowed, the Authority may, pursuant to resolution, from time to time, issue and dispose of its interest-bearing revenue bonds, notes, or other evidences of indebtedness and may also from time to time issue and dispose of such bonds, notes, or other evidences of indebtedness to refund, at maturity, at a redemption date or in advance of either, any bonds, notes, or other evidences of indebtedness pursuant to redemption provisions or at any time before maturity. All such bonds, notes, or other evidences of indebtedness shall be payable solely and only from the revenues or income to be derived from loans made with respect to projects, from the leasing or sale of the projects, or from any other funds available to the Authority for such purposes. The bonds, notes, or other evidences of indebtedness may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may bear interest at such rate or rates not exceeding the maximum rate permitted by the Bond Authorization Act, may be in such form, may carry such registration privileges, may be executed in such manner, may be payable at such place or places, may be made subject to redemption in such manner and upon such terms, with or without premium, as is stated on the face thereof, may be authenticated in such manner and may contain such terms and covenants as may be provided by an applicable resolution.

(b) The holder or holders of any bonds, notes, or other evidences of indebtedness issued by the Authority may bring suits at law or proceedings in equity to compel the performance and observance by any corporation or person or by the Authority or any of its agents or employees of any contract or covenant made with the holders of the bonds, notes, or other evidences of indebtedness, to compel such corporation, person, the Authority, and any of its agents or employees to perform any duties required to be performed for the benefit of the holders of the bonds, notes, or other evidences of indebtedness by the provision of the resolution authorizing their issuance and to enjoin the corporation, person, the Authority, and any of its agents or employees from taking any action in conflict with any contract or covenant.

(c) If the Authority fails to pay the principal of or interest on any of the bonds or premium, if any, as the bond becomes due, a civil action to compel payment may be instituted in the appropriate circuit court by the holder or holders of the bonds on which the default of payment exists or by an indenture trustee acting on behalf of the holders. Delivery of a summons and a copy of the complaint to the chairman of the Board shall constitute sufficient service to give the circuit court jurisdiction over the subject matter of the suit and jurisdiction over the Authority and its officers named as defendants for the purpose of compelling such payment. Any case, controversy, or cause of action concerning the validity of this Act relates to the revenue of the State of Illinois.

(d) Notwithstanding the form and tenor of any bond, note, or other evidence of indebtedness and in the

absence of any express recital on its face that it is non-negotiable, all such bonds, notes, and other evidences of indebtedness shall be negotiable instruments. Pending the preparation and execution of any bonds, notes, or other evidences of indebtedness, temporary bonds, notes, or evidences of indebtedness may be issued as provided by ordinance.

(e) To secure the payment of any or all of such bonds, notes, or other evidences of indebtedness, the revenues to be received by the Authority from a lease agreement or loan agreement shall be pledged, and, for the purpose of setting forth the covenants and undertakings of the Authority in connection with the issuance of the bonds, notes, or other evidences of indebtedness and the issuance of any additional bonds, notes or other evidences of indebtedness payable from such revenues, income, or other funds to be derived from projects, the Authority may execute and deliver a mortgage or trust agreement. A remedy for any breach or default of the terms of any mortgage or trust agreement by the Authority may be by mandamus proceeding in the appropriate circuit court to compel performance and compliance under the terms of the mortgage or trust agreement, but the trust agreement may prescribe by whom or on whose behalf the action may be instituted.

(f) Bonds or notes shall be secured as provided in the authorizing ordinance which may include, notwithstanding any other provision of this Act, in addition to any other security, a specific pledge, assignment of and lien on, or security interest in any or all revenues or money of the Authority, from whatever source, which may, by law, be used for debt service purposes and a specific pledge, or assignment of and lien on, or security interest in any funds or accounts established or provided for by ordinance of the Authority authorizing the issuance of the bonds or notes.

(g) In the event that the Authority determines that moneys of the Authority will not be sufficient for the payment of the principal of and interest on its bonds during the next State fiscal year, the chairman, as soon as practicable, shall certify to the Governor the amount required by the Authority to enable it to pay the principal of and interest on the bonds. The Governor shall submit the certified amount to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. This Section shall not apply to any bonds or notes to which the Authority determines, in the resolution authorizing the issuance of the bonds or notes, that this Section shall not apply. Whenever the Authority makes this determination, it shall be plainly stated on the face of the bonds or notes and the determination shall also be reported to the Governor. In the event of a withdrawal of moneys from a reserve fund established with respect to any issue or issues of bonds of the Authority to pay principal or interest on those bonds, the chairman of the Authority, as soon as practicable, shall certify to the Governor the amount required to restore the reserve fund to the level required in the resolution or indenture securing those bonds. The Governor shall submit the certified amount to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year.

(h) The State of Illinois pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the rights and powers vested in the Authority by this Act so as to impair the terms of any contract made by the Authority with the holders of bonds or notes or in any way impair the rights and remedies of those holders until the bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the holders, are fully met and discharged. In addition, the State pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the basis on which State funds are to be paid to the Authority as provided in this Act, or the use of such funds, so as to impair the terms of any such contract. The Authority is authorized to include these pledges and agreements of the State in any contract with the holders of bonds or notes issued pursuant to this Section.

(i) Not less than 30 days prior to the commitment to issue bonds, notes, or other evidences of indebtedness for the purpose of developing, constructing, acquiring, or improving housing or residential projects, as defined in this Act, the Authority shall provide notice to the Executive Director of the Illinois Housing Development Authority. Within 30 days after the notice is provided, the Illinois Housing Development Authority shall, in writing, either express interest in financing the project or notify the Authority that it is not interested in providing financing and that the Authority may finance the project or seek alternative financing.

Section 45. Bonds and notes; exemption from taxation. The creation of the Authority is in all respects for the benefit of the people of Illinois and for the improvement of their health, safety, welfare, comfort, and security, and its purposes are public purposes. In consideration thereof, the notes and bonds of the Authority issued pursuant to this Act and the income from these notes and bonds may be free from all taxation by the State or its political subdivisions, exempt for estate, transfer, and inheritance taxes. The

exemption from taxation provided by the preceding sentence shall apply to the income on any notes or bonds of the Authority only if the Authority in its sole judgment determines that the exemption enhances the marketability of the bonds or notes or reduces the interest rates that would otherwise be borne by the bonds or notes. For purposes of Section 250 of the Illinois Income Tax Act, the exemption of the Authority shall terminate after all of the bonds have been paid. The amount of such income that shall be added and then subtracted on the Illinois income tax return of a taxpayer, subject to Section 203 of the Illinois Income Tax Act, from federal adjusted gross income or federal taxable income in computing Illinois base income shall be the interest net of any bond premium amortization.

Section 50. Acquisition.

(a) The Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

(b) The Authority shall have power to acquire by purchase, lease, gift, or otherwise any property or rights therein from any person or persons, the State of Illinois, any municipal corporation, any local unit of government, the government of the United States and any agency or instrumentality of the United States, any body politic, or any county useful for its purposes, whether improved for the purposes of any prospective project or unimproved. The Authority may also accept any donation of funds for its purposes from any of these sources.

(c) The Authority shall have power to develop, construct, and improve, either under its own direction or through collaboration with any approved applicant, or to acquire, through purchase or otherwise, any project, using for this purpose the proceeds derived from its sale of revenue bonds, notes, or other evidences of indebtedness or governmental loans or grants and shall have the power to hold title to those projects in the name of the Authority.

(d) The Authority shall have the power to enter into intergovernmental agreements with the State of Illinois, the counties of Warren, Henderson, Hancock, McDonough, Fulton, Mason, Cass, Schuyler, Brown, Adams, Scott, Morgan, or Pike, the Illinois Development Finance Authority, the Illinois Housing Development Authority, the Illinois Education Facilities Authority, the Illinois Farm Development Authority, the Rural Bond Bank, the United States government and any agency or instrumentality of the United States, any unit of local government located within the territory of the Authority, or any other unit of government to the extent allowed by Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act.

(e) The Authority shall have the power to share employees with other units of government, including agencies of the United States, agencies of the State of Illinois, and agencies or personnel of any unit of local government.

(f) The Authority shall have the power to exercise powers and issue bonds as if it were a municipality so authorized in Divisions 12.1, 74, 74.1, 74.3, and 74.5 of Article 11 of the Illinois Municipal Code.

Section 55. Enterprise zones. The Authority may by ordinance designate a portion of the territorial jurisdiction of the Authority for certification as an Enterprise Zone under the Illinois Enterprise Zone Act in addition to any other enterprise zones which may be created under that Act, which area shall have all the privileges and rights of an Enterprise Zone pursuant to the Illinois Enterprise Zone Act, but which shall not be counted in determining the number of Enterprise Zones to be created in any year pursuant to that Act.

Section 60. Designation of depository. The Authority shall biennially designate a national or State bank or banks as depositories of its money. Such depositories shall be designated only within the State and upon condition that bonds approved as to form and surety by the Authority and at least equal in amount to the maximum sum expected to be on deposit at any one time shall be first given by such depositories to the Authority, such bonds to be conditioned for the safe keeping and prompt repayment of such deposits. When any of the funds of the Authority shall be deposited by the treasurer in any such depository, the treasurer and the sureties on his official bond shall, to such extent, be exempt from liability for the loss of any such deposited funds by reason of the failure, bankruptcy, or any other act or default of such depository; provided that the Authority may accept assignments of collateral by any depository of its funds to secure such deposits to the same extent and conditioned in the same manner as assignments of collateral are permitted by law to secure deposits of the funds of any city.

Section 65. Taxation prohibited. The Authority shall have no right or authority to levy any tax or special assessment, to pledge the credit of the State or any other subdivision or municipal corporation thereof, or to incur any obligation enforceable upon any property, either within or without the territory of the Authority.

Section 70. Fees. The Authority may collect fees and charges in connection with its loans, commitments, and servicing and may provide technical assistance in the development of the region.

Section 75. Reports. The Authority shall annually submit a report of its finances to the Auditor General. The Authority shall annually submit a report of its activities to the Governor and to the General Assembly.

Section 95. The Tri-City Regional Port District Act is amended by changing Section 4 as follows:  
(70 ILCS 1860/4) (from Ch. 19, par. 287)

Sec. 4. The Port District has the following rights and powers:

1. To issue permits: for the construction of all wharves, piers, dolphins, booms, weirs, breakwaters, bulkheads, jetties, bridges or other structures of any kind, over, under, in, or within 40 feet of any navigable waters within the Port District; for the deposit of rock, earth, sand or other material, or any matter of any kind or description in such waters; except that nothing contained in this paragraph 1 shall be construed so that it will be deemed necessary to obtain a permit from the District for the erection, operation or maintenance of any bridge crossing a waterway which serves as a boundary between the State of Illinois and any other State, when such erection, operation or maintenance is performed by any city within the District;

2. To prevent or remove obstructions in navigable waters, including the removal of wrecks;

3. To locate and establish dock lines and shore or harbor lines;

4. To regulate the anchorage, moorage and speed of water borne vessels and to establish and enforce regulations for the operation of bridges, except nothing contained in this paragraph 4 shall be construed to give the District authority to regulate the operation of any bridge crossing a waterway which serves as a boundary between the State of Illinois and any other State, when such operation is performed or to be performed by any city within the District;

5. To acquire, own, construct, lease for any period not exceeding 99 years, operate and maintain terminals, terminal facilities and port facilities, to fix and collect just, reasonable, and nondiscriminatory charges for the use of such facilities, and, except as provided herein for short term financing, to use the charges so collected to defray the reasonable expenses of the Port District and to pay the principal of and interest on any revenue bonds issued by the District;

6. To acquire, erect, construct, reconstruct, improve, maintain, operate and lease in whole or part for any period not exceeding 99 years, central office or administrative facilities for use by the Port District, any tenant, occupant or user of the District facilities, or anyone engaged in commerce in the District.

7. To sell, assign, pledge or hypothecate in whole or in part any contract, lease, income, charges, tolls, rentals or fees of the District to provide short term interim financing pending the issuance of revenue bonds by the District, provided that when such revenue bonds are issued, such contracts, leases, income, charges, tolls, rentals or fees shall be used to defray the reasonable expenses of the Port District and pay the principal of and income on any revenue bonds issued by the District;

8. To acquire, own, construct, lease for any period not exceeding 99 years, operate, develop and maintain Port District water and sewerage systems including but not limited to pipes, mains, lines, sewers, pumping stations, settling tanks, treatment plants, water purification equipment, wells, storage facilities and all other equipment, material and facilities necessary to such systems, for the use upon payment of a reasonable fee as set by the District, of any tenant, occupant or user of the District facilities, or anyone engaged in commerce in the District, provided that the District shall not acquire, own, construct, lease, operate, develop and maintain such water and sewerage systems if such services can be provided by a public utility or municipal corporation upon request of the District, and provided further that if the District develops its own water and sewerage systems such systems may be sold or disposed of at anytime to any public utility or municipal corporation which will continue to service the Port District.

9. To create, establish, maintain and operate a public incinerator for waste disposal by incineration by any means or method, for use by municipalities for the disposal of municipal wastes and by industries for the disposal of industrial waste; and to lease land and said incineration facilities for the operation of an incinerator for a term not exceeding 99 years and to fix and collect just, reasonable and non-discriminatory charges for the use of such incinerating facilities, and to use the charges or lease proceeds to defray the reasonable expenses of the Port District, and to pay the principal of and interest on any revenue bonds issued by the Port District.

10. To locate, establish and maintain a public airport, public airports and public airport facilities within its corporate limits or within or upon any body of water adjacent thereto, and to construct, develop, expand, extend and improve any such airport or airport facilities;

11. To operate, maintain, manage, lease or sublease for any period not exceeding 99 years, and to make and enter into contracts for the use, operation or management of, and to provide rules and regulations for, the operation, management or use of, any public airport or public airport facility;

12. To fix, charge and collect reasonable rentals, tolls, fees, and charges for the use of any public airport,

or any part thereof, or any public airport facility;

13. To establish, maintain, extend and improve roadways and approaches by land, water or air to any such airport and to contract or otherwise provide, by condemnation if necessary, for the removal of any airport hazard or the removal or relocation of all private structures, railways, mains, pipes, conduits, wires, poles, and all other facilities and equipment which may interfere with the location, expansion, development, or improvement of airports or with the safe approach thereto or take-off therefrom by aircraft, and to pay the cost of removal or relocation; and, subject to the "Airport Zoning Act", approved July 17, 1945, as amended, to adopt, administer and enforce airport zoning regulations for territory which is within its corporate limits or which extends not more than 2 miles beyond its corporate limits;

14. To restrict the height of any object of natural growth or structure or structures within the vicinity of any airport or within the lines of an approach to any airport and, when necessary, for the reduction in the height of any such existing object or structure, to enter into an agreement for such reduction or to accomplish same by condemnation;

15. To agree with the state or federal governments or with any public agency in respect to the removal and relocation of any object of natural growth, airport hazard or any structure or building within the vicinity of any airport or within an approach and which is owned or within the control of such government or agency and to pay all or an agreed portion of the cost of such removal or relocation;

16. For the prevention of accidents, for the furtherance and protection of public health, safety and convenience in respect to aeronautics, for the protection of property and persons within the District from any hazard or nuisance resulting from the flight of aircraft, for the prevention of interference between, or collision of, aircraft while in flight or upon the ground, for the prevention or abatement of nuisances in the air or upon the ground or for the extension or increase in the usefulness or safety of any public airport or public airport facility owned by the District, the District may regulate and restrict the flight of aircraft while within or above the incorporated territory of the District;

17. To police its physical property only and all waterways and to exercise police powers in respect thereto or in respect to the enforcement of any rule or regulation provided by the ordinances of the District and to employ and commission police officers and other qualified persons to enforce the same. The use of any such public airport or public airport facility of the District shall be subject to the reasonable regulation and control of the District and upon such reasonable terms and conditions as shall be established by its Board. A regulatory ordinance of the District adopted under any provision of this Section may provide for a suspension or revocation of any rights or privileges within the control of the District for a violation of any such regulatory ordinance. Nothing in this Section or in other provisions of this Act shall be construed to authorize such Board to establish or enforce any regulation or rule in respect to aviation, or the operation or maintenance of any airport facility within its jurisdiction, which is in conflict with any federal or state law or regulation applicable to the same subject matter;

18. To enter into agreements with the corporate authorities or governing body of any other municipal corporation or any political subdivision of this State to pay the reasonable expense of services furnished by such municipal corporation or political subdivision for or on account of income producing properties of the District;

19. To enter into contracts dealing in any manner with the objects and purposes of this Act;

20. To acquire, own, lease, sell or otherwise dispose of interests in and to real property and improvements situate thereon and in personal property necessary to fulfill the purposes of the District;

21. To designate the fiscal year for the District;

22. To engage in any activity or operation which is incidental to and in furtherance of efficient operation to accomplish the District's primary purpose ; -

23. To apply to proper authorities of the United States of America pursuant to appropriated Federal Law for the right to establish, operate, maintain and lease foreign trade zones and sub-zones within the limits of the Tri-City Regional Port District or within the jurisdiction of the United States Customs Service Office of the St. Louis Port of Entry and to establish, operate, maintain and lease such foreign trade zones and the sub-zones ; -

24. To operate, maintain, manage, lease, or sublease for any period not exceeding 99 years any former military base owned or leased by the District and within its jurisdictional boundaries, to make and enter into any contract for the use, operation, or management of any former military base owned or leased by the District and located within its jurisdictional boundaries, and to provide rules and regulations for the development, redevelopment, and expansion of any former military base owned or leased by the District and located within its jurisdictional boundaries;

25. To locate, establish, re-establish, expand or renew, construct or reconstruct, operate, and maintain



any facility, building, structure, or improvement for a use or a purpose consistent with any use or purpose of any former military base owned or leased by the District and located within its jurisdictional boundaries;

26. To acquire, own, sell, convey, construct, lease for any period not exceeding 99 years, manage, operate, expand, develop, and maintain any telephone system, including, but not limited to, all equipment, materials, and facilities necessary or incidental to that telephone system, for use, at the option of the District and upon payment of a reasonable fee set by the District, of any tenant or occupant situated on any former military base owned or leased by the District and located within its jurisdictional boundaries;

27. To cause to be incorporated one or more subsidiary business corporations, wholly-owned by the District, to own, operate, maintain, and manage facilities and services related to any telephone system, pursuant to paragraph 26. A subsidiary corporation formed pursuant to this paragraph shall (i) be deemed a telecommunications carrier, as that term is defined in Section 13-202 of the Public Utilities Act, (ii) have the right to apply to the Illinois Commerce Commission for a Certificate of Service Authority or a Certificate of Interexchange Service Authority, and (iii) have the powers necessary to carry out lawful orders of the Illinois Commerce Commission;

28. To improve, develop, or redevelop any former military base situated within the boundaries of the District, in Madison County, Illinois, and acquired by the District from the federal government, acting by and through the United States Maritime Administration, pursuant to any plan for redevelopment, development, or improvement of that military base by the District that is approved by the United States Maritime Administration under the terms and conditions of conveyance of the former military base to the District by the federal government.

(Source: P.A. 83-690.)

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

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

There being no further amendments, the foregoing Amendment No. 1 was 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 2164, 2335, 2372, 2381, 2382, 2429, 2442, 2453, 2502, 2560 and 2620.

SENATE BILL 2710. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Financial Institutions, adopted and printed:

AMENDMENT NO. 1. Amend Senate Bill 2710, on page 6, by replacing lines 27 through 29 with the following:

"(6) to the extent an out-of-state savings bank has its main banking premises in a state that is reciprocal with Illinois and would be eligible to establish a branch pursuant to Section 1006.05 of this Act."

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 2617, 2732, 2744, 2756, 2810, 2827, 2879, 2894, 2907, 2921, 2962, 2988, 3083, 3112, 3184 and 3208.

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 2339.

SENATE BILL 2551. 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  . Amend Senate Bill 2551 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by adding Sections 3.283, 3.284, and 22.23b as follows:

(415 ILCS 5/3.283 new)

Sec. 3.283. Mercury relay. "Mercury relay" means a product or device, containing mercury added during its manufacture, that opens or closes electrical contacts to effect the operation of other devices in the same or another electrical circuit. "Mercury relay" includes, but is not limited to, mercury displacement relays, mercury wetted reed relays, and mercury contact relays.

(415 ILCS 5/3.284 new)

Sec. 3.284. Mercury switch. "Mercury switch" means a product or device, containing mercury added during its manufacture, that opens or closes an electrical circuit or gas valve, including, but not limited to, mercury float switches actuated by rising or falling liquid levels, mercury tilt switches actuated by a change in the switch position, mercury pressure switches actuated by a change in pressure, mercury temperature switches actuated by a change in temperature, and mercury flame sensors.

(415 ILCS 5/22.23b new)

Sec. 22.23b. Mercury and mercury-added products.

(a) Beginning July 1, 2005, no person shall purchase or accept, for use in a primary or secondary school classroom, bulk elemental mercury, chemicals containing mercury compounds, or instructional equipment or materials containing mercury added during their manufacture. This subsection (a) does not apply to: (i) other products containing mercury added during their manufacture that are used in schools and (ii) measuring devices used as teaching aids, including, but not limited to, barometers, manometers, and thermometers, if no adequate mercury-free substitute exists.

(b) Beginning July 1, 2007, no person shall sell, offer to sell, distribute, or offer to distribute a mercury switch or mercury relay individually or as a product component. For a product that contains one or more mercury switches or mercury relays as a component, this subsection (b) is applicable to each component part or parts and not the entire product. This subsection (b) does not apply to the following:

(1) Mercury switches and mercury relays used in medical diagnostic equipment regulated under the federal Food, Drug, and Cosmetic Act.

(2) Mercury switches and mercury relays used at electric generating facilities.

(3) Mercury switches in thermostats used to sense and control room temperature.

(4) Mercury switches and mercury relays required to be used under federal law or federal contract specifications.

(5) A mercury switch or mercury relay used to replace a mercury switch or mercury relay that is a component in a larger product in use prior to July 1, 2007, and one of the following applies:

(A) The larger product is used in manufacturing; or

(B) The mercury switch or mercury relay is integrated and not physically separate from other components of the larger product.

(c) No later than July 1, 2006, the manufacturer of a mercury switch or mercury relay, or a scientific instrument or piece of instructional equipment containing mercury added during its manufacture, may apply to the Agency for an exemption from the provisions of this Section for one or more specific uses of the switch, relay, instrument, or piece of equipment by filing a written petition with the Agency. The Agency may grant an exemption, with or without conditions, if the manufacturer demonstrates the following:

(1) A convenient and widely available system exists for the proper collection, transportation, and processing of the switch, relay, instrument, or piece of equipment at the end of its useful life; and

(2) The specific use or uses of the switch, relay, instrument, or piece of equipment provides a net benefit to the environment, public health, or public safety when compared to available nonmercury alternatives.

Before approving any exemption under this subsection (c) the Agency must consult with other states to promote consistency in the regulation of products containing mercury added during their manufacture. Exemptions shall be granted for a period of 5 years. The manufacturer may request renewals of the exemption for additional 5-year periods by filing additional written petitions with the Agency. The Agency may renew an exemption if the manufacturer demonstrates that the criteria set forth in paragraphs (1) and

(2) of this subsection (c) continue to be satisfied. All petitions for an exemption or exemption renewal shall be submitted on forms prescribed by the Agency.

The Agency must adopt rules for processing petitions submitted pursuant to this subsection (c). The rules shall include, but shall not be limited to, provisions allowing for the submission of written public comments on the petitions.

(d) No later than January 1, 2005, the Agency must submit to the Governor and the General Assembly a report that includes the following:

(1) An evaluation of programs to reduce and recycle mercury from mercury thermostats and mercury vehicle components; and

(2) Recommendations for altering the programs to make them more effective.

In preparing the report the Agency may seek information from and consult with, businesses, trade associations, environmental organizations, and other government agencies.

(e) Mercury switches and mercury relays, and scientific instruments and instructional equipment containing mercury added during their manufacture, are hereby designated as categories of universal waste subject to the streamlined hazardous waste rules set forth in Title 35 of the Illinois Administrative Code, Subtitle G, Chapter I, Subchapter c, Part 733 ("Part 733"). Within 60 days of the effective date of this amendatory Act of the 93rd General Assembly, the Agency shall propose, and within 180 days of receipt of the Agency's proposal the Board shall adopt, rules that reflect this designation and that prescribe procedures and standards for the management of such items as universal waste.

If the United States Environmental Protection Agency adopts streamlined hazardous waste regulations pertaining to the management of mercury switches or mercury relays, or scientific instruments or instructional equipment containing mercury added during their manufacture, or otherwise exempts such items from regulation as hazardous waste, the Board shall adopt equivalent rules in accordance with Section 7.2 of this Act within 180 days of adoption of the federal regulations. The equivalent Board rules may serve as an alternative to the rules adopted under subsection (1) of this subsection (e).

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 2548.

### **HOUSE BILL ON SECOND READING**

HOUSE BILL 5385. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

Floor Amendment No. 1 remained in the Committee on Judiciary I - Civil Law.

There being no further amendments, the bill was advanced to the order of Third Reading.

### **AGREED RESOLUTIONS**

HOUSE RESOLUTIONS 856, 858, 859, 860, 861, 864, 865, 866, 867, 868 and 875 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the Agreed Resolutions were adopted.

### **ACTION ON MOTIONS**

Pursuant to the motion submitted previously, Representative Eileen Lyons withdrew the motion to suspend the posting requirements in Rule 25 in relation to Senate Bill 2227.

**ADJOURNMENT RESOLUTION**

Representative Currie asked and obtained unanimous consent to suspend the provisions of Rule 25 for the immediate consideration of the foregoing message from the Senate reporting their adoption of SENATE JOINT RESOLUTION 74.

Representative Currie then moved the adoption of the resolution.  
The motion prevailed and SENATE JOINT RESOLUTION 74 was adopted.  
Ordered that the Clerk inform the Senate.

At the hour of 2:13 o'clock p.m., Representative Currie moved that the House do now adjourn until Tuesday, May 4, 2004, at 1:00 o'clock p.m.

The motion prevailed.

And in accordance therewith and pursuant to SENATE JOINT RESOLUTION 74, the House stood adjourned until Tuesday, May 4, 2004, at 1:00 o'clock p.m.

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
QUORUM ROLL CALL FOR ATTENDANCE

April 29, 2004

0 YEAS

0 NAYS

116 PRESENT

P Acevedo	P Delgado	P Kurtz	P Phelps
P Aguilar	P Dugan	P Lang	E Pihos
P Bailey	P Dunkin	P Leitch	P Poe
P Bassi	P Dunn	P Lindner	P Pritchard
P Beaubien	P Eddy	P Lyons, Eileen	P Reitz
P Bellock	P Feigenholtz	P Lyons, Joseph	P Rita
P Berrios	P Flider	P Mathias	P Rose
P Biggins	P Flowers	P Mautino	P Ryg
E Black	P Franks	P May	P Sacia
P Boland	P Fritchey	P McAuliffe	P Saviano
P Bost	P Froehlich	P McCarthy	P Schmitz
P Bradley, John	P Giles	P McGuire	P Scully
P Bradley, Richard	P Gordon	P McKeon	P Slone
P Brady	P Graham	P Mendoza	P Smith
P Brauer	P Granberg	P Meyer	P Sommer
P Brosnahan	P Grunloh	P Miller	P Soto
P Burke	P Hamos	P Millner	P Stephens
P Capparelli	P Hannig	P Mitchell, Bill	P Sullivan
P Chapa LaVia	P Hassert	P Mitchell, Jerry	P Tenhouse
P Churchill	P Hoffman	P Moffitt	P Turner
P Collins	P Holbrook	P Molaro	P Verschoore
P Colvin	P Howard	P Morrow	P Wait
P Coulson	P Hultgren	P Mulligan	P Washington
P Cross	P Jakobsson	P Munson	P Watson
P Cultra	P Jefferson	P Myers	P Winters
P Currie	P Jones	P Nekritz	P Yarbrough
P Daniels	P Joyce	P Osmond	P Younge
P Davis, Monique	P Kelly	P Osterman	P Mr. Speaker
P Davis, Steve	P Kosel	P Pankau	
P Davis, William	P Krause	P Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 6424  
CRIMINAL LAW-TECH  
THIRD READING  
PASSED

April 29, 2004

92 YEAS

17 NAYS

6 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	E Pihos
P Bailey	N Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	N Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	N Flowers	Y Mautino	Y Ryg
E Black	N Franks	Y May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	P Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	N McKeon	Y Slone
Y Brady	A Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	N Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
N Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	P Hoffman	Y Moffitt	N Turner
N Collins	P Holbrook	Y Molaro	Y Verschoore
N Colvin	Y Howard	P Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	N Jefferson	Y Myers	Y Winters
N Currie	N Jones	Y Nekritz	N Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
N Davis, Monique	N Kelly	N Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
P Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4195  
 MOTOR FUEL TAX-ROAD DISTRICTS  
 THIRD READING  
 PASSED

April 29, 2004

108 YEAS

6 NAYS

2 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	E Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
N Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
E Black	Y Franks	Y May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	N Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	N Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
N Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
N Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	P Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
P Davis, William	Y Krause	N Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5736  
MUNICIPAL GOVERNMENT-TECH  
THIRD READING  
PASSED

April 29, 2004

115 YEAS

1 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	E Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
E Black	Y Franks	Y May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
N Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence



STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 6034  
 USE & OCC TAXES-TECH  
 THIRD READING  
 PASSED

April 29, 2004

112 YEAS

3 NAYS

1 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	E Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	P Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
E Black	Y Franks	Y May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	N Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	N Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	N Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 6063  
SCHOOL FUNDING-TECH  
THIRD READING  
PASSED

April 29, 2004

68 YEAS

46 NAYS

2 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	N Phelps
N Aguilar	N Dugan	Y Lang	E Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	N Dunn	Y Lindner	N Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	N Flider	Y Mathias	N Rose
Y Biggins	Y Flowers	Y Mautino	N Ryg
E Black	N Franks	N May	N Sacia
Y Boland	N Fritchey	Y McAuliffe	Y Saviano
N Bost	N Froehlich	N McCarthy	Y Schmitz
N Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	N Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
N Brauer	Y Granberg	Y Meyer	N Sommer
N Brosnahan	N Grunloh	N Miller	Y Soto
Y Burke	Y Hamos	Y Millner	N Stephens
Y Capparelli	Y Hannig	N Mitchell, Bill	N Sullivan
N Chapa LaVia	Y Hassert	N Mitchell, Jerry	N Tenhouse
N Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	N Holbrook	Y Molaro	N Verschoore
P Colvin	Y Howard	Y Morrow	N Wait
N Coulson	N Hultgren	Y Mulligan	N Washington
Y Cross	N Jakobsson	N Munson	N Watson
Y Cultra	N Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	N Nekritz	N Yarbrough
N Daniels	N Joyce	N Osmond	Y Younge
Y Davis, Monique	N Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
P Davis, William	Y Krause	N Parke	

E - Denotes Excused Absence